

**A CRITICAL ASSESSMENT ON STRATEGIES TO DETECT AND COMBAT SYSTEMIC  
CORRUPTION IN THE NAMIBIAN POLICE FORCE**

by

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## **DEDICATION**

This thesis is dedicated to my entire family.

## **ACKNOWLEDGEMENT**

I recognise, with the deserved level of appreciation, the seamless effort that was conferred by my promoter, Doctor Lekubu Bernard Khotso.

Catherine Namasiku Masake, your invaluable support is deeply appreciated.

Otja Tjahikika, I cannot thank you enough, accept my appreciation.

## **ABSTRACT**

Systemic corruption presupposes the commission of corrupt practices in an organised manner, at a scale and intensity, that is unparalleled to other types of corruption. The assumption is that the deficiency in regulatory framework, policies, structure, political environment, and weak control systems in the Namibian Police Force exacerbates the commission of systemic corruption. In this context, police officers may use the cover of these deficiencies to commit corrupt practices. The point of departure, for this study, was to recognise that corruption, in the Namibian Police Force, was pervasive, prevalent and it was harmful to the police organisation, society and economy. Against this backdrop, the main objective of this study was to critically assess the strategies that were adopted to combat and detect systemic corruption in the Namibian Police Force. The study adopted qualitative methodology, utilising empirical research design and semi-structured interview, that were explorative in nature. The data was analysed using content/thematic analysis techniques. Derived from the analysed data, the study found several deficiencies in the strategies that were adopted by the Namibian Police Force. The deficiencies included lack of transparency, lack of access to information, ineffective recruitment, and selection procedures, outdated policies, and influence of colonial police culture. Premised on these identified deficiencies, the study made several recommendations, among others, the adoption of both direct and indirect anti-systemic corrupt practices strategies and the introduction of a holistic approach. The basis for recommending a holistic approach as found by this study was that there is not a single strategy that is all-embracing in fighting systemic corruption. Therefore, a combination of strategies may be the best option in combating and detecting systemic corruption.

## **LIST OF KEY WORDS**

Systemic Corruption; Strategy; Combating; Detection; Prevention; Policy; Ethics;  
Police corruption; Integrity; Professionalism; Holistic strategy

## DECLARATION

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**Thesis Title:** A critical assessment on strategies to detect and combat systemic corruption in the Namibian Police Force

I declare that the above thesis is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the thesis to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.



**Signature**

05 November 2022

**Date**

## LIST OF ACRONYMS

ABR	: Afro Barometer Report
ACC	: Anti Corruption Commission of Namibia
ACFJ	: African Criminal Justice Forum
AIDS	: Acquired Immunodeficiency Syndrome
AUCPCC	: African Union Convention on Prevention of and Combating Corruption
CZA	: Constitution of Zimbabwe Amendment
DSO	: Directorate of Special Operations
E-POLICING	: Electronic Policing
GDP	: Growth Domestic Product
HDI	: Human Development Index
HIV	: Human Immunodeficiency Virus
IACF	: International Association of Chiefs of Police
IG	Inspector General
IPIDA	: Independent Police Investigation Department Act
NPFSP	: Namibian Police Force Strategic Plan
NPFAM	: Namibian Police Force Administration Manual
NPU	: National Prosecution Unit
PHD	: Doctor of Philosophy
PCCA	: Prevention and Combating of Corrupt Activities

