

**AN INVESTIGATION OF BREACH OF DISCIPLINE IN THE NAMIBIA
DEFENCE FORCE**

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ABSTRACT

Discipline is vital for the existence of every organisation, and more importantly, it is the lifeline of a defence force. The NDF is entrusted with the mandate to guarantee the security and safeguard the territorial integrity of Namibia and its national interests. Such a mandate can only be executed by a well disciplined Force.

The discipline of NDF members has been reported deteriorating, thus having the potential to compromise the ability of the Force to carryout its mandate. Also, it can reverse the good reputation developed over the years and ruin Namibia's good military standing internationally. This worrying development necessitated the need for this research.

Thus, the primary objective of this research was to examine the effectiveness of the enforcement mechanisms. The research is descriptive in nature as it attempts to explain perceptions and seeks to understand the rationale for indiscipline in the NDF. The research employed both quantitative and qualitative techniques in presenting and interpreting data. The sample included ranks from Private to Colonel. The data was collected from sources using questionnaires, personal interviews and examinations of NDF staff and disciplinary records.

An analysis of information from the respondents revealed a perception that the standard of discipline of the NDF is declining.

The NDF needs to ensure that it creates effective structures where rules, policies and practices are fair, equitable, consistent, egalitarian and legitimate if it is to reduce inappropriate behaviour and improve the standard of discipline.

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DEDICATION

This thesis is dedicated to my beloved mother who passed away during the course of my study, for her special love, care and for having molded me into what I am today. She and my father brought me up, together with my siblings, with indescribable love and care. She taught us to be respectful. Her work acumen, personality and love for others remain admirable to me. She was a symbol of hope, love, dedication and a source of strength.

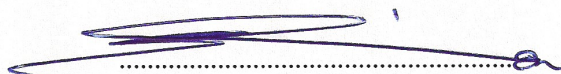
This work is also dedicated to my sisters, my brothers and my wife - Kaulikoshwa Lettie Simon, Ndahafa Vicky Simon, Hamukwa Samwel Simon, Valombola Natanael Simon and Auguste Simon for their love, encouragement and prayers.

DECLARATION

I Titus Simon declare hereby that this study is a true reflection of my own work, and that this work, or part thereof has not been submitted for a degree to any other institution of higher education.

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Titus Simon

Date 17 September 2009

DEFINITION OF TERMS

A formation - A military organisation consisting of more than three units in term of the NDF Glossary of Military terms.

An officer - An officer commissioned by the President of Republic of Namibia in term of Section 21 of the Defence Act, Act No 1 of 2002.

A unit - A military organisation of between 850 -1000 personnel which is able to conduct independent operations in term of Section 7 of the NDF Infantry Platoon Part 1 Manual.

Chaplain - A member of the clergy attached to a military unit (Oxford University Press, 2002).

Commanding Officer - An officer normally of a rank of Lieutenant Colonel who commands a unit in term of chapter 2, Section 6 of the Infantry Battalion in Battle Volume1, 1994.

Establishment – A military organisation other than a unit or formation, for example a military base or training institution in term of Section 15 of the Defence Act, Act No 1 of 2002.

Military Discipline Code - The statutory requirements with which all military personnel are to comply with in term of Section two of the Military Discipline Code, Defence Act, Act No 1 of 2002.

Other ranks - All ranks, excluding officers in term of Section 1 of the Defence Act, Act No 1 of 2002.

Private - The second lowest rank in the army in term of NDF Personnel Policy of 1994.

Service - The army, air force, or navy in term of Section 2 of the Defence Act, Act No 1 of 2002.

Charge - Lay a formal charge against an offender by completing an account of offence in term of Rule 4 of the Defence Act, Act No 1 of 2002.

CHAPTER 1

INTRODUCTION AND BACKGROUND

1.1 ORIENTATION OF THE STUDY

The NDF was established in terms of Article 118 of the Namibian Constitution (Constitution of the Republic of Namibia, 1990) with the mandate to “defend the territory and national interests of Namibia” (p. 59). The NDF consists of former adversaries from the People’s Liberation Army of Namibia (PLAN) and South West Africa Territorial Forces (SWATF). These forces were integrated immediately after the independence of Namibia in 1990. The process of integrating former combatants has resulted in a defence force with members of different standards of discipline.

This diversity also resulted in a Force with different views regarding the application of discipline in the Force. This dilemma was addressed when the government of Namibia solicited assistance from the British government, which offered a British Military Advisory Training Team (BMATT). This team offered special training from the early 1990 to the end of 1992, which was aimed at standardising the operations of the newly created defence force.

Since then, the NDF has undertaken a number of internal and external operations successfully. These operations include:

- The military campaign in the Democratic Republic of Congo in support of president Raulent Kabila's government in 1998.
- The operation to subdue the armed rebellion in Caprivi region in 1999.
- Operations from 1999-2002 in the Kavango and Caprivi regions against Unita operators.
- Several UN peace keeping operations from 1993 to date.

During those operations the NDF was credited with a reputation of efficiency. However, allegations of sexual exploitation of Liberian women by members of NDF during peace keeping operation in Liberia (UN Secretariat Office of Internal Oversight, 2008) suggest that there may be developing disciplinary problems in the NDF. The aim of this thesis will be to investigate the reasons for the breach of the code of conduct in the NDF.

A concern about the perceived lack of discipline in the NDF was expressed by the newly appointed Chief of the Namibia Defence Force, Lieutenant General Martin Shalli, during

his familiarisation tour when he visited formations, establishments and units in 2007 (Military School, 2007). He indicated that the “level of discipline in the Army has gone down” (Military School, 2007, p.4). His sentiment was echoed by a recent strategic workshop of the Ministry of Defence (MOD) held from 17-22 February 2008, which identified lack of discipline in the NDF as one of its strategic issues. Lack of discipline was adopted as one of the Ministry’s strategic objectives during the deliberations of the workshop (MOD, 2008).

Discipline underpins every aspect of a defence force. It is through discipline that soldiers succeed in battles. Discipline is a necessity in all organisations, as it is the driving force for productivity. Indiscipline is particularly more harmful to the military than any other organisation because the nature of soldiering ultimately requires one to exhibit high levels of personal commitment in the defence of others.

The discipline of NDF members has been reported deteriorating (MOD, 2008), thus having the potential to impinge on the reputation the NDF has developed over the years. If indiscipline is allowed to persist in the NDF, it has the possibility to compromise the ability of the Force to defend Namibia’s territory and national interests.

An endeavour to attain Vision 2030 objectives, particularly that of NDF becoming a professional and modernised defence force by the year 2030 (Office of the President, 2004) may be jeopardised by lack of discipline.

1.2 STATEMENT OF THE PROBLEM

The Chief of Namibia Defence Force has indicated that the “discipline of the Force has gone down” (Military School, 2007, p.4). Furthermore, the discipline of NDF members has been reported deteriorating during the strategic workshop of the MOD held from 17-22 February 2008 (MOD, 2008). Also, the overwhelming majority of the respondents are of the opinion that discipline is declining in the NDF. In addition, the number of indiscipline cases recorded over the years suggests that discipline in the NDF is not at the required standard. The decline of standard of discipline has the potential to undermine the effectiveness and efficiency of the Force. Therefore, if indiscipline is allowed to persist in the NDF, it will have a devastating effect on the professional conduct of the Force.

1.3 RESEARCH QUESTIONS

The study shall try to answer the following question:

- Are the current mechanisms for ensuring good discipline in the NDF still effective?

1.4 RESEARCH OBJECTIVES

The research is aimed at the following:

- Assess the effectiveness of current disciplinary (mechanisms) procedures.
- Determine the justifications for indiscipline in the NDF.
- Facilitate innovative formulation of appropriate policies and strategies to limit breach of discipline in the NDF.

1.5 SIGNIFICANCE OF THE STUDY

The study shall serve as a reference point to future researchers and scholars on matters of military discipline and add to the growth of knowledge and academic debate on the relative unexplored field of military discipline. The Study holds a significant value for the NDF, in the sense that it will influence the policy makers to better address the problem of indiscipline in the Force. Also, the study is vital important as it provide a comprehensive insight into the causes of breach of discipline in the NDF.

1.6 LIMITATION

Due to a restricted time frame, the research studied NDF units, formations and establishments in six of the country's 13 regions only.

Poor command of English prevented some of the participants to effectively take part in the research. As a result, data from only 932 out of 1200 participants originally targeted could be included in the findings.

This in itself indicates a real problem regarding the use of the official national language in the NDF and may therefore contribute to poor performance and bad discipline. Although this issue is beyond the scope of this thesis, poor command of English may indicate problems with recruitment, selection and training of NDF personnel, and would warrant a separate study.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter presents a review of relevant literature on the subject of discipline. The aim of this chapter is to investigate the existing theories and approaches to discipline. The chapter seeks to examine literature relevant to the definition of discipline within the context of existing theories and practices; causes of lack of discipline; measures to reduce indiscipline; disciplinary procedures and forms of disciplinary actions as well as the management of discipline. It is hoped that some insights may be gained which may be helpful in trying to facilitate the interpretation of collected data in relation to the causes of indiscipline in the Namibian Defence Force.

2.2 DEFINITIONS

The term discipline is frequently used by the military, human resources practitioners, educationalists, and society in general without a shared meaning as to the range of behaviours and attitudes that may be regarded as disruptive. This is due to the different nature of the military, various other institutions and cultures of society. In reality, any definition, and subsequent interpretation of discipline, shall reflect the beliefs and values

of a particular society or an institution (Blandford, 1998). Therefore, “discipline” as applied to the NDF is likely to reflect what the NDF considers to be its core values.

Grossett (1999) defines “discipline as the action taken by management against any employee or group of employees in order to correct unacceptable behaviour/performance or to effect compliance with the governing rules and regulations, condition of employment or statutory requirements” (p. 250). Fields and Boesser (1994, p. 4) define discipline as helping to learn personal responsibility for behaviour and to judge between right and wrong.

It is evident from the definitions of various authors that discipline has two equally important components or functions. The first component or function is that of learning and obeying instructions. This view is in agreement with Grogan’s argument (1997, p. 45) that every employee is obliged to be obedient to the lawful instructions of the employer, and the employee must behave in a respectful manner towards his/her employer or agents of the employer if objectives of an organisation are to be met. Such subordination is what generally referred to as discipline.

The second component or function of discipline is that of punishment as suggested by Grossett (1999, p. 250). As misconduct shall never be completely eliminated (as suggested by the DES report 1989, p. 65), this thesis advocates for the need to discipline

offenders in order to correct their unacceptable behaviours. Such punishment may serve as deterrence. However, note should be taken that punishment may be counter-productive if used excessively and should always be considered as a last resort. Punishment therefore, should also be viewed as an important factor or tool to prevent and correct inappropriate behaviour.

A disciplined employee is a person who respects the rules or code of conduct of his/her employer. Such employer's code of conduct describes the acceptable behaviour that is expected from every employee. The code of conduct is aimed at controlling employees' behaviours (or what may be termed as discipline) during the course of their employment, in order to facilitate the achievement of an organisation's objectives.

Employees' behaviours, if not well regulated, may affect the effectiveness and efficiency of an organisation. There is a link between discipline and productivity. Disciplined employees are likely to conduct themselves in accordance with the accepted practices of the institution they work for and are expected to contribute positively to the attainment of an organisation's objectives. Similarly, undisciplined employees are a liability to an organisation. This view corroborates Donaldson's argument (1980) that " employees who refuses to cooperate, who come to work late, who argues over assignment, who fail to follow directions, and who are chronic rule violators provide constant barriers to productivity" (p. 17).

Although general perceptions regarding discipline exist, the issue as to what constitutes misconduct or indiscipline depends entirely upon an individual organisation. What may be regarded as serious misconduct or indiscipline in one organisation may not necessarily be viewed as such by another organisation due to their nature. Often, similar offences committed in different industries may be classified differently (Grossett, 1999, p. 22).

A code of conduct is, therefore, essential for every organisation to regulate the conduct or discipline of its employees. A code of conduct is a legal instrument of an organisation which sometimes, in the case of public institutions, derives its power from an act of parliament. Such code of conduct is the instrument which every organisation uses to adjudicate disciplinary matters.

The conduct of NDF members is regulated by what is referred to as Military Disciplinary Code (MDC) (or the First Schedule) in term of the Defence Act, (2002, Section 39(1)). The MDC applies to all military personnel.

For the purpose of this research, discipline in the NDF will be viewed as abiding by the statutory requirements of this lawful code of conduct (MDC). Discipline should also be seen in a broader context of both obeying lawful instructions and correcting misconduct or punishing. Martin and Grover (1988, p. 63) argue that discipline consists of obedience as well as application, which may be referred to as punishment.