POCA : Prevention of Organised Crime Act

SAPS : South Africa Police Service

UK : United Kingdom

UNCAC : United Nation Convention against Corruption

USA : United States of America

SDG : Sustainable Development Goals

WGI : World bank Governance Indicator



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## CHAPTER 1

### INTRODUCTION AND ORIENTATION OF THE STUDY

#### 1.1 Introduction

The incidences of corrupt practices, in law enforcement sector in Namibia, are on increase and largely remain in an unkempt state (Amupanda, 2019:187; Kahiurika, 2019:4). In April 2021, a cabinet minister responsible for the Namibian Defence Force was forced to resign amidst the allegations of corrupt practices (Tjitemisa, 2021:2). In 2016, the head of human resources directorate of the Namibian Police Force, and three others were arrested and brought before court by the Anti-Corruption Commission of Namibia (ACC), on allegations of recruitment corrupt practices (Haidula, 2016:1). The disarray state of corrupt practices persists not only at the disbursement of greed on the behalf of the individual law enforcement officers but also at the outlay of the inadequate legislative framework, structure, and system. The latter is dubbed as systemic corrupt practices enabler (Anders, Kanyongolo & Seim, 2020:317; Amupanda, 2019:190; Rose-Ackerman & Truex, 2021:23).

Systemic corruption theory recognises the role of individuals in the commission of corrupt practices. However, it extends further and presupposes that the weaknesses or deficiencies imbued or permeated in the legal framework, structure and system affords an opportunity for corrupt practices to manifest (Anders et al, 2020:318). Some of the signposts of systemic corruption include, among others, policing practices that fails to advocate for external oversight (Mugari, 2018:3). The implication include that corrupt practices committed by police officers are left to be investigated by a police internal body. Further, government's continued reluctance to review the low



remuneration packages for police officers, particularly, police officers in lower ranks. Furthermore, the lack of transparency in the administration and management of the police affairs. It is important to note that the administration and management of the Namibian Police Force is largely premised on the pre-independence police manuals. For example, the promotions are still based, to a large extent, on the recommendations of those in command and supervision positions as opposed to objective assessment criteria, such as promotional tests or interviews. Therefore, this study is premised on the following suppositions, namely that:

- corruption is prevalent in the Namibian Police Force.
- corruption in the Namibian Police Force is exacerbated by weak regulatory system that was inherited from the colonial administration.
- currently the Namibian Police Force apply frail internal strategy, such as internal investigation mechanism, to investigate alleged offences committed by members of the police.

These suppositions are consistent with the indicators of systemic corruption. Internal investigation measures have been criticised, among others, that it has potential to delude transparency and exacerbates cover ups (Stelkia, 2020:3).

This study recognises that currently, there is fragmentation of legal instruments that are applied to instil discipline or curb criminality in the law enforcement sector, specifically, the Namibian Police Force. Some of these fragmented and self-defeating legal instruments include the Protection of Information Act 84 of 1982. This legislation is an anti-thesis of access to information and transparency. It is arguable that currently, the Namibian Police Force has no coherent nor a holistic strategy which is designed to detect and combat corrupt practices committed by police officers. To buttress the

argument on frail and incoherent strategy, it is evident that police corrupt practices are reported to be on the increase (Kahiurika, 2019:4). In addition, there is high level of deficiencies in the structure and police anti-corruption framework which manifest at all levels (Amupanda, 2019:190). It is this study's argument that a holistic approach or anti-corruption strategy is needed to detect and combat police corruption. In this context, a holistic strategy refers to a strategy that embodies all the factors, *inter alia*, the individual, how the system operates and the legal framework.

Since the focus is on developing the working anti-corruption strategies, the researcher retained much flexibility in the search of working solutions (strategies) to address the research problem, specifically in the rank and file of the Namibian Police Force.

## **1.2 Background of the study**

There are various categories of corruption, among others, systemic and asystemic corruption (Graycar, 2015:88). Theoretically stating, systemic corruption finds its enunciations from system theory. System theory presupposes the interdisciplinary of things or people with defined structures, attributes, and functions which are influenced at the expense of space, environment, and time. The assumption is that a system operates effectively and efficiently. However, what happens when the system breaks down? Several other things may opportunistically occur including systemic corruption (Nezhina, 2014:15). The argument is that when the system fails to work as designed, some shadow system may thrive or manifest.