An approach of viewing discipline as consisting of two equally important functions is aimed at dealing with discipline in a holistic manner. It is my view that understanding and addressing both the issues of learning and obeying of lawful instructions as well as effective punishment may enhance discipline in the NDF or any other institution. It serves no purpose if a person is conversant with the agreed rules but there are no repercussions if such a person violates those rules.

Lack of discipline could only be reduced if its causes are identified, wrongdoers are disciplined and potential offenders are deterred. Such a holistic approach may yield desired results in improving discipline in the NDF. Discipline, therefore should be seen in the context of deterrence and control.

2.3 GENERAL CAUSES OF POOR DISCIPLINE

Donaldson (1980, p. 17-18) consider personality disturbances and personality problems as the main causes for habitual absenteeism and failure to follow directions in the work place. He argues that personality disturbances could be caused by environmental or societal factors such as dysfunctional peer pressure which may lead individuals to commit offences. According to him, personality problems stemming from individual personality traits originating in the employee's childhood may also be a reason for an employee to commit offences. He states that failure to follow instructions may be a result of shortcomings in current training, inadequate understanding or environmental

factors. Curry and Johnson (1990) state that lack of opportunities for growth may motivate an employee to misbehave. Wheldall (1992, p. 5) contemplates lack of staff training and appropriate experience in disciplinary matters as a factor which could cause indiscipline in the workplace. Fields and Boesser (1994, p. 197-217) state that disciplinary problems may be caused by immaturity and unmet needs.

It is true that lack of current training as posited by Donaldson may lead to misconduct. For example, if commanders (managers and supervisors) are not up to date with the new provisions regarding disciplinary procedures, the results will be ineffective system which will be bound to fail in the administration of discipline. Equally, employees who are not conversant with the new provisions on disciplinary matters may violate those provisions unknowingly. It is therefore, imperative that those who are tasked with the responsibility of ensuring compliance of the code of conduct should fully understand the application of such code of conduct and or any new provisions made. Similarly, those subjected to an organisation's code of conduct ought to be made aware of such new provisions.

Donaldson's argument that an employee may misbehave because he or she does not understand the rules is convincing. Such misconduct is not committed intentionally but as a result of ignorance. Therefore, the rules should be communicated to all employees at the earliest stage, preferable during the induction process. In addition, it is vital that employees are reminded continuously of the rules of the code of conduct through

continuous in-service training. The NDF has a system whereby the Chief of Defence Force (CDF) through his senior officers, corrects skills or knowledge deficiencies observed during the previous year through in-service training. The system is facilitated by a yearly training directive which is issued by the CDF to commanders of services to correct shortcomings observed during the previous year (Namibia Defence Force, 1995, p. 2-3). This process of issuing training directives is implemented up to the smallest unit in order to ensure that such directives reach all levels. Such process could also be used to reverse deficiencies or keep on refreshing the employees on disciplinary matters.

Generally, lack of discipline could be attributed to such adverse issues in society as the decline in respect for authority, the rejection of moral standards, break-up of families and the effect of violent movies shown on televisions although there is a lack of reliable evidence to support this view (Wheldall, 1992, p. 3). Perhaps, a more realistic view is that lack of discipline may be affected by cultural background and the environment in which employees find themselves.

Wheldall's notion (1992, p. 5) that lack of appropriate skills may contribute to indiscipline is relevant. An autocratic style and lack of knowledge regarding disciplinary matters may cause friction or tension between a manager and his or her subordinates which may lead them to misbehave. Therefore, if people are not well trained in disciplinary matters, such a situation may lead to an increase in indiscipline. Training prepares an individual to assume higher responsibility. It is through training that an

individual's attitude could be shaped, skills and or knowledge imparted to enable the individual to carry out her or his work effectively. Cowling and Mailer (1983) define training as "the systematic development of the attitude, knowledge, skill or behaviour required by an individual in order to perform adequately a given task or job "(p. 53). If the attitude, knowledge, skills and or behaviour of both implementers and those affected are not developed, it may be difficult to keep the standard of discipline at the required level in any organisation. The benefit of ensuring that the employees have the necessary abilities ensures that they will make fewer errors. Well trained employees are expected to have positive attitude towards their employer thereby diminishing the need for indiscipline.

In addition, commanders, managers and supervisors should have the skills to train their subordinates. If they lack the ability to impart knowledge or skills, they are likely either to ignore training needs or defer responsibility (Kemp, 1992, p. 93).

Disciplinary problems arising from immaturity and from unmet needs (Fields & Boesser, 1994, p. 197-217) are not just relevant to children but to adults as well. A recruit who has just completed his/her basic training can be regarded as immature soldier. Such a soldier lacks in-depth understanding of military life and is therefore bound to misbehave because he or she is unable to realise the consequences of his or her behaviour.

On the other hand, unmet needs may dissatisfy employees which may lead them to behave inappropriately. It is significant to note that employees seek employment in order to satisfy their needs. Miller, Roome and Straude (1985) argue that people join organisations because they expect to derive certain benefits from their membership, and because they seek to achieve personal goals through the pursuit of the organisational goals.

No person does anything from a single motive (Adair, 1990, p. 28). Similarly, Hackett (1996) concluded that “a man is a rational animal; when he behaves in a certain way; he does it for a reason” (p. 165). Therefore, it could be assumed that every employee chooses his or her career to satisfy his or her personal needs through the organisation he or she works for.

One of the most important needs is the need for self actualization (Maslow, as cited in, for instance Cascio, 1998, p. 82; Lussier, 1996, p. 175). This need entails that every individual wants to develop and eventually have a successful career through taking on rewarding and challenging assignments. If such need is not adequately addressed, an employee may be frustrated, stressed and misbehave as a sign of protesting and consequently become undisciplined (Fields & Boesser, 1994). Therefore, to avoid indiscipline, job satisfaction should always be ensured as it is the driving force for productivity in any organisation (Martin & Grover, 1988, p. 17). One may argue that if employees are satisfied, they are likely to be motivated and inappropriate behaviour may

be limited. However, note should be taken that a human being is unlikely to be fully satisfied. Adair (1990) states that “man is a wanting animal and rarely reaches a state of complete satisfaction except for a short time” (p. 34).

It is important to note that there is a correlation between job satisfaction and motivation. An employee who is satisfied with his or her job is likely to be motivated. Therefore, job satisfaction and motivation are inseparable. Motivation is best addressed by providing good management. Good management encompasses adequate remuneration, working policies, human intellectual capacity development, good working conditions and training programmes, good welfare programmes, sufficient leisure time facilities and good health programmes and facilities. Therefore, organisations and institutions need to ensure that their personnel systems adequately address the aforementioned elements of good management if they are to have a well motivated workforce.

Generally, lack of motivation could also be attributed to the lack of effective leadership. One may argue that when employees are well led, they are likely to be well motivated, thus diminishing the chance for misconduct. In other words, one may say that there is a relationship between motivation and good or effective leadership. Leadership is defined as “inspiring individuals to give of their best to achieve a desired result, gaining their commitment and motivating them to achieve defined goals” (Armstrong & Stephens, 2006, p. 15).

Commanders (managers and or supervisors) at all levels who are familiar with the views put forward in the NDF Leadership Manual (1990, p. 144) may improve the motivation of their employees. These views are summarised below:

- Establishment of an effective reward programme.
- Ensuring proper job satisfaction.
- Looking after employees and their dependants' welfare.
- Treating of all subordinates equally and as different individuals.

A leader who embraces the above-mentioned views has a better chance to improve his or her employees' motivation, and subsequently limits cases of indiscipline. Cascio (1998), Stredwich (2003) and Thompson (2003) postulated that motivation is best facilitated by recognition, pleasant working conditions, promotions, career development opportunities, variety and a challenging job. Adair (1990, p. 94-101) put forward eight golden rules that could ensure motivation. Any organisation which is open to these golden rules may improve its employees' motivation. These rules are summarised below:

- Be motivated yourself. This assertion is convincing because if leaders lack

energy to take on their tasks, such attitude shall have a domino effect on their subordinates.

- Select people who are highly motivated. It is evident that only people who are motivated will be able to motivate others.
- Treat each person as an individual. People are different, what motivate one person may not motivate the other. Therefore those who are leading the others should treat each individual accordingly in order to get maximum contributions from such individual.
- Set realistic and challenging targets. Every employee wants to achieve the possible highest position within an organisation. The need for self actualization affects every employee. Surely, employees will be highly motivated if equal opportunities exist to take on realistic and challenging tasks to achieve one's peak as argued by Adair. Therefore, an organisation which offers such opportunities to its employees is expected to have a motivated workforce.
- Progress motivates. This argument is valid as employees want to invest in success. If there is no progress, work become monotonous and subsequently employee may become bored and dissatisfied.

- Create a motivating environment.
- Provide fair rewards. Performances ought to be linked to rewards, just as promotions should be based on merits. It is obvious that when remuneration is poor, workers put less effort into their jobs. This contention is valid because what will be the use of putting more effort into the job which will not reward you accordingly. It is worth indicating that no person shall ever be satisfied with his or her remuneration. Suffice to say that remuneration should be competitive to keep employees motivated.
- Give recognition. Recognition is probable one of the most powerful motivator as argued by Adair. The thirst for recognition is universal. Even our children do have a propensity to be motivated when praised for outstanding performances at schools. At the same time they may become unhappy if not recognized for good performances. Recognition is best summed up with Alexander. F Osborn who said that “any of us will put more and better ideas if our efforts are fully appreciated” cited in Adair (1990, p. 101). Conversely, recognition if rewarded to undeserving employees will create resentment.

A factor which may have been overlooked by the authors this thesis has examined with regard to the causes of indiscipline is the issue of ineffective leadership. Martin and Grover (1988) argued that “people are obedient and loyal if they are ably led (p. 63). The opposite view is also true, namely that people who are not well led may become disobedient and disloyal. Good leadership is fundamental to influence individual behaviour in any organisation. For an organisation to develop, it requires competent leaders who will be able to take it to its possible greater height. It is the competence of leaders that determines, in large part, the returns that organisations realise from their human capital (Amos, Ristow & Ristow, 2006, p. 213). Leadership is best addressed by providing leadership and managerial training to possible candidates before they assume leadership roles. Furthermore, leaders should be given the necessary experience through a systematic process which ensures that candidates build solid foundation on leadership.

Another point which also may have been overlooked is the issue of ineffective application of enforcement mechanisms such as the MDC in the NDF. When offenders are not disciplined for offences they have committed, one may expect cases of misconduct to increase.

2.4 MEASURES TO REDUCE CASES OF INDISCIPLINE

Fields and Boesser (1994, p. 57-139) considered the following ways for limiting indiscipline:

- Creating an environment which prevents disciplinary problems.
- Planning programme that shall prevent disciplinary problems.
- Setting example.
- Effective communication.
- Let the code of conduct be known.

Measures advocated by Fields and Boesser (1994, p. 57), includes that of creating an environment which could prevent disciplinary problems. Worth noting is the difficulty of ensuring an environment which will limit disciplinary problems arising from boredom. Boredom presents a significant challenge, particularly in the defence forces during peace time. It is difficult to keep soldiers continuously busy during peace time. Therefore, the NDF should ensure that recreational facilities are created, sporting

activities planned and in-service training programmes are designed to lessen boredom. Particularly, the NDF could embark upon programmes of assisting civil ministries and local authorities in community service activities as an effort to limit boredom.

The issue of setting a good example is critical for the maintenance of good discipline. This view is supported by the Headquarters of US Army (1985) which advocates that “leaders must be ethical in all personal and professional actions” (p.13). Jemibewon (1998) share the same suggestion that “any kind of leadership is a blend of three elements, namely, persuasion, compulsion and example” (p. 54). It is generally acknowledged that the most durable influence is derived through leadership by example. The quality of being impartial and consistent in exercising command is vital and should be the hallmark of all leaders at all levels particularly in the military. The rules and regulations must be applied equally; otherwise, discriminatory application thereof will create a sense of resentment that may transform into indiscipline.

Effective communication is vital for interpersonal relations (Fields & Boesser, 1994, p. 118). Good interpersonal relations are fundamental for a healthy relationship. Misunderstanding between staff and supervisors may lead to conflict which may result in misconduct. Kemp (1992) argues that the “onus is on the supervisor to see that the receiver understand his message and he must also ensure that he understands those with whom he communicates” (p. 54). Ambiguity should be avoided at all cost to prevent unnecessary tensions that may arise as a result of ineffective communication.

It is vital to train employees to understand the code of conduct in order to reduce indiscipline. If an employee is not aware of how he or she should conduct him/herself during the course of his/her employment, then it shall be unfair to discipline such an employee for something he or she does not know. An organisation may, however, put in place the best disciplinary preventative measures, but the fact remains that employees shall misbehave, therefore those misbehaving must be dealt with accordingly.

It should be noted that managing people presents a challenge to every organisation particularly when dealing with the issue of indiscipline. This view concurs with a DES report (1989) where it argued that “reducing bad behaviour is a realistic aim, eliminating it completely is not” (p. 65). Martin and Grover (1988) argued that “one of the difficulties of handling people is that they are all different and react differently, even to apparently simple things like receiving instructions” (p. 1). Makin, Cooper and Cox

(1989) present the idea that people differ substantially within the culture of the organisation they work for.

It is therefore evident that the individuality of human beings poses exceptional challenge on the management of all organisations especially changing employees` indiscipline behaviours with the view to increase productivity. This is true because people behave differently under similar conditions. What appears to one person to be a problem is nothing to another” (Martin & Grover, 1988, p. 1).

2.5 DISCIPLINARY PROCEDURES

The aim of disciplinary procedures is to regulate the manner in which cases arising from misconduct should be handled. Disciplinary procedures differ from one organisation to another. The disciplinary procedures are spelled out in a code of conduct of every organisation. In order to enhance better understanding, the study will make comparisons with the disciplinary procedures prescribed by the Namibian Defence Act and that of the Public Service Act. The purpose for the comparison is because some of the provisions of the Public Service Act, Act No 13 of 1995 are also applicable to military personnel. In addition, new ideas may be generated from interrogating both procedures which may be beneficial to the NDF.

The Namibian Defence Act (2002) requires arrested offenders to be charged within 24 hours, and those not arrested, within 7 days. An “account of offence” is to be completed for every offender within the said periods in terms of Rule 4 of the Act. Failure to adhere to such stipulations shall render the offence invalid.

The Act makes provision for summary trials and court-martials to be convened for the trials of military offenders. Minor offences are prosecuted by a summary trials while more serious offences are dealt with by ordinary and general court-martials. A general court martial has the power to sentence an offender for life imprisonment. The trial

proceedings must be concluded within three years, in terms of Section 58 of the MDC (Defence Act, 2002).

The procedures spelled out in the Defence Act (2002) appear sufficient to deal effectively with disciplinary problems. The period of three years in which cases must be brought to conclusion, appears unnecessary drawn-out.

In terms of Section 26 (1) of the Public Service Act (1995) the Permanent Secretary of a Ministry may charge a staff member in writing for misconduct. A staff member has the right to deny the alleged misconduct within 14 days. If a staff member admits the misconduct he or she is deemed to be guilty and will be given the appropriate sentence. If a staff member denies the charge, the Permanent Secretary shall establish a disciplinary committee to inquire into the charge. Such disciplinary committee is vested with the power to give sentences depending on the gravity of the misconduct within its jurisdiction.

The disciplinary procedures of the Public Service Act (1995) facilitate speedy resolution of disciplinary matters. If a staff member is guilty, he or she admits the misconduct and is given an appropriate sentence, without having to go through lengthy and costly trial procedures. This is not the case in the NDF. In the NDF, a charge is preferred against the accused by completing “an account of offence” within 24 hours or 7 days depending whether the accused is arrested or not. The accused “must appear before the

Commanding Officer” in terms of Rule 10 in order to be informed about the charge preferred against him/her. An initial preliminary investigation precedes the trial. The accused is only allowed to plea guilty or not guilty during the trial proceedings.

2.6 FORMS OF DISCIPLINARY ACTIONS

Forms of disciplinary actions differ from one organisation to another. Such disciplinary actions are spelled out in the code of conduct of every organisation. Disciplinary actions include the sentences which a disciplinary hearing or a military court may prescribe for an offence committed. In order to enhance better understanding, the study will discuss both forms of disciplinary actions prescribed by the Defence Act and the Public Service Act. The discussions of both acts are deemed necessary because some of the provisions of the Public Service Act, Act No 13 of 1995 are also applicable to military personnel.

Generally, forms of disciplinary actions which could be taken against an employee who has violated employer’s code of conduct are as follows (Grossett, 1999, p. 7-67):

- **Warning.** There are three categories of warning, namely: verbal, written and final written warnings. Verbal warning serves as the first formal step of reprimanding offenders for minor contraventions. Written warning is used for more serious infractions and usually follows verbal warning while final written warnings serve as penultimate step prior to dismissal as a result of persistent misconduct.

- Suspension with or without full pay pending his or her disciplinary enquiry into the charges of misconduct where the findings of the disciplinary hearing may lead to dismissal or when sufficient evidence warranting dismissal has been established through a disciplinary enquiry.
- Demotion to a lower rank.
- Transfer to another (equal) position.
- Option to resign before being dismissed.
- Forced resignation or constructive dismissal due to untenable relations between the employee and the employer, or as a result of unfavourable economic conditions that may force an organisation to reduce some of its workforce through retrenchment.
- Dismissal.

Disciplinary actions stated above are the common actions used by most labour organisations and have potential to deter employees from misbehaving. Those

disciplinary actions are also in line with international labour practices which most governments have signed or ratified.

The forms of disciplinary actions provided for by the Public Service Act (1995) in terms of Section 26(a) (12) (i)-(v) allows a staff member to be:

- Cautioned or reprimanded.
- Given a fine not exceeding N\$2 000. 00.
- Transferred to another post.
- Reduced in salary or rank, or both.
- Discharged and, or called upon to resign.

The Defence Act (2002) Section 92 (1) (a)-(c) MDC makes provision for the following forms of disciplinary actions:

- Reprimand.

- Reduction in seniority in rank which has negative implications on future promotions.
- Fines ranging from any amount to N\$15 000 depending on the rank of the offender and the nature of offence committed.
- Demotion to any lower commissioned rank or to any lower non-commissioned or to the rank.
- Detention for a minimum period of 40 days and not exceeding two years for all ranks except officers.
- Imprisonment other than life imprisonment.
- Life imprisonment.
- Dismissal or discharge depending whether the offender is an officer or other rank.

It is evident that various organisations use different forms of disciplinary actions depending on the nature and severity of an offence committed. The Defence Act does

not make provision for verbal warning, suspension, transfer, forced resignation and resignation. The merits and demerits of such omissions are beyond the scope of this research. Suffice to say that the inclusion of some of those forms of disciplinary actions in the MDC shall provide more sentencing options to military courts and trials and will save resources.

Perhaps the inclusion of less severe forms of disciplinary actions (e.g. verbal warnings) could be useful in saving resources when dealing with minor offences. An offender can for example immediately be given a verbal warning for a petty offence instead of wasting time and resources on the convening of formal trials.

The forms of disciplinary actions at the disposal of the NDF seem to be adequate in dealing with offenders and to deter would-be offenders, taking into account the penal jurisdiction vested in military courts by Section 92 (1) (a)-(c) of the MDC, Defence Act, Act No 1 of 2002. The penal jurisdictions given by the Defence Act are severe, and ought to serve as deterrence in reducing cases of indiscipline. The rules are clear. The question could be whether such rules are applied correctly or not. If the stipulations of the MDC and the Rules are applied correctly, the discipline of NDF members would improve.

The penal jurisdictions provided for in the Public Service Act (1995) are less severe compared to those reflected in the Defence Act (2002). What should be emphasized is

that good disciplinary procedures and actions alone are not sufficient to limit cases of misconduct. There is a need to correctly apply those procedures and to give appropriate sentences if the desired outcome is to be achieved. Those who are entrusted with the task of enforcing discipline must be fully conversant with disciplinary procedures and have to pass relevant sentences if they are to make an impact on correcting and preventing indiscipline.

2.7 THE MANAGEMENT OF DISCIPLINE

As stated in section 2, management of discipline in any organisation is a key to success. Therefore organisations should ensure that they have the necessary disciplinary procedures to deal effectively with disciplinary problems. Institutions should avoid ways that inadvertently influence their employees to behave inappropriately. There is always a danger that managers often elicit, albeit unintentionally, undesired behaviour as a result of the manner in which they behave or treat their subordinates that may propel indiscipline behaviour.

This view is supported by Kemp (1992, p. 83) when he argued that behaviour does not occur in a vacuum, therefore all misdemeanors within the context of the system must be examined in order to establish whether the work environment, the rules or supervision are not possibly playing a role in eliciting misconduct.

Kemp (1992, p. 87) suggests the following antidotes to prevent indiscipline:

- Having a good work system. Kemp emphasis the need for an organisation to have good human resource, engineering, maintenance, financial, production and quality control systems and any other systems found in an organisation.

Maintenance of good interpersonal interaction. Managers are said to have big influence on their employees and may influence their employee positively or negatively. The way in which managers interact with their employees will determine whether the organisation shall have disciplined or indiscipline employees.

- Effective structure. Kemp (1992, p. 90) suggests here that the structural aspects of design, rules, policies and practices should be fair, equitable, consistent, egalitarian and legitimate. If the structure is not meeting the said criteria, it is believed to create unhappy employees who develop unfavourable attitudes and behaviour and eventually become indiscipline.

Promoting employee maturity. Maturity is promoted through cultivating a sense of morality and ethics, sense of responsibility and skills development through education, training and experience as well as the willingness to apply those skills.

Management of discipline is an important part of any manager's function. Not only will effective management of discipline lead to a well disciplined workforce but also to a workforce which is well motivated. There is a saying in the military that "there are no bad soldiers, only bad leaders". It is clear that there is a link between discipline and management. Thus, the discipline of a workforce reflects the manner employees are managed.

Perhaps the most important antidote for managing discipline is to have a well structured organisation (Kemp, 1992, p. 91). The rules, policies, procedures and promotional opportunities must apply equally to all employees regardless their gender, tribe, political orientation, status and religion. Nothing will create more resentment and frustration than when an individual feel discriminated against. When a structure is not fair, equitable or consistent, it creates tremendous conflict so much that employees become dispirited. The result of such demoralization frustrates employees, who will eventually become undisciplined. Unless the structural aspect of an organisation is adequately addressed, no organisation can be able to prevent indiscipline.

Note should be taken here that discrimination of whatever form is not only outlawed by Article 10 of the Namibian Constitution (1990) but is inhuman and should be avoided at all cost. Kemp (1992) put it succinct when he said that "those managers who are guilty of discrimination have themselves to blame for eliciting indiscipline behaviour" (p. 91). It is imperative that every manager or commander is to work consciously by considering

all employees as equal human beings. Such considerations will ensure a well motivated workforce which will not succumb to indiscipline.

Promoting an employee's self-esteem plays a significant role in preventing indiscipline. Employees who are cultivated with a higher degree of job satisfaction and who are given chances to take responsibility of higher assignments, whose abilities are enhanced through education, training and experience and who are given equal opportunities to advance are likely to behave in a better disciplined way. The opposite view is true that those who are denied those opportunities are likely to become undisciplined.

It is important to indicate that the aim of managing discipline should be seen as an attempt aimed at tackling discipline in a constructive and proactive manner. Therefore the emphasis should be on prevention. Every organisation should thus strive to manage its workforce in a manner which will limit inappropriate behaviours.

A checklist suggested by Kemp (1992, p. 96 & 118) could be a useful tool for managers and commanders to check how they are managing the discipline of their subordinates. The check list is given in table 2.1 on the next page. The checklist provides a combination of elements of what this thesis considers to be crucial for managing discipline in any organisation. This checklist can be a helpful tool in the management of discipline in an organisation. It is suggested that similar checklist is incorporated into NDF disciplinary procedures for future use.

Table 2.1: Checklist for managing discipline

Serial	Questions		
1.	Do you have a formal, written disciplinary procedure?	Yes	No
2.	Have you received training in chairing disciplinary procedures?	Yes	No
3.	Are you fully conversant with the requirements of procedural and substantive fairness?	Yes	No
4.	What is your aim in discipline?	Correction	Retribution
5.	Do you take time to inform your employees what your expectations are?	Yes	No
6.	Do you praise good behaviour and performance?	Yes	No
7.	Do you have a philosophy of catching employees doing the right things?	Yes	No
8.	Do you have strict and tight rules?	No	Yes
9.	Do you focus on the offence and not the person?	Yes	No
10.	Do you have good expectations of your employees?	Yes	No
11.	Do you apply all rules, rewards, policies and practices fairly and consistently?	Yes	No
12.	Are you careful of the impact you have on your employees?	Yes	No
13.	Do you guard against passing unwarranted comments and criticism?	Yes	No
14.	Would you say your workers believe in you? Do you have high credibility?	Yes	No
15.	Are you warm and friendly in your relationship with your subordinates?	Yes	No
16.	Are you understanding of your staff `s problems, if they make errors?	Yes	No
17.	Do you ask for and respect the opinions of your employees?	Yes	No
18.	Are you forceful and strict?	No	Yes
19.	Do you permit your staff to have a say in how they do their job?	Yes	No
20.	Do you loose your temper with your staff?	No	Yes
21.	Are you able to handle your own feelings and not let them interfere in your dealings with your staff?	Yes	No
22.	Do you tend to blame others?	No	Yes
Count up the number of answers you have in each column and fill it in the open blocks. Many answers in the left column indicates good management of discipline.			