According to Laver (2014:10) systemic corruption refers to corruption that is triggered, boosted, or promoted by the system itself. In this context systemic corruption may be construed as a form of corruption that primarily owe its existence at the disbursement of defective organisation, system, legal framework, or process (Vergara, 2020:4). This

can be segregated from individual officials who act corruptly in an institution, process, or system. Beyond the wreck of legal framework, system, or formal rules there is a theoretical standpoint that systemic corruption may manifest even in the presence of formal rules (Cuellar & Stephenson, 2020:8). Therefore, systemic corruption presupposes that the problem transcends beyond the presence or absence of formal rules to include a situation where there are competing and conflicting set of informal rules (Laver, 2014:11).

Juxtaposed in the context of this study, the origins, the manifestation, and prevalence of systemic corruption in the Namibian Police Force cannot be overstated and can be traced far back to 1884 and through various policing regimes. Historically and politically, Namibia from 1884 to 1915 was under the colony and administration of Germany (Kössler, 2015:1). The extended administration of Germany military and police existed. It is important to note that under this regime, the police and military were by law allowed to commit heinous crimes, such as genocide, grand corruption, grand theft of livestock, murder, assault, and illegal farmlands occupation which were facilitated by the colonial laws (Benyera, 2018: 123). Relevant to this study is the fact that the police and military were allowed or permitted by the then legal system to commit these heinous crimes and atrocities (Vale, 2014:39). The situation and condition under which the police, under the Germany rule, operated that permitted or allowed the police to commit heinous crimes is referred to in this study as criminogenic system. Gavel (2017:6) describes criminogenic system as a condition that proliferate and enables the commission of crimes and criminality. In the context of the colonial rule in Namibia, it was the norm for the military and the police to commit corruption and any other crimes and such criminality was protected by the law. These episodes

of the Germany regime squarely fit within the conceptual meaning of systemic corruption.

The defeat of Germany in early 1900 by the Union Government of South Africa, led to the occupation of South Africa in South West Africa, Today, Namibia. At the height of the South African occupation further injustice and atrocities were committed by military and the police. These atrocities were arguably sanctioned and protected by the law (Vale, 2014:39). The effect of these colonial rule includes the inheritance of the criminogenic system. This is evident in the Namibian Police Force as the policing legal framework were drafted, structured, and designed in such a manner that police corrupt practices, heightened by apartheid governance system, enjoyed a *de facto* and *de jure* impunity (Kössler, 2015:1).

In 1990 Namibia became independent and the policing mandate was officially vested in the Namibian Police Force. In terms of the instrument of transfer of power from the apartheid regime to the independent Namibia, it became clear that the laws which were in force on the date of independence were as well transferred to the independent regime. In this manner the colonial laws formed part of the laws of the independent Namibia as provided for in article 143 of the Namibian Constitution. The implication is that the police manuals on training, finance, operations, store and investigations were as well transferred from the previous policing regime. Further implication is that at the time of transfer, these instruments were not discarded nor rewritten, rather they continued to be applied in the form as they were inherited. The transfer resembled a retention and preference of form over substance. Therefore, it is submitted that decolonisation achieved the political independence but not the decoloniality of the criminogenic legal framework that seated the police operations and administration.

It is agreeable that incredible policing reform occurred post-independence. However, it is important to note that 30 years post-independence there are still laws which are valid with force and effect, that date back to the apartheid South African regime in Namibia (Petersen, 2021:1). The Namibian Police Force is still riddled with secrecy and lack of transparency. This is evident in that complaints in which the members of the police force are suspected to have committed the crimes are still investigated by an internal department within the police force. Further, promotions are still largely based on the same principles as before independence. Furthermore, there is insistence on the adoption and the application of the principled principal at the expense of other modalities of crime combating (Zollman, 2011:40). These solidifies the argument or statement of favouring form over substance.