(Source: Adopted and modified from Kemp, 1992, p. 96 & 118)

CHAPTER 3

METHODOLOGY

3.1 INTRODUCTION

This chapter outlines how the research was carried out. It focuses on the research design, the research population, sample size, the sampling techniques applied, as well as the research instruments used to collect data, procedures employed and the manner in which the data have been analysed.

3.2 RESEARCH DESIGN

The research is descriptive in nature, in the sense that it attempts to explain perceptions and seeks to understand the rationale for indiscipline in the NDF. Descriptive research strives to answer the behaviour of phenomena (Polit, Beck & Hungler, 2001, p. 180).

3.3 POPULATION

The total population of the NDF is reported to be about 12 000 personnel (T. Iiyambo, personal communication, October 15, 2008).

The study targeted all ranks from Private to Colonel within this population and included both male and female soldiers. The study areas included military bases at Windhoek, Okahandja, Walvisbay, Otjiwarongo, Oshakati, Ondangwa, Grootfontein and Rundu. This arrangement was designed to ensure fair geographical representations.

3.4 SAMPLE

For this study to obtain the required information, participants (932 respondents) were grouped in three specific groups consisting of various ranks and appointments as follows:

- One group consisted of 857 respondents, comprising all ranks from Private to Lieutenant Colonel.
- Another group (31 respondents) consisted of 11 “Commanding Officers” commanding units and equivalent military institutions. It included five “Seconds in Command”, 10 “Legal Officers” and five persons occupying the following positions:

* Assistant Defence Legal Advisor at the Defence Head Quarters (HQs.)

- * Senior Officer Legal Training at the Defence HQs.
 - * Senior Staff Officer Legal Affairs at Army HQs.
 - * Senior Officer Legal Affairs at Army HQs.
 - * Legal Officer at Navy HQs.
-
- The last sample was made up of 44 sentenced offenders (from the rank of Private to Major).

The 857 respondents for the questionnaire were selected purposively by their Commanding Officers based on their willingness to participate and their knowledge of matters relating to discipline in the NDF. The selection of officers (31) as indicated on the previous page was done purposely, based on their willingness to participate, and their familiarity with disciplinary issues in the NDF. The selection of sentenced offenders (44) was based on the willingness to participate and they were selected purposively by their Commanding Officers. The detailed illustration of places, specific and number of respondents who took part in the survey is as indicated in table 3.1 on the next page.

Table 3.1: Details regarding the respondents who took part in the research

Place	Questionnaire participants			Interviews with Commanders and Legal Officers		Interviews with sentenced offenders	Total participants	
	Officers ranks	Other ranks	Privates	Legal Officers	Commanding Officers/Second in Command		Officers ranks	Other ranks
Windhoek	14	42	37	4	2	6	20	85
Okahandja	41	64	2	-	1	4	42	70
Walvisbay	27	103	121	3	6	6	36	230
Otjiwarongo	13	84	26	1	4	6	18	116
Oshakati	3	40	29	1	1	8	5	77
Grootfontein	13	44	36	5	1	7	19	87
Rundu	7	52	59	1	1	7	9	118
Total	118	429	310	15	16	44	149	783

The selection of places across the country was aimed at providing a better picture on the state of discipline of the entire NDF. Furthermore, the research covered all three NDF Services namely, the Army, Air Force and the Navy in order to get a complete picture of the state of discipline of the whole Force. A sample of 932 respondents (consisting of

857 respondents for questionnaires, 44 sentenced offenders and 31 commanders and legal officers) took part in the study.

3.5 SAMPLING TECHNIQUES

One group of 857 respondents comprising all ranks from Private to Lieutenant Colonel was selected purposively based on critical case sampling (Struwig & Stead, 2001, p. 123) because they have the necessary information regarding the issue being studied. The aim was to collect balanced views from this group regarding the standard of discipline in the NDF, their opinions with regard to the causes of indiscipline and what they suggest to improve the standard of discipline.

Another group of respondents consisting of 31 respondents was selected based on purposeful random sampling (Struwig & Stead 2001, p. 123) due to their expertise on disciplinary matters with the purpose to find out their views regarding the effectiveness of enforcement mechanisms, shortcomings and what solutions they offer to deal with the challenges of indiscipline in the NDF. This group was consisting of Commanding Officers commanding units or equivalent, their Second in Command and Legal Officers.

The last group consisting of 44 respondents was selected purposively based on criterion sampling (Struwig & Stead, 2001, p. 123) due to their experience as sentenced offenders with the purpose to establish the reasons why they have committed offences and to

determine the most violated offence. This group consisted of sentenced offenders from the rank of Private to Major.

3.6 RESEARCH INSTRUMENTS

The data were collected from sources using questionnaires, personal interviews and a survey of staff and disciplinary records. A survey of staff records was carried out to obtain data relating to promotions; courses successfully completed; confidential reports and mandatory tests, while the survey of disciplinary records was conducted to obtain statistics as to number of disciplinary cases reported from 2004 to 2008 and common offences committed.

3.7 PROCEDURES

Authorisation to undertake the field research was requested from the Defence HQs prior to the start of the research. Such permission authorising and explaining the purpose of the field research was sent to selected units, establishments and formations of the NDF before the start of the research. Subsequently, a specific research programme was sent to all participating units, formations and establishments well in advance detailing the timings, number and categories of participants required.

Commanders were requested through that programme to nominate the required participants on voluntary basis and to prepare venues before the research date. The researcher traveled from one unit to the other to obtain relevant primary data. Participants were gathered at one venue by their commanders to take part in the research

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The questionnaires were explained question by question to ensure that all the questions were understood before administering them. Respondents were told again that participation was voluntary and the questionnaires were personally administered by the researcher.

A chaplain from Otjiwarongo offered her service to interview the sentenced offenders. Not all the sentenced offenders were interviewed by the chaplain. The use of the chaplain was aimed at ensuring reliability of data in the form of investigator triangulation. Notably, views expressed by the sentenced offenders interviewed by the chaplain were similar to those collected by the researcher. Research ethics were upheld by assuring the participants during the interviews that their names will not be revealed without their explicit approval. Participants were also requested to sign the interview records if they wish their names to be revealed in the thesis. In addition, respondents were informed that their participation was not compulsory.

3.8 DATA ANALYSIS

The completed questionnaires were edited, coded and placed into relevant categories. Open ended questions with the same answers or meanings were grouped together and given appropriate headings. Data obtained from open ended questions with less than one percent of the respondents were grouped under one heading and categorised as “others”.

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The data entry of all the categorised data was computed manually onto a calculator by three assistants whom the researcher trained. All results were verified personally by the researcher to ensure correctness. A specially designed sheet was used to record each unit, formation and or establishment’s results. Finally, all results were consolidated on one sheet and fed into a computer. Graphs were designed using already designed charts from Microsoft Excel. Results fed into the graphs were computed automatically by the programme. Text results were typed on the computer using Microsoft Word. Subsequently, data were analysed and interpreted into figures and tables.

3.9 RELIABILITY AND VALIDITY OF DATA

3.9.1 Reliability

To ensure that data collected were reliable and respondents were comfortable with the questions, the researcher trained and used one chaplain from Otjiwarongo to assist him

with the interviews of sentenced offenders. Furthermore, questions were compiled in simple and understandable language. Also, questions were explained to the respondents before being administered to ensure clarity.

3.9.2 Validity

The researcher carried out an initial pilot study to determine the clarity of questions in the questionnaire and semi standardised interviews to rule out any ambiguity. Those questions which were not clear were rephrased. This measure was aimed at ensuring that the data which will be collected will be valid.

CHAPTER 4

DATA PRESENTATION AND DISCUSSION OF FINDINGS

4.1 INTRODUCTION

The chapter presents research findings and an analysis of data collected from the questionnaires, personal interviews and staff records with regard to the perceived lack of discipline in the NDF. Data collected are presented in a form of descriptive analysis using tables, graphs and figures. A concluding remark follows each result presented. Finally, a discussion of findings is presented in brief. This approach is aimed at presenting the data in a logical, consistent and understandable manner. Attempts are made to try to link the findings with the previously mentioned theories and concepts relating to discipline. _

4.2 DATA PRESENTATION AND ANALYSIS OF RESULTS OBTAINED THROUGH QUESTIONNAIRES

The aim of the questionnaires was to collect balanced views from all ranks (from Private to Lieutenant Colonel) concerning the state of discipline in the NDF, their perceptions as to the causes of indiscipline and what they suggest to improve the standard of discipline.

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4.2.1 General information about the respondents

The respondents who took part in the questionnaires totaled 857, consisting of all ranks from Private to Lieutenant Colonel. All the calculations are based on that figure. The breakdown by rank categories of the respondents who participated in the research is depicted in the table 4.1 below:

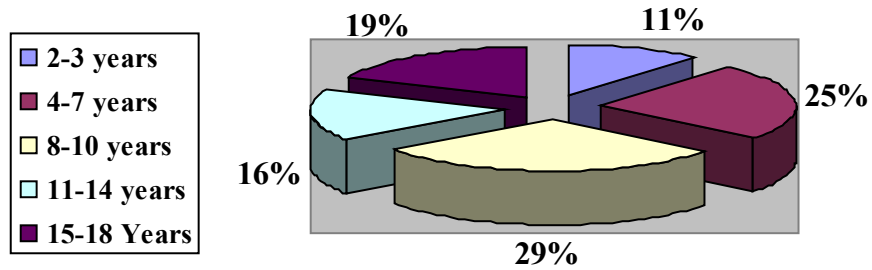
Table 4.1: Detailed breakdown of sample of respondents

Total respondents	Officers		Non-commissioned officers		Privates	
	Total	Percentage	Total	Percentage	Total	Percentage
857	118	14%	429	50%	310	36%

Half of the participants (50%) were non-commissioned officers (NCOs), 36 percent were Privates whereas 14 percent were officers. The ratio of participants as per their

rank groups seems to be fairly representative thus making the results inclusive and reliable.

Figure 4.1 : Years of service at units, formations and establishments



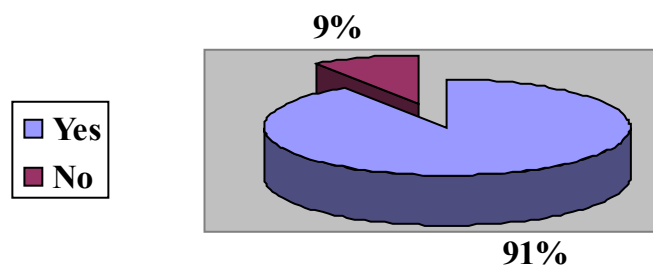
Data presented in figure 4.1 above indicate that the majority of the respondents who participated in the research have been working at their units, formations and establishments for a period longer than 3 years. Considering such long period of service, it may be concluded that the sample appears to have sufficient knowledge pertaining to disciplinary issues affecting their units, formations and establishments. This gave credence to their views and perceptions regarding the causes and state of discipline in the NDF.

4.2.2 Familiarity with the Military Disciplinary Code

The vast majority of the participants responded positively to the question of whether they are aware of what is regarded as “offences” in terms of the Military Disciplinary Code (MDC) as shown in figure 4.2 on the next page:

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Figure 4.2 : Familiarity with the Military Disciplinary Code



The high figure of respondents who have indicated that they are aware as to what constitute offences in terms of the MDC in figure 4.2 above, might have been attributed to the fact that most of the ex-combatants went through standardization training under which the aspects of the MDC was dealt with. Also, MDC sensitization is included in the initial basic training. Recruits who have been recruited since 1996 went through basic training before they became soldiers, thus, one expect them to have been sensitized

about the MDC. It is therefore evident from the results above, that non-familiarity with the code is not a reason for the poor discipline.

4.2.3 Reasons for not knowing the Military Disciplinary Code

Of the respondents who indicated that they were not aware as to what constitute offences in terms of the MDC, 10 percent pointed out that they were not taught the MDC. The

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others (51%) cited that publications on MDC were not available. The rest (39%) of the participants indicated that no continuous training on MDC has taken place since their initial basic training.

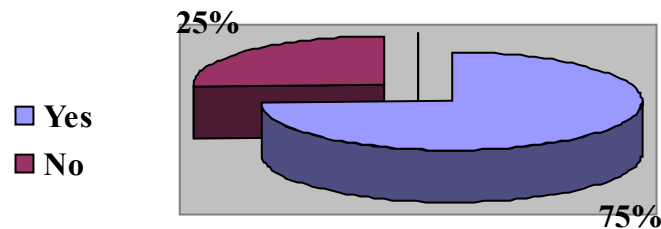
Reasons put forward by the respondents seem to be valid. However, it is imperative to indicate that it may be unlikely that a person who has been in a unit, formation or establishment for a period of two years and more is not aware of the rules under which he or she is subjected. As the researcher has indicated earlier in Section 4.2.2, most of the ex-combatants went through standardization training under which the aspects of MDC was dealt with and MDC sensitization is included in the initial basic training. Therefore, in the view of the researcher, it is unlikely that a person who went through standardization or basic training is not aware of the MDC. Such a person may not recall all the offences by heart, but would be aware of the common prohibited behaviours.

To be a member of the NDF, one should have completed standardization training in the case of ex-combatants or basic training for recruits. It is therefore evident that those respondents, who are not aware of the MDC, have not done standardization or initial basic training. Nevertheless, it may be necessary for a booklet on MDC to be produced and issued to every soldier in order to prevent soldiers committing offences unknowingly as argued by Donaldson (1980). Also, it may be beneficial if training on the code of conduct is included in every yearly training programme to refresh those who may have forgotten.

4.2.4 Effectiveness of the charge system

In responding to the question as to whether “all offenders are charged for offences they have committed, or not”, respondents answered as shown in figure 4.3 below:

Figure 4.3: Effectiveness of the charge system



Results in figure 4.3 above show that the overwhelming majority of the respondents have the same opinion that necessary steps were taken against the offenders. This

immense response suggests that the majority of the respondents believe that the charge system is operating effectively. Their opinion may have been influenced by the manner in which they saw offenders being disciplined.

On the other hand, it is important to note that soldiers belong to different platoons and companies. Thus, they are unable to spot all disciplinary incidents taking place outside their platoons and companies. Therefore, those who have not witness a commander failing to lay a charge against an offender, will assume that all who commit offences are

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dealt with accordingly. It is encouraging that the vast majority of respondents have trust in the charge system. This is an indication that non-effectiveness of the charge system is not a reason for the declining standard of discipline. It is however disappointing that a sizeable number of respondents (25%) indicated that not all offenders are charged for offences they have committed, hence a need to improve the charge system.

4.2.5 Reasons why not all offenders are charged

The respondents (25%) who claimed in figure 4.3 on the previous page that not everyone who has committed an offence is charged cited the following reasons for their opinion:

- Favouritism and tribalism (54%).

- Officers not being charged because of their ranks (18%).
- Commanders lacking the skills or knowledge to charge offenders (13%).
- Reluctance by the commanders to lay charges against the violators of the MDC (9%).
- Discrimination (4%).

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- Corruption (1%).
- Fear of repercussion (1%).

Further investigations conducted by the researcher confirmed that officers and NCOs who did not attend relevant courses did not know how to complete an “account of offence”. In other words, they did not know how to charge an offender. An account of offence is a document which must be completed by a commander against the offender who has violated the MDC.

Also, respondents who requested anonymity cited example of senior officers who report for work under excessive influence of alcohol, but no disciplinary actions have been taken against them. Instead of charging them for drunkenness, they were transferred

from one unit or office to the other. This revelation suggests that incidents of favouritism which may be linked to or interpreted as tribalism, discrimination or corruption do occur in the NDF.

Furthermore, participants pointed out that commanders failed to lay charges against individuals who did not report for their guard duties and or those who behaved in disrespectful manner towards their superior commanders.

From the results presented, it is evident that there is a need to ensure that commanders attend relevant courses, workshops and seminars in order to acquire the necessary skills and knowledge to deal effectively with disciplinary matters. This view is also supported by the majority of Commanding Officers and Legal Officers interviewed by the researcher.

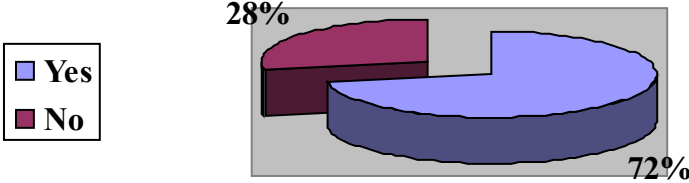
It is important to note that NDF does not have an internal mechanism to investigate allegations as put forward by the respondents in Section 4.2.5. The Defence Act, Act No 1 of 2002 only makes provision for redress of wrongs, in terms of Section 133 as a recourse for a complainant who feels aggrieved by any act or omission of any other person subjected to the MDC. Although the act makes provision for such an option, it may be difficult for an individual to report his or her commander who has failed to lay a charge against an offender through such a channel. The individual might fear for the consequences resulting from taking such an action.

The establishment of an inspectorate directorate with a mandate to specifically deal with internal complains may be a suitable solution to stop corrupt practices that may fuel indiscipline in the NDF. An inspectorate directorate is a permanent feature in most defence forces with the purpose of conducting evaluations on the force readiness and investigating internal complains and grievances.

4.2.6 Decline in standard of discipline

When the respondents were asked to indicate whether the standard of discipline is “declining” or not, the outcome was as indicated in figure 4.4 below:

Figure 4.4 : Decline in standard of discipline



According to figure 4.4 above, discipline is declining in the NDF. The high number of respondents (72%) who pointed out that discipline is declining may be attributed to the belief that routines at units, formations and establishments are no longer respected. The respondents pointed out that annual reports on units do no longer take place; bases are in dilapidating state because inspections are no longer conducted as it used to be; internal and external drill and sport competitions are no longer held as frequent as it used to be; guard parades are no longer held and fitness and shooting tests are not carried out.

A survey of staff records conducted by the researcher at the Defence HQs confirmed that fitness and shooting tests are not carried out. The non-adherence to standing orders may be a result of keeping officers and senior NCOs at one unit, establishment, formation and or HQs for a long period of time. Commanding Officers who prefer to work differently than their predecessors and in the process ignoring standing instructions may have also contributed to the non-adherence of standing instructions. It is troubling that standing instructions which are designed to promote and maintain discipline are not respected.

Table 4.2: Decline in standard of discipline as per rank group

Is the standard of discipline declining?	Officers	NCOs	Privates	Total
Yes	78 (66%)	321 (75%)	216 (70%)	615 (72%)

No	40 (34%)	108 (25%)	94 (30%)	242 (28%)
Total	118 (100%)	429 (100%)	310 (100%)	857 (100%)

The above table shows that there is unanimity among different rank groups that the standard of discipline in the NDF is declining. The comparison of data in table 4.2 above indicates differences in percentages between the responses of the officers, NCOs and Privates. The differences in percentages between different rank groups may be attributed to factors such as the absence of criteria to which the decline of discipline could have been measured against and different expectations regarding discipline from

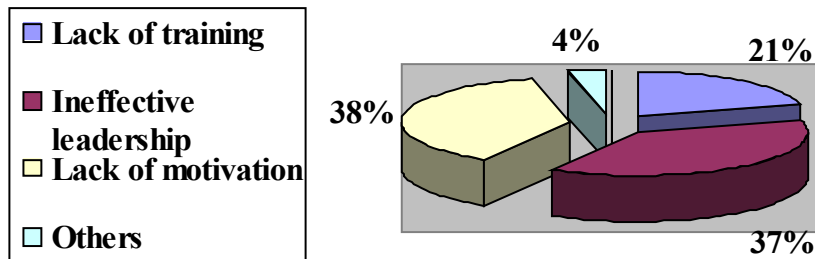
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various rank groups. From this finding, it can be concluded that discipline is declining. It is important that the decline of standard of discipline is reversed. This could be achieved by adhering to standing orders which are designed to promote and maintain discipline.

4.2.7 Causes of the declining standard of discipline

According to the participants, the decline in standard of discipline at units, formations and establishments were caused by the factors as indicated in figure 4.5 below:

Figure 4.5 : Causes of the declining standard of discipline



Most of the respondents indicated that unfair promotions which are not based on merits contribute to lack of motivation. They have cited example of their colleagues who did not meet promotion requirements but have been continuously promoted. Also, non-recognition of higher academic qualifications was cited as a cause for lack of motivation by the participants. Some of the respondents indicated that the Personnel Policy is not

adhered to. Others pointed out that commanders were appointed without having the necessary training or experience thus unable to command effectively.

Furthermore, participants revealed that training on MDC is not conducted at the units, formations and establishments. However, the majority of Commanding Officers and Legal Officers interviewed, indicated that their annual training programmes did include sessions on MDC while some Commanding Officers and Legal Officers acknowledged that training on MDC is not conducted.

The survey of staff files revealed that it is indeed true that some of the commanders were given command appointments without having attended appropriate courses. In addition, the same investigation confirmed that the NDF Personnel Policy in particular the promotion policy is not followed. As an example, to be eligible for promotion to the rank of Sergeant, a Corporal must have unqualified recommendation in his/her latest confidential report; have served for a minimum of three years in the rank of Corporal and have passed appropriate courses (NDF Personnel Policy, 1994, p. 4-2). However, a considerable number of candidates who have been promoted in October 2008 to the rank of Sergeant did not meet the said criteria. Some of the candidates were even promoted two ranks above their ranks (i.e. Lance Corporal to Sergeant) in contradiction of the Personnel Policy. Also, confidential reports are not implemented. Although, a public policy is whatever governments choose to do or not to do as posited by Dye (1987), it is vital that the NDF strictly adhere to its Personnel Policy if it is to have a well motivated

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and disciplined workforce. Furthermore, commanders should be given the necessary training, education and experiences before given command appointments. It is the competence of leaders that determines, in large part, the returns that organisations realise from their human capital (Amos, Ristow & Ristow, 2006).

4.2.8 Causes of indiscipline in the Namibia Defence Force

The respondents pointed out the following as the major causes of indiscipline:

- Promotions which are not based on merits as the biggest cause of indiscipline (52%).
- Poor remuneration (23%).
- Favouritism (8%).
- Tribalism (5%).
- Alcohol abuse (5%).
- Wrong posting (4%).
- Corruption (2%).
- Discrimination (1%).

“Wrong posting” during the reintegration process was pointed out as one of the causes of indiscipline. Although only few respondents singled out this matter, it is critical to understand how wrong postings may contribute to indiscipline in the NDF. Wrong posting in the NDF entails giving appointments to “wrong” candidates who are either not qualified for the job or too junior for the post. The participants indicated that during

the creation of the NDF, ex-combatants were inducted into whatever posts which were available without careful consideration of their previous seniorities.

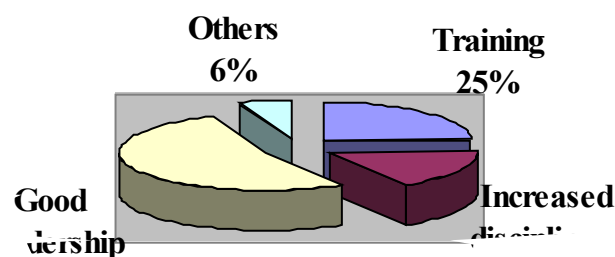
They pointed out that not all the senior ex-combatants were given employment at the inception of the NDF. As a result, a considerable number of former senior commanders were not integrated into the Force immediately. By the time they were recruited, they were offered whatever positions were available. The result is that you still find some of the former senior commanders in the SWATF and PLAN having junior ranks than their former juniors. The NDF did not yet manage to fully address this matter. It is therefore obvious that such a situation may contribute to poor maintenance of discipline in the Force.

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4.2.9 Recommendations to improve the standard of discipline

When the respondents were asked to recommend measures which are necessary to improve the standard of discipline in the NDF, they responded as indicated in figure 4.6 below:

FIGURE 4.6: RECOMMENDATIONS TO IMPROVE THE STANDARD OF DISCIPLINE



More than half of the participants suggested that good leadership is the most important factor which could improve the standard of discipline in the NDF. This is in conjunction with my earlier argument as to the importance of good leadership on page 16 and 20. According to some of the respondents, there is a need to have commanders who know how to “solve” the problems of the soldiers. In addition, they pointed out that NDF need commanders who are “fair” in dispensing rewards. Furthermore, they suggested that there is a need to have commanders with good interpersonal relations and who will well

understand the importance of the welfare of their subordinates. Some of the respondents proposed that there is a need to appoint commanders with “good leadership qualities”.

Other participants suggested that commanders should be trained on how to effectively discipline offenders. They recommended that leaders should attend leadership training and military law courses in order to be able to deal with cases of indiscipline effectively. Also, they suggested that continuous in-service training should include training sessions on the implementation of the MDC. Others proposed that offenders who violate the code of conduct should be charged as soon as possible and stiffer sentences should be imposed.

The importance of training and good leadership could not be over-emphasized. One needs to stress that if all those who are implementing the MDC and those to comply with it are properly educated, trained and led, inappropriate behaviour could be reduced in the NDF.

4.3. DATA PRESENTATION AND ANALYSIS OF RESULTS OBTAINED THROUGH INTERVIEWS WITH SENTENCED OFFENDERS

These interviews were conducted with the purpose to firstly, establish the reasons why offenders have committed offences and secondly, to determine the most common offence. Thirdly, to disclose consistencies, similarities and differences in perceptions

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and opinions expressed by the sentenced offenders and non-offenders in order to present objective and unbiased results.