The consequences of these inherited flawed legal and policing framework exacerbate and entrenches systemic corruption that is undeniably present, continues unabated and is prevalent. At the present, the police construe society to reside in a different continuum distinct from the police (Hubbard, 2021: 2). This leads to the divide between the police and the community, seamlessly, profiting the theory of us (police) against them (community). This policing style was commonly practiced during the Germany and South African occupation in Namibia (Kössler, 2015).

In sum, systemic corruption is pervasive, and it leads to poor governance, lack of development, deplete country fiscus and reduction of state's ability to provide services to all. The consequences of systemic corruption are a reality in number of the countries and Namibia is not an exception. For example, in Namibia the graft case dubbed fish-rot led to several employees to lose their jobs, commission of suicide, and hardship on family members (Amupanda, 2019:187; Amakali, 2021:2).

### 1.3 Extent of corruption in Namibia

Corruption is a serious concern worldwide and its negative effects are of far-reaching consequences. The consequences may include corrosion of governance, misappropriation of state resources, violation of human rights, and proliferation of organised crimes (Amupanda, 2019). In Namibia, corruption has an ugly history. The Figure 1 below paints a picture and reflects on scores, and number of corrupt practice cases reported in Namibia, derived from a combination of reports such as that of the ACC Namibia, Transparency International, and Afrobarometer.

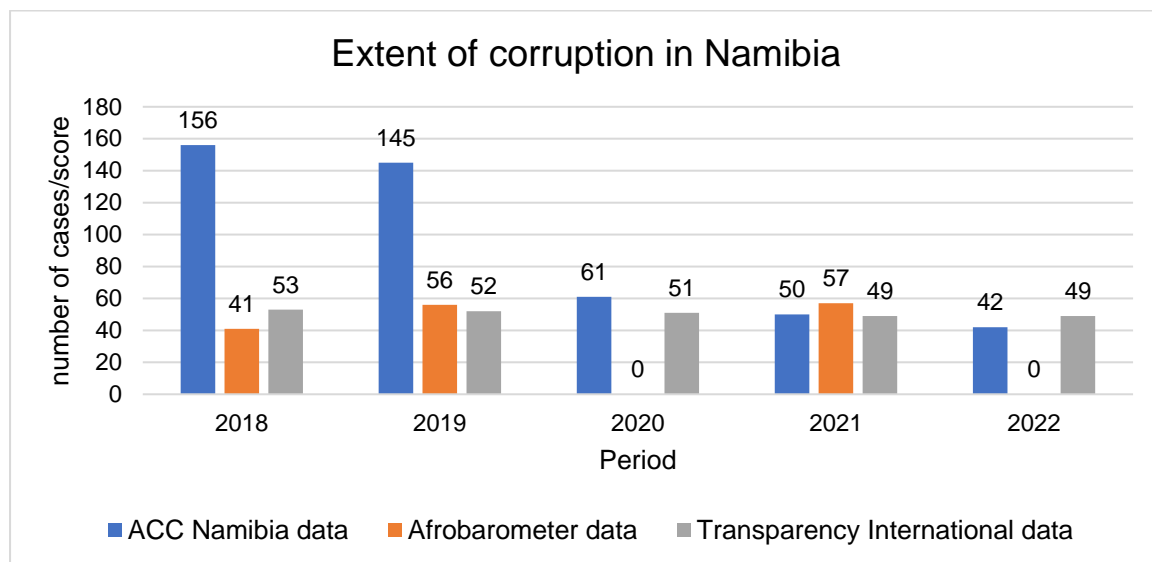


Figure 1: *Extent of corruption in Namibia*

Source: *Researcher's extraction from secondary data*

Figure 1 reveals that for the past five years corruption is prevalent in Namibia. Notably, Namibia continues to be perceived as one of the highly corrupt countries. The Transparency International's corruption perception indicator shows that Namibia moved from a score of 51 in 2020 to 49 in 2021 that remained constant in 2022 (Transparency International, 2022). Domestically, the ACC's data set reflects a worrisome trend on corruption in Namibia. For instance, in 2022 there were about 110 allegations of corruption that were received by the ACC. Of these allegations, about

42 were determined by the ACC as warranting investigation (ACC, 2022). The trend on corruption, from the ACC's data, is consistent in Namibia. This is evident, deduced from the allegations that warranted investigation with 42 cases in 2022, whereas in 2021 there were 50 cases, and in 2020 with 61 cases. These cases exclude the dark figure factor (unreported corrupt practice cases). Potentially, there could be a further rise in the reported number of cases if the dark figure factor was to be included in the equation (Amupanda, 2019).

It is not in question to whether corruption is prevalent, pervasive, and exist in Namibia (Asheela-Shikalepo, 2021; Kamanzi and Shiimi, 2022). A possible question, is rather, at what extent? In addition, the question may be whether such corruption could be discounted and typified as isolated, aggregated at systemic or state capture. The assertion is that there are traces of systemic corruption in Namibia (Amupanda, 2019). The indicators of systemic corruption include prevalence of corruption, non-responsive policies, processes, and procedures, tolerance/ condoning corrupt practices, and loopholes in anti-corruption legal frameworks (Coetzee, 2012). These enablers consistently persist in Namibia (Amupanda, 2019; Asheela-Shikalepo, 2021, Kamanzi & Shiimi, 2022). A typical example of loopholes in anti-corruption laws in Namibia include that the Anti-Corruption Act 8 of 2004 fails to incorporate corruption committed in private sector.

In addition, corruption is so entrenched to an extent that parliamentary processes could easily be manipulated to promulgate or amend legislations to enable corrupt practices (Mumbuu, 2022). This is apparent from the legislative amendment on the Marine Resources Act 27 of 2000 that was amended by the Marine Resources Amendment Act 9 of 2015. The Marine Resources Amendment Act 9 of 2015 introduced sections 38 and 39A that redefined and conferred excessive powers on the

minister responsible for fisheries and marine resources in the allocation of fishing rights and the determination of allowable catch. The ambience of these powers culminated in the “fishrot” case in Namibia. Therefore, with these egregious issues, the premise for this study is based on the quest or effort to develop an effective and responsive strategy against systemic corruption.

The security sector, particularly, the Namibian Police Force is not an exception in the commission of corrupt practices in Namibia (Masake, 2019b). Figure 2 below depicts the perception of police corruption for the past five years. It is worthy to note that the members of the public consistently, over the past five years, perceive the members of the Namibian Police Force to be corrupt. For the period 2022 and 2020 the data set is not available therefore it could not be factored in Figure 2. However, it is evident that the public’s perception on police corruption is constantly increasing. It is interesting to note that according to the ACC annual report for the financial year 2018, about 6 percent of the reported and investigable cases were against members of the police. This steadily increased in subsequent years.

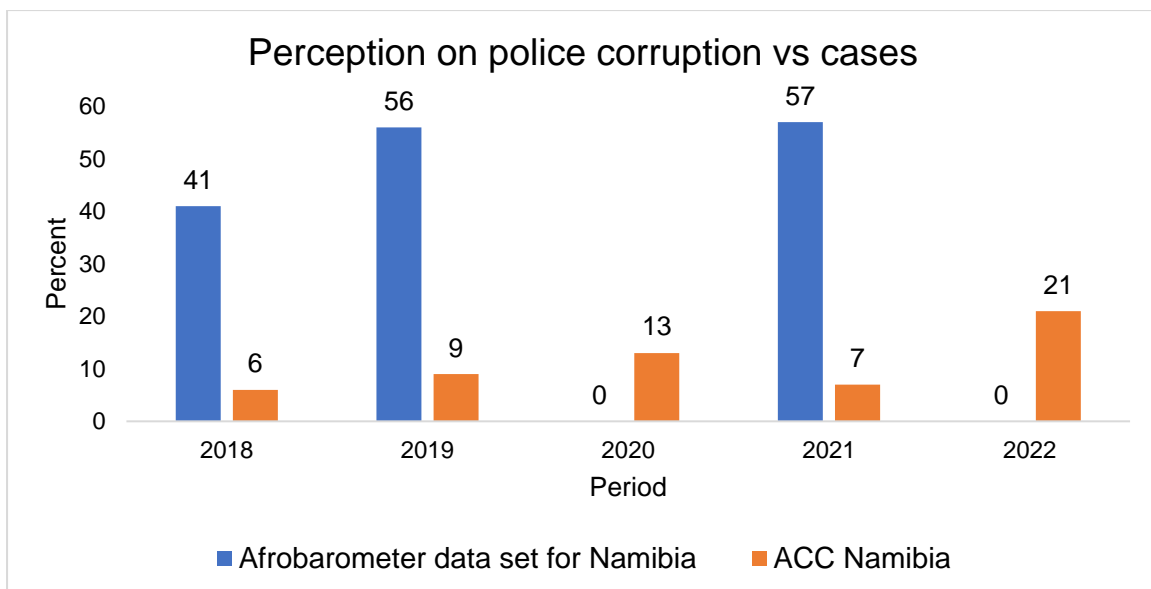


Figure 2: *Public perception on police corruption*

Source: *Researcher’s extraction from secondary data*



To elucidate further on the extent of corruption in Namibia, Figure 3 depicts the distribution of the allegations of corrupt practices committed in selected regions, specifically, Erongo and Khomas region for the past five years. These selected regions are of great importance since they form part of the study setting for this study. It is notable that the Zambezi region does not feature evenly in the ACC annual reports. However, this does not imply that there are no corrupt practices that were reported from the Zambezi region. Deduced from Figure 3 below, it is apparent on comparison that Khomas region predominantly ranks higher than Erongo region on the number of corruption allegations reported.

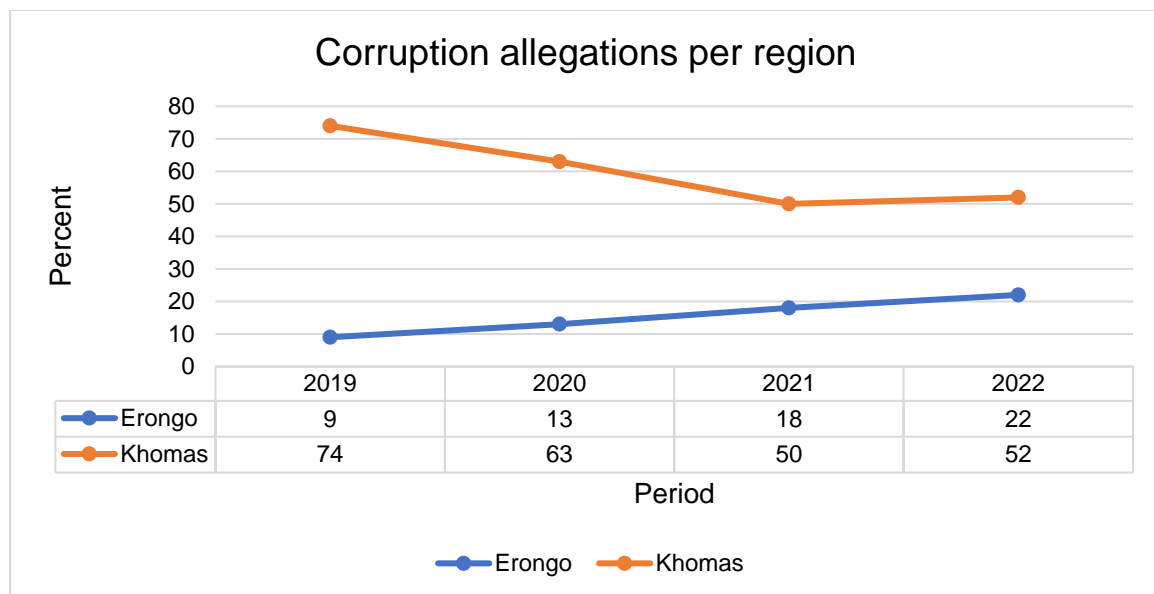


Figure 3: *Corruption allegations per region in Namibia*

Source: *Researcher’s extraction from secondary data*

#### 1.4 Why develop and adopt police anti-corrupt practices strategies

Police officers are by the nature of their work, required to conduct themselves in a professional and ethical manner, and to uphold the rule of law. Therefore, the anticipated expectation is that the behaviour of the police officers should be beyond reproach (Haas, Van Craen, Skogan, & Fleitas, 2015). This is necessary as it inspire

public confidence in the criminal justice system, serve as a precursor for development, peace, and security (Tankebe, 2010). When the police behaviour falls short of the professional and ethical conduct, i.e., commit corrupt practices: the effects, leads to several negative consequences, *inter alia*, the corrosion of public confidence, indiscipline, and increase in criminality (Min, 2018). These consequences are briefly discussed in section 1.4.1 to 1.4.4 below. However, it is important to note that the negative consequences of corruption, as elucidated by, Min (2018) justifies, the development and adoption of anti-corruption strategies.

#### 1.4.1 Corruption corrodes public confidence in police institution

The Namibian Police Force is entrusted with the policing mandate. In terms of section 13 of the Police Act 19 of 1990 as amended, the police mandate includes to preserve internal security, investigate crimes, protect property and life, prevent crimes, and to ensure the maintenance of law and order. Policing is a delicate mandate whose success is highly dependent, among others, on complex factors such as cooperation among various stakeholders, i.e., the police organisation, the community, civil societies, and non-governmental organisations (Gyamfi, 2022). The fact that the policing function (mandate) involves various stakeholders, it speaks directly to the requirement of confidence and trust. By the nature of the policing function, police officers, are required to uphold the oath of office which supposes the manifestation of qualities such as obeying and enforcement of the rule of law.

Haas, Van Craen, Skogan, and Fleitas (2015) argue that the premium for upholding the oath of office presupposes serving the community with honest, trustworthy, integrity, fairness, and refraining from committing crimes (corruption). By so doing, the police may gain public confidence and trust. However, the contrast holds water. That

is, if the police indulge in the commission of crimes such as corruption or conduct themselves in dishonest manner, unfair, and without integrity, then the public may lose trust and confidence in the police organisation.

Clausen, Kraay, and Nyiri, (2011) conducted a study on the correlation or relationship between corruption and public confidence in public institutions. Clausen et al, revealed that the high level of corruption in public institutions was the cause for low level of public confidence in public institutions (Clausen et al, 2011:240). The finding made by Clausen et al (2011) can be explicated or applied on the police institutions because police institutions in most countries including Namibia, forms part of the public institutions. In the context of the police institution, the ripple effect of reduced confidence, include but not limited to withdrawal of citizens or public members' participation in policing. In addition, that the members of the public may resort to self-help or taking the law into their own hands and proliferation of violent vigilantism (Gyamfi, 2022; Haggqvist, 2017:27).

Tankebe (2010) conducted a study which examined the relationship between Ghana police corruption and public confidence. Tankebe's study found that the question of public confidence was, among others, underpinned by dimensions such as, honesty, integrity, reliability, and justice (Tankebe, 2010:298). The understanding is that members of the public use these dimensions to determine their confidence in the police institution. For instance, if the police officers receive bribes or break the law (commit corruption): these police officers may be construed, in the eyes of the public, to be untrustworthy, and consequently the members of the public may lose confidence in the police officers and police institution.