4.3.1 General information regarding the participants

The sample comprised of 44 participants from selected units, formations and establishments, of which two were officers, 21 NCOs and 21 Privates. Only one female NCO and a Private female participated in the research. The respondents have been working at their units, formations and establishments for a period of between one and 18 years. Fewer female participants might be an indication that fewer female soldiers

violate the MDC compared to male soldiers. On the other hand, there are less female soldiers in the NDF. A period of one and more years serving a unit, formation and or establishment appears enough for a person to be acquainted with disciplinary issues affecting his/her unit, formation or establishment.

4.3.2 Offences

The interviewees have been sentenced for the following offences:

- 33 cases of “absent without leave” (AWOL) constituting 75 % of all cases.

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- Four cases of “disobeying of lawful command” representing 9 percent of all cases.
- Two cases of “drunkenness” (5 percent).
- Two cases of “theft” (5 percent).
- One case of “loss of government property” (2.3 percent)

- One case of “assaulting a junior” (2.3 percent).
- One case of “assaulting a superior officer” (2.3 percent).

The high number of AWOL cases may be attributed to the fact that it is easy to prove that a person did not report for work, unlike for instance to prove that a person was under the influence of excessive alcohol without having tested his or her blood with the necessary detection devices. Also, alcohol abuse may have contributed to more cases of AWOL. Investigations made by the researcher discovered that the majority of those who have been sentenced for AWOL did consume alcohol. The distance between sentenced offenders' work places and their residences can also be regarded as a possible contributing factor to high cases of AWOL. More than half of the interviewees who

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have contravened AWOL stay as far as 200 to 1200 km from their residences. Furthermore, sheer non-commitment to work could also have contributed to more cases of AWOL.

It is worth pointing out here that a survey of disciplinary records conducted by the researcher at the Defence and Services HQs, confirmed that AWOL is the most common offence. High cases of AWOL leads to less productivity, therefore, AWOL should be reduced to the lowest possible level. To correct this issue, there is a need to find out the

rationale behind AWOL. The number of other violated offences seems to be minimal considering that people are bound to misbehave.

4.3.3 Reasons for committing the offences

The detailed breakdown of the number of respondents and the reasons why they have committed the offences is as illustrated in table 4.3 on the next page:

Table 4.3: Breakdown of reasons for the violations of the Military Disciplinary Code

Factor	Number	Percentage
Personal problems	20	45%
Poor interpersonal relations with immediate commanders	8	18%
Alcohol abuse	3	7%
“I was unable to pay for transport to return to my work place”	1	2.27%
Limited understanding of Leave Policy	1	2.27%
Work related stress	1	2.27%
Not committed	1	2.27%
Ignorant	9	20%
Total	44	100%

The interviewees (45%) who pointed out personal problems as reasons why they have violated the MDC did not want to divulge the nature of personal problems they were faced with. Their problems may have been too personal and they did not want to share them with someone who is not their close confidante. This was also the reason why the researcher has requested the assistance of a chaplain to conduct interviews with the sentenced offenders. The researcher felt that the sentenced offenders may be more open to a chaplain than to the researcher.

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Of the interviewees who cited poor interpersonal relations with their seniors, one said that he “was not allowed to take leave after basic training” (P. Namoloh, personal communication, August 20, 2008). According to another interviewee who share the same opinion, “misunderstanding between him and his commander about leave” was the reason why he was sentenced (N. Iitula, personal communication, August 25, 2008). Also, another interviewee pointed out that he “requested to be granted leave to attend a funeral but was marked AWOL” (T. Daniel, personal communication, August 25, 2008). Furthermore, one interviewee who requested anonymity indicated that he “was just late to report for work” but was marked AWOL.

The interviewee who cited work related stress as the reason why he went on AWOL mentioned that he “was having a problem of being kept in one post for 16 years” (T. Karutjaiva, personal communication, September 11, 2008).

Of the interviewees who cited alcohol abuse, one who preferred his name not to be disclosed pointed out that he “was drunk and felt that those days he was absent without official leave were not working days”.

According to some of the interviewees (20%), they were “innocent” and just wanted to please their commanders who have charged them. Of those interviewees, one who requested anonymity mentioned that he “did not commit the offence, his views were not considered”.

It is beyond the scope of this research to investigate allegations of innocence made by some of the interviewees. Suffice to point out that, generally, courts can make misjudgments and military courts and trials are no exception. It is however not easy to imagine so many (9) misjudgments made. Military courts and trials like any other courts are expected to uphold the principle of “evidence beyond reasonable doubts” before pronouncing their findings. Also, sentences passed by military courts and summary trials are subjected to reviews in order to prevent injustices. It is thus unlikely that so many interviewees (9) have been wrongly sentenced. However, a possibility exists that an accused may be wrongly sentenced.

4.3.4 Familiarity with the Military Disciplinary Code

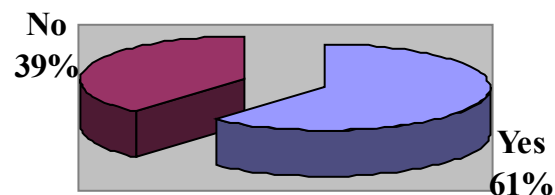
Responding to the question as to whether the interviewees were aware as to what is regarded as “offences” in term of the MDC, all the respondents replied positively. This overwhelming response suggests that all the respondents were aware that what they did was in fact a violation of the MDC. Thus, unfamiliarity with the rules is not a reason for their inappropriate behaviour.

4.3.5 Decline in standard of discipline

On the question as to whether the standard of discipline is declining or not, the interviewees responded as depicted in figure 4.7 on the next page:

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Figure 4.7 : Decline in standard of discipline



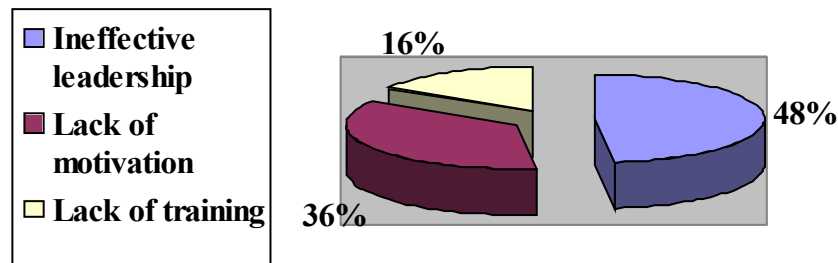
According to figure 4.7 above, the majority of the interviewees are in agreement with the non-offenders that the standard of discipline is declining. The merits for such perception may be as alluded to earlier in Section 4.2.6 on page 55. It is however surprising that fewer offenders (61%) believe that the standard of discipline is declining compared to (72%) non-offenders. Normally, one would expect offenders to apportion

blame for their misdeeds. This may be an acknowledgement that they (offenders) were the problems and not the system. The unanimity shown by the sentenced offenders and non-offenders regarding the state of discipline, suggests that the standard of discipline is declining. Given such unanimity, it could be argued that the results reflect credible perception about the state of discipline in the NDF.

4.3.6 Reasons for the declining standard of discipline

When the interviewees were asked to make choices between three possible causes for the declining standard of discipline at their units, formations and establishments, the results are as indicated in figure 4.8 below:

Figure 4.8 : Reasons for the declining standard of discipline



Most of the interviewees (48%) indicated that commanders are not leading effectively. Some of the interviewees (36%) indicated that they are not motivated because promotions in the NDF are not based on performances, years of services and military qualifications. Other interviewees (16%) pointed out that training on disciplinary matters is not conducted and that there is no career focused training in general.

The comparisons of data obtained from non-offenders and sentenced offenders show differences in percentages. The value each respondent has attached to each reason may

have contributed to those differences. Also, human beings like to apportion blame for their misdeeds to someone else. This might have been the case why more sentenced offenders (48%) perceived ineffective leadership as the major cause for the deteriorating standard of discipline at their units, compared to 37% of non-offenders. They may have viewed their prosecutions as a result of their commanders' failures to understand their

problems. This may explain why only sentenced offenders perceived poor interpersonal relations as one of the causes of indiscipline in the next Section.

The analysis of results presented by the sentenced offenders and non-offenders indicates that the majority of respondents believe that commanders are not leading effectively and that there seem to be a lack of motivation among NDF members. Lack of good leadership is not good for the NDF hence a need to address this issue.

4.3.7 Causes of indiscipline in the Namibia Defence Force

When the interviewees were asked to state the causes of indiscipline in the NDF, they cited the following reasons:

- Promotions which are not based on merits (36%).
- Poor interpersonal relations between seniors and juniors (34%).
- Alcohol abuse (14%).
- Favouritism (9%).
- Poor remuneration (7%).

The comparisons of the above perceptions with that of non-offenders reveal differences in perceptions, preferences and percentages. The differences in order of preferences and percentages regarding the perceptions of the sentenced offenders and non-offenders may be attributed to the importance each respondent has attached to a particular cause. Both non-offenders and sentenced offenders pointed out unfair promotions which are not based on merits as the number one cause of indiscipline in the NDF.

Of the interviewees who mentioned unfair promotions which are not based on merits, one pointed out that “you may find soldiers of the same intake, but some are promoted while the others are not, without due consideration of their performances” (T. Matias, personal communication, September 1, 2008).

From this overwhelming response, it can be concluded that there are problems with regard to the criteria used for promotions in the NDF. The researcher has confirmed through a survey of staff records at the Defence HQs, that a significant number of

promotions made in 2006, 2007 and 2008 did not meet the requirements as set out in the current NDF Personnel Policy; in terms of minimum years of service in a rank, military qualifications and confidential reports.

It is interesting to note that sentenced offenders did not consider corruption, tribalism and discrimination as causes of indiscipline in the NDF as regarded by non-offenders.

This can possibly be attributed to the way they have interpreted favouritism. They may have interpreted favouritism to include tribalism, corruption and discrimination or perhaps they did not observe such practices.

Also, interestingly, only sentenced offenders pointed out poor interpersonal relations as one of the causes of indiscipline. Their trials may have led to poor relations between them and their immediate commanders thus affected their interpersonal relations negatively. Apportioning of blame as discussed in section 4.3.4 can also be identified as potential contributing factor to their opinion. It should also be noted that poor interpersonal relations do exist in any organisation. Therefore, allegation of poor relationships can not be completely ruled out. And for that reason, commanders at all levels should strive to develop good interpersonal relationships with their subordinates.

Unanimity shown by both non-offenders and sentenced offenders regarding the causes of indiscipline in the NDF points to credible perceptions. Therefore, the study concludes

that the above mentioned views, likely represent the general perceptions of the majority of NDF members.

4.4 DISCUSSION OF COMMENTS OBTAINED THROUGH INTERVIEWS WITH COMMANDERS AND LEGAL OFFICERS

These interviews were designed to collect data regarding the effectiveness of enforcement mechanisms, shortcomings and what suggestions should be considered to improve the standard of discipline in the NDF.

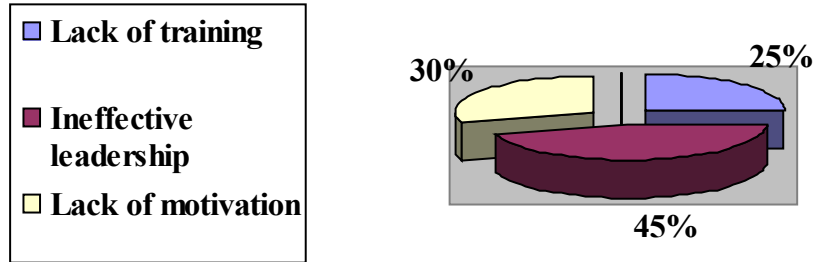
4.4.1 General information of the participants

A total number of 31 participants from selected units, formations and establishments were interviewed. Of the 31 respondents, 11 were Commanding Officers commanding units, ships, wings and bases, five Second in Command of units, 11 Legal Officers, one Assistant Defence Legal Advisor, one Senior Staff Officer Legal Affairs, one Senior Officer Legal Affairs, one Senior Officer Legal Training.

4.4.2 Views regarding the causes of indiscipline

When the interviewees were asked to make choices between three possible causes of indiscipline at their units, the results are as indicated in figure 4.9 on the next page:

Figure 4.9: Causes of declining standard of discipline



The majority of the interviewees (45%) pointed out that leaders are not exercising their leadership skills effectively. According to the Assistant Defence Legal Advisor at the Defence HQs, the poor standard of discipline is caused by “lack of leadership skills of superior commanders” (H.N Amutenya, personal communication, August 6, 2008). She added that commanders are reluctant to discipline their subordinates. It has also been pointed out that “there are commanders whose leadership does not have an impact on the discipline of their subordinates” (N.S. Shalanda, personal communication, August 21, 2008). A Senior Officer on Legal Training at the Defence HQs indicated that “discipline is not enforced at all levels of the military” (T.J. Lambert, personal communication, August 6, 2008).

Furthermore, a Legal Officer at Grootfontein mentioned that lack of motivation is caused by “promotions which do not take into account the service of a person who has been a Private since 1990” (T.N. Showa, personal communication, August 28, 2008). Also, a Wing Commander at Grootfontein (Air Force HQs) expressed the same

sentiment that “lack of recognition for a job well done and promotion opportunities” causes indiscipline (A.N. Hihepa, personal communication, September 2, 2008).

A Senior Legal Officer at the Army HQs who requested anonymity pointed out that “wrong posting of ex-combatants during the reintegration” resulted in former senior commanders being commanded by their former juniors. He added that such a state of affairs contributes to indiscipline in the NDF.

Some of the Commanding Officers mentioned that not all the officers and NCOs have attended the required courses. The Legal Officer at Walvisbay (Navy HQs) pointed out that “staff lack training in Military Law” (J. Awene, personal communication, August 19, 2008).

Both results obtained from the questionnaires and personal interviews indicated ineffective leadership as the major cause of the declining standard of discipline in the NDF. This unified response suggests that leadership is not exercised effectively in the NDF.

Also, results from all three different samples show differences in percentages and order of preferences. Such differences may be attributed to the importance each respondent has attached to a particular cause as alluded to earlier in this research. It is however

disturbing that even the Commanding Officers and Legal Officers are not satisfied with the manner leadership is exercised in the NDF.

4.4.3 Views about the effectiveness of enforcement mechanisms

On the question as to what instruments are at the disposal of the interviewees to deal with cases of indiscipline, all the interviewees validated military courts and summary trials as mechanisms to deal with major and minor offences respectively. Of the interviewees, 80% indicated that those enforcement mechanisms are effective, 10% believed that they are not effective whereas 10% expressed mixed feelings. One of the Commanding Officers who expressed mixed feelings pointed out that the instruments are to “some extent effective but sentences given do not yield the desired outcome on the offenders” (S.N Shaluda, personal communication, August 21, 2008). Similarly, the Assistant Defence Legal Advisor at the Defence HQs indicated that “the tools utilized are some how effective, but yet do not deter soldiers from committing misconduct” (H.N. Amutenya, personal communication, August 6, 2008).

It is encouraging that the overwhelming majority of the interviewees (80%) believe that the enforcement instruments are effective. It should be noted that no enforcement mechanism shall obtain 100% compliance. From the views expressed by the Commanders and Legal Officers, it is evident that the declining standard of discipline is not a result of ineffective enforcement mechanisms.

4.4.4 Recommendations to improve the standard of discipline

Finally, interviewees were asked for suggestions and recommendations to improve the standard of discipline. The Staff Officer responsible for legal training at the Defence HQs proposed that all courses for junior officers and junior NCOs run at the Military School should include military law in order to ensure that all junior commanders at all level are aware of their roles regarding the implementation of the MDC. He further proposed that there is a need to focus as well on education which is aimed at developing the career of an individual. According to a Commanding Officer at Otjiwarongo, “both officers and other ranks need to be trained in both Leadership and Military Law to enable them to influence their subordinates’ discipline” (N.S Shaluda, personal communication, August 21, 2008). Likewise, the Legal Officer at the Navy HQs proposed that there is a need to train low level commanders on how to implement the MDC correctly.

The Senior Legal Officer at the Army HQs who did not want his name to be revealed recommended that “commanders at all levels should be trained in appropriate courses” wherever they are offered. The Legal Officer at Military School, Okahandja, has recommended “Refresher and Military Law courses” for Commanding Officers and senior officers who did not attend Military Law Courses (J.I Alugodhi, personal communication, December 02, 2008). He added that the NDF should send as many officers as possible to attend a “Prosecutors and Presiding Officers Course” run at

UNAM in order to build sufficient capacity. Also, he proposed that all Legal Personnel whose responsibilities are legal in nature should attend appropriate Legal Training at Academic Institutions.

Some of the interviewees recommended stricter application of disciplinary procedures. According to the Legal Officer at Otjiwarongo, there is a “need to establish detention barracks” in order to increase sentencing options especially for AWOL cases. (A.M. Simataa, personal communication, August 21, 2008).

The proposal of establishing detention barracks deserves to be considered as a matter of necessity. It is worthwhile to note that although the Defence Act (2002) makes provision for detention barracks as one of the sentences which can be imposed by military courts and summary trials, this sentence can not be implemented due to non-existence of such barracks. At the moment, military courts and summary trials only rely on fines as appropriate sentences especially for AWOL. Fines as pointed out by some of the Commanding Officers do not deter habitual and would-be offenders. Therefore, the establishment and implementation of detention barracks may reduce cases of indiscipline in the NDF.

4.5 DATA PRESENTATION AND ANALYSIS OF RESULTS OBTAINED FROM DISCIPLINARY RECORDS

The purpose of a disciplinary records survey was to obtain statistics as to the number of disciplinary cases reported since 01 January 2004 to 01 December 2008 and to establish whether such records support the results obtained from the questionnaires and personal interviews. Also, the survey was aimed at establishing the most common offences committed during the said period. Courts martial and summary trials registers from the Defence and Army HQs were perused to establish the facts. Regrettably, disciplinary records of the Air Force and the Navy were not available for scrutiny. It is worth pointing out that the Defence HQs has only disciplinary records as of 2007-2008 of the Air Force and of 2008 of the Navy. Therefore, the survey only focused on the data provided by the Army. It is worth noting that the Army constitutes the biggest element of the NDF, of about 70 percent in terms of personnel.

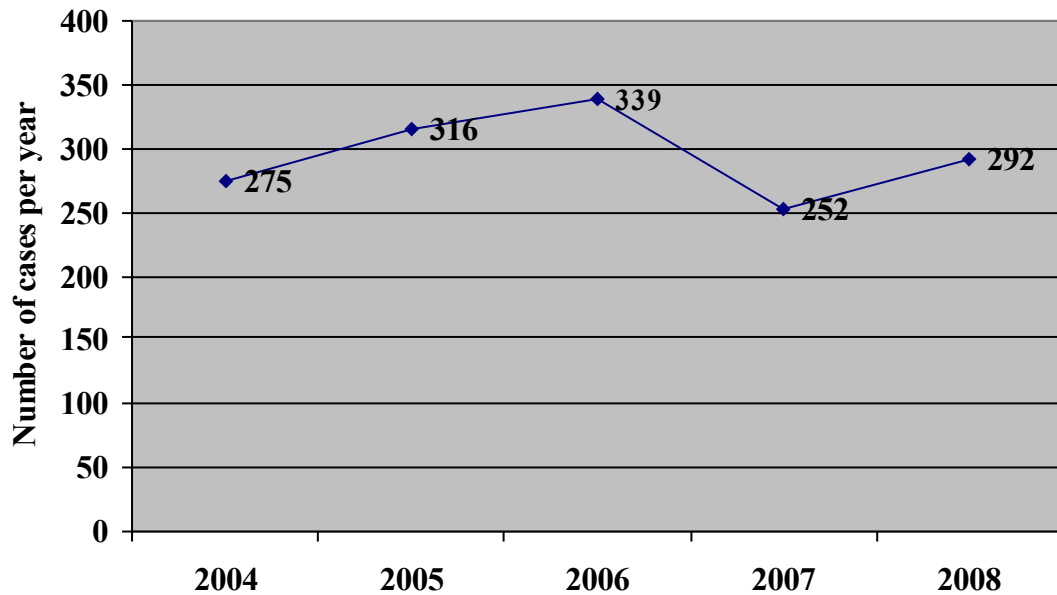
4.5.1 Number of cases of indiscipline recorded by the Army from 2004 to 2008

The numbers of cases of indiscipline recorded by the Army since 01 January 2004 to 01 December 2008 are as follow:

- 275 in 2004.

- 316 in 2005.
- 339 in 2006.
- 253 in 2007.
- 292 in 2008 (From 01 Jan-01 December).

Figure 4.10 : Cases of indiscipline recorded from 01 January 2004 - 01 December 2008



The graph in figure 4.10 above indicates that cases of indiscipline have been on the increased since 2004 to 2006. According to the graph, cases of indiscipline increased

with 15 and seven percent in 2005 and 2006 respectively. The increase may have been an indication that the discipline of the Force was declining at that time.

An analysis of the graph revealed that cases of indiscipline reduced significantly by 35 percent in 2007. This reduction may be regarded as an improvement in discipline in 2007. This may be a result of the warning issued by the CDF during his familiarisation tour in 2007, when he gave an ultimatum to undisciplined soldiers to either “shape up or ship out of the Force”. The soldiers may have been afraid to become the first victims of such an ultimatum, and refrained from misbehaving. It is also possible that commanders may have welcomed the ultimatum with enthusiasm, and started enforcing discipline.

Furthermore, the examination of the graph revealed that cases of indiscipline increased by 16 percent in 2008. This was the highest increase in term of percentages of cases of indiscipline recorded since 2004. This may be an indication that the discipline of NDF members is deteriorating. The commanders may have become reluctant to lay charges against offenders as alleged by some of the respondents in Section 4.2.4 on page 52.

It is imperative to point out that the number of cases of indiscipline recorded in 2008 would have be more if cases committed in December were included. If one is to assume an average of 27 cases of indiscipline per month, this would have increased the cases to about 319 cases of indiscipline in 2008.

The number of cases of indiscipline recorded in 2008 confirm the perception of the respondents as well as that of the CDF that “discipline is declining” in the NDF. Based on the disciplinary records of 2008, it can be concluded that discipline is deteriorating in the NDF. It is vital that case of indiscipline is reduced to the lowest possible level as it was the case in 2007.

4.5.2 Most common offences

The disciplinary records indicated the following as the most common offences committed over the period 01 January 2004 to 01 December 2008:

Table 4.4: Number of common offences committed per year

Type of offence	2004	2005	2006	2007	2008
AWOL	192	219	233	146	191
Disobeying of a lawful command	24	20	30	29	21
Assaulting a superior officer	19	21	23	28	5
Theft	6	9	10	14	30

The above table shows AWOL as the number one offence committed in whole period of five years. It constituted 65 percent of the total cases recorded in 2008, and an average of 67 percent of the total cases recorded from 2004 to 2008. According to the table,

AWOL consistently increased from 2004 to 2006. The increase could be attributed to factors as earlier alluded to in Section 4.3.2 on page 64. The cases of AWOL reduced significantly by 37 percent (87 cases) in 2007. The warning issued by the CDF in 2007 to members of the NDF may have contributed to the reduction in cases of AWOL in that year.

The table 4.4 indicates fluctuations in the numbers of cases recorded. Inconsistence in control as a result of change in command may have contributed to the fluctuations in the numbers of cases committed per year. Loose and or tighter control may have contributed to the increase or reduction of the cases. Factors such as the global economic crisis and higher inflation rate in Namibia may have contributed to the 100 percent increase in theft cases in 2008. It is also worth pointing out that cases of indiscipline will never show similar trends due to factors as pointed out in this Section. The results shown in table 4.4 concur with the finding in Section 4.3.2 on page 63 which indicated AWOL as the number one offence committed in the NDF. It is therefore critical for the NDF to examine the causes of AWOL in the NDF.

4.6 DISCUSSION OF FINDINGS

The research established that most of the participants (96%) were aware as to what is regarded as offences in terms of the MDC. Therefore, non-familiarity with the code is

not a reason for the violations of the MDC. It is however important to continuously educate officers and NCOs on their roles of enforcing discipline. Similarly, soldiers too should be constantly educated in order to remind them on the MDC which they may take for granted.

Results from both the questionnaires and personal interviews (of about 70%) revealed that the standard of discipline is declining as a result of ineffective leadership, lack of motivation emanating from non-adherence to policies and standing instructions as well as due to lack of training.

The disciplinary records of 2008 indicated that cases of indiscipline increased by 16 percent in that year, thus concurring with the perception echoed by the majority of the participants who indicated that the discipline of NDF members is “declining”. It should however be noted that discipline is multifaceted, and can not be measured against the number of cases of indiscipline recorded in years alone. Some behaviour which constitute indiscipline can not be recorded or quantified in numbers. A typical example of such cases of indiscipline, was a manifestation of poor discipline by a group of Military School members who failed to pay the necessary compliments to the new CDF when he visited the School in 2007, whereupon he remarked during the parade that “if I, in my capacity as CDF, not as Martin Shalli walking in the base and pass a group of soldiers who are sitting without coming to attention, to whom else shall these soldiers show respect, salute or pay compliments”? (Military School, 2007, p. 4).

All the results presented by this study, confirmed CDF and MOD Strategic Workshop's presuppositions that "discipline is deteriorating". Given such unanimity, the study concludes that the standard of discipline is declining. It is therefore vital for the NDF to stop the degenerating standard of discipline before indiscipline reaches unmanageable stage.