#### 1.4.2 Corruption impair effective and efficient police service delivery

The consequence of police corruption goes beyond the question of public confidence in the police institutions to include the negative effects on effective and efficient police service delivery. Police institutions are public institutions which should be service oriented as contrasted from profit making (Goldstein, Sances, & You, 2020). It is indisputable that services such as maintenance of law and order, crime combating and prevention which are offered by the police institutions are indispensable to the community's wellbeing, social, and economic advancement. However, studies shows that corruption has the potential to cause ineffective and inefficient police service delivery (Vilakazi, 2015; Kim, 2021; McGregor, 2021). Service delivery may be negatively affected in different ways, among others, instead of the police officers placing their time at the disposal of the police institution, they may use the official time for purposes of committing corruption. To expand on this noted argument, the object of this clarion call, requesting police officers to place their time at the disposal of the police institution, is to ensure that the police institution renders quality and timely service.

Further, the police officers may use police resources such as vehicles for their own gratification rather than using such resources for purposes of attending to community reports and complaints. This was evident in the matter of *Malumbano vs Government Republic of Namibia and Others* Case number 317 of 2012 [2013] NAHCMD 113 which was delivered on 25 April 2013. The court established from the facts of the matter that a police officer used a police vehicle for personal gain (when he went for shopping personal goods). The argument is that when a member of the police uses a police vehicle for personal gain it may have direct negative impact. This include

investigation of dockets; crime prevention or patrol may not be attended to due to lack of transport at the time when such vehicle is used for personal gratification.

Furthermore, quality service delivery may be negatively affected where police officers receive bribes for purposes of tampering with evidence, or preferential treatment. In the matter of *S v Hanse-Himarwa* (CC 05/2018) [2019] NAHCMD 229 which was delivered on 08 July 2019. The court convicted the accused on corrupt practice charges where the accused was alleged to have, at the time when she served as regional governor, removed two names of the people who were officially designated as beneficiaries of houses and replaced them with the names of the family members of the accused. This case evinces that corruption can negatively impact service delivery since the service (allocation of houses) were diverted from the officially designated beneficiary to family members of the accused person. The people who should have received the service were denied the rightful service because of corruption.

#### 1.4.3 Corruption enables commission of other crimes

Corruption is a species of organised crime. Therefore, corruption retains solid ties with other organised crimes such as money laundering, racketeering, trafficking in persons, dealing in drugs, murder, extortion, terrorism, violent extremism, radicalism, illegal possession of weapons, smuggling of persons and contrabands, piracy, and counterfeits (Kyriakos-Saad, Esposito, & Schwarz, 2012; Mugarura, 2016; Albanese, & Artello, 2019; Interpol, 2019). Kyriakos-Saad et al (2012) conducted a study which was aimed at determining whether there is a link between corruption and money laundering. Kyriakos-Saad et al (2012) found that when a person commits corrupt practices, such a person may receive bribes in the form of money or properties that

may converted into money. Since the bribe money (proceeds of crime) was received in unconventional (illegal) manner, such money is less valued, and it may not be used freely by the owner (Kyriakos-Saad et al, 2012:170). For the bribe money to gain value, it should be laundered or cleansed. Laundering entails a process where the proceeds of a crime (corruption) are subjected through various stages such as: placement, layering, and integration (Kumar, 2012). The main purpose for laundering these proceeds of corruption is to conceal their connection to the original sources and to legitimise these proceeds of crimes.

Maguchu (2021) argue that the proceeds of a crime, prior to their cleansing, may not easily be used in formalised markets without raising suspicions about their original sources. However, these proceeds of crime could easily change hands or be used in informal or black markets, since these black markets are not regulated and lack the necessary legal scrutiny (Shelley, 2018). The use of these proceeds in black markets may include financing human trafficking, violent extremism, and terrorism (Kyriakos-Saad et al, 2012).

To explicate the relationship between corruption and other crimes, in the context of the police institution of which the Namibian Police Force is not an exception, include that police corruption can operate