Results from personal interviews with sentenced offenders and a survey of disciplinary records established that AWOL is the number one common offence. Absence without leave seems to be a chronic offence in the NDF. This should be a worrying development which should call for a special investigation to establish the real causes of AWOL, in order for the NDF to come up with appropriate solutions to minimise cases of AWOL in the Force.

The overwhelming majority of the respondents pointed out promotions which are not based on merits as the top reason for indiscipline in the NDF. The study established that promotions criteria contained in the NDF Personnel Policy of 1994 are relevant and just need minor revisions and may lead to good outcome, if implemented fully. It is therefore disturbing that although the NDF Personnel Policy is clear with regards to criteria for promotions, the practices are different. The NDF should strive to comply with its policies. The compliance will not only boost the morale of the soldiers, but will reassure them that they have equal and predictable career opportunities in the Force.

Poor remuneration, favouritism, alcohol abuse, wrong postings and poor interpersonal relations are also pointed out as sources of indiscipline. Based on the heterogeneity of respondents and their years of service (ranging from 1-18 years, the overwhelming majority being between 3-18 years), it is likely that their views represent the general perceptions of the majority of NDF members. Also, given the geographical representations covered by the research (six regions with the most units, formations and establishments), the sample appears to be a credible reflection of the NDF. This gives credibility to respondents' opinions and perceptions regarding the causes of indiscipline in the NDF. Therefore, the study concludes that indiscipline in the NDF is caused by factors as established by this research.

The majority (86%) of the respondents indicated that the enforcement mechanisms are effective. Given such enormous response, one can conclude that the enforcement mechanisms are indeed effective. Although the enforcement mechanisms were confirmed to be effective by officers and Privates alike, there is still a need to ensure that commanders at all level are trained on their specific roles with regard to the administration of discipline. Therefore, notwithstanding the need for officers and NCOs to attend relevant Military Law Courses run at Military School, refresher courses and training sessions on the adherence and implementation of the MDC as proposed by some of the participants, ought to be organised regularly by the Defence HQs, formations, establishments and units to ensure that all Commanding Officers and their subordinates

are kept abreast with disciplinary matters. In addition, the establishment and implementation of detention barracks should be considered as a matter of necessity. Its implementation may not only expand sentencing options, but may lead to the reduction in cases of indiscipline in the NDF.

As good commanders are essential for maintaining discipline and motivation, commanders ought to be imparted with the necessary skills, knowledge and experiences in order to be able to improve and maintain discipline. Therefore, the NDF should ensure that those earmarked for command appointments are sufficiently trained and careful consideration should be made when selecting those to become NCOs and officers. Also, the NDF should strive to post commanders with appropriate attributes suitable for specific level of command.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS

This study has attempted to establish the effectiveness of enforcement mechanisms, the state of discipline and the causes of breach of discipline in the NDF. The research presupposes that the standard of discipline is declining, and is aimed at putting forward proposals which could reverse such decline.

A sample of 932 participants (consisting of 857 respondents for the questionnaires, 44 sentenced offenders and 31 respondents consisting of Commanding Officers, Second in Command and Legal Officers) representing all NDF Services took part in the research. The selection of respondents was designed in such way to get views from all ranks. The research was aimed at finding out the causes of breach of discipline in the NDF and to establish whether the enforcement mechanisms were effective or not.

To achieve its aim, the study covered units, formations and establishments located in the central, north and northeast regions of the country. The selection of the regions was specifically planned to cover the majority of units, formations and establishments of all NDF Services. It is anticipated that such covering would offer a better picture as to the

state and reasons for breach of discipline in the NDF, and thus making the findings of the study to be reliable.

The research used questionnaires, personal interviews and a survey of staff and disciplinary records to collect data. The researcher interviewed all the Commanding Officers, Seconds in Command and Legal Officers and personally administered the questionnaires. The researcher made use of a Chaplain from Otjiwarongo to conduct personal interviews with some of the sentenced offenders.

The study has established that the standard of discipline is declining due to factors as identified by this research. Also the causes of indiscipline in the NDF have been established. For the NDF to reverse the declining standard of discipline and to improve and maintain the required standard of discipline, it needs to strive to avoid factors that breed indiscipline. Particularly, the NDF needs to ensure that it creates effective structures where rules, policies and practices are fair, equitable, consistent, egalitarian and legitimate if it is to reduce inappropriate behaviour. The policies should not only be created, but should be adhered to, because policies prescribe the manners in which an organisation should operate.

5.2 RECOMMENDATIONS

Mindful of the principal findings presented in Chapter 4 of this study and considering the vital importance of discipline in a defence force, this thesis recommends the following:

- Revision of the NDF current Personnel Policy.
- Improvement of remuneration of staff.
- Establishment of an inspectorate body to oversee internal grievances and complains.
- Establishment of detention barracks.
- Further research on the specific causes of AWOL.
- Adoption of verbal warnings as part of NDF disciplinary structure.
- An investigation into allegations of favouritism, tribalism, reluctance and incompetence in dealing with offenders.

- Inclusion of MDC training in the unit's yearly training programme.
- Production of pocket-size MDC booklets for distributions to soldiers.
- Adoption of Kemp's checklist for managing discipline.
- Induction training of Commanding Officers earmarked to command units.
- Posting of commanders with appropriate traits of leadership.

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ANNEXURE A

GENERAL QUESTIONNAIRE

(To be completed by all ranks from Private to Lieutenant Colonel)

This questionnaire is designed to collect views from all ranks regarding the standard of discipline, their opinions about the causes of indiscipline as well as suggestions for the improvement of discipline in the NDF.

Instructions. Do not indicate your name. Please tick only one choice with a right mark in the block corresponding with your choice when required to do so. Use a pen and not a pencil.

Unit:..... Rank:..... gender:..... Age:.....

QUESTIONS

1. For how long have you been serving your current unit?
2. Are you aware of what is regarded as offences in terms of the Military Disciplinary Code?

Yes	
No	

3. If not, **why?**
.....
.....

4. Are all offenders in your unit charged for offences they have committed?

Yes	
No	

5. If not, **why?**:

.....

.....

.....

6. Are all cases of indiscipline in your unit dealt with on time?

Yes	
No	

7. If not, **Why?**

.....

.....

.....

8. Is the standard of discipline in your unit declining?

Yes	
No	

9. If yes, what could be the cause?

Lack of training	
Ineffective leadership	
Lack of motivation	
Other	

Specify:.....
.....
.....

10. How do you rate the current standard of discipline of your unit?

Very good	
Good	
Poor	
Very poor	

11. What in your view causes indiscipline in the NDF?
.....
.....

12. What do you recommend to improve the standard of discipline in your unit?

Training	
Increased disciplinary actions	
Good leadership	
Other	

Specify:
.....
.....

13. What else do you recommend to improve the standard of discipline of your unit?

.....

.....

.....

.....

Thank you very much for your voluntary participation.

ANNEXURE B

INTERVIEWS WITH SENTENCED OFFENDERS

This interview is intended to collect data to establish the reasons why sentenced offenders have committed offences and what proposals they offer to limit misconducts in the NDF.

I am a post graduate student at the University of Namibia, pursuing a Masters Degree of Arts in Security and Strategic Studies. For my Thesis, I am investigating the level of indiscipline in the NDF. I would like to kindly request you to assist me in providing your views in this regard. Please note that all your information shall be treated with the utmost confidentiality. Your name shall not be revealed without your permission.

Rank:.....Full Names:..... Unit:.....

Gender:..... Appointment:

Age:

Do you prefer your names to be disclosed in the research?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Signature :

QUESTIONS

1. For how long have you been serving your current unit?

2. Are you aware of what is regarded as offences in terms of the Military Disciplinary Code?

Yes	
No	

3. If not, **why**?

.....

.....

.....

4. Is the standard of discipline in your unit declining?

Yes	
No	

5. If **yes**, what could be the cause?

Lack of training	
Ineffective leadership	
Lack of motivation	
Other	

Specify:.....

.....

.....

.....

6. How do you rate the current standard of discipline of your unit?

Very good	
Good	
Poor	
Very poor	

7. What in your view causes indiscipline in the NDF?

.....

.....

.....

.....

8. Have you been in conflict with your superiors?

Yes	
No	

9. If yes, what was the conflict about?

.....

.....

.....

10. Have you been tried for an offence in a military court?

Yes	
No	

11. What have you been tried for?

.....

.....

12. Have you been found guilty or not:.....

13. Was this the only time to be tried in a military court?

Yes	
No	

14. If not, how many time?

15. Why did you commit the offence?

Boredom	
Work related stress	
Personal problems	
Other	

Specify:

.....

.....

16. What do you propose that shall prevent soldiers from committing offences?

Good training programme	
Stricter enforcement of discipline	
Consideration of welfare	
Other	

Specify

.....

Thank you very much for your participation.

ANNEXURE C

INTERVIEWS WITH COMMANDERS AND LEGAL OFFICERS

This interview is designed to collect data regarding the effectiveness of enforcement mechanisms, shortcomings and what should be considered to improve the standard of discipline in the NDF.

I am a post graduate student at the University of Namibia, pursuing a Masters Degree of Arts in Security and Strategic Studies. For my Thesis, I am investigating the perceived lack of discipline in the NDF. I would like to kindly request you to assist me in providing your views in this regard. Please note that all your information shall be treated with the utmost confidentiality. Your name shall not be revealed without your permission.

Rank:.....Full Names:..... Unit:.....

Gender:..... Appointment:

Do you prefer your names to be disclosed in the research?

Yes	
No	

Signature :

QUESTIONS

1. For how long have you been serving your current unit?

2. What are the common offences committed by your soldiers?

.....

.....

.....

.....

3. Do you strictly apply the stipulations of the Defence Act when it comes to misconduct?

Yes	
No	

4. If not, why?

.....

.....

5. What instruments are at your disposal to deal with cases of indiscipline?

.....

.....

.....

.....

6. Are those instruments effective?

Yes	
No	

7. If not, what do you recommend to deal effectively with cases of indiscipline.....

.....

.....

.....

.....

8. How do you rate the current standard of discipline of your unit?

Very good	
Good	
Poor	
Very poor	

9. If not **good**, what could be the problem?

.....

.....

10. How do you rate the competence of your officers and non-commissioned officers in dealing with disciplinary matters?

Very good	
Good	
Poor	
Very poor	

11. How many qualified prosecutors and trial officers do you have in your unit?

12. Are they enough?

Yes	
No	

13. Are they competent?

Yes	
No	

14. What in your view causes decline in the standard of discipline in the NDF?

Lack of training	
Ineffective leadership	
Lack of motivation	
Other	

Specify :

.....

.....

15. What do you recommend to improve the standard of discipline of your unit?

Training	
Stricter application of disciplinary procedures	
Other	

Specify :

.....

16. What else do you recommend to improve the standard of discipline in the NDF?

.....

.....

Thank you very much for your participation.

ANNEXURE D

RESTRICTED

CDF/600/20/1

Tel: 2049111
Ext: 2122
Enq: Col KC Ndjoba

Ministry of Defence
Private Bag 13307
WINDHOEK

29 July 2008

See Distribution

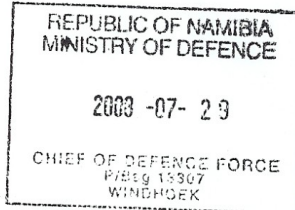
**FACILITATION OF A FIELD RESEARCH BY STUDENTS DOING A
MASTER'S DEGREE IN SECURITY AND STRATEGIC STUDIES (MA-SSS) AT
UNAM**

1. The NDF/MOD is having a number of officers/officials students undertaking a study at the University of Namibia (UNAM). The students concerned are currently busy with their final year of study for the MA-SSS degree. Part of their final year study programme, they are obliged to undertake individual academic research projects on various topics. For this study to be possible and successful, they would require firm assistance from the MOD/DHs, all arms of service HQs as well as formations and units. The assistance needed would include, Daily Subsistence Allowance, transport, availing of respondents to the questionnaires they will administer and any other assistance as the situation may dictate.
2. Against this background, the students will be embarking on a research tour to the MOD/DHQs, all arms of service HQs as well as to formations and units. These establishments are therefore hereby instructed to render the necessary assistance to these very important institutional capacity building research projects.
3. The individual students' research topics and execution time tables vary; it is therefore incumbent upon them to appraise the hosting headquarters and formation/units on their specific programmes and the nature of assistance they would require.
4. COS Personnel in conjunction with D Fin and Civil Training to provide the necessary amenities for the seamless realization of the student's research activities.

RESTRICTED

RESTRICTED

5. Attached is the name list of the students concerned. It includes an additional student (Major Mahela) who is equally doing his Masters of Public Policy Degree at UNAM.



H. Shalli
M. SHALLI
CHIEF OF THE DEFENCE FORCE: LT-GEN

Distribution

External

Action

AC (Formations and Units under Command)
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Comdt MS
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CO C/Depot
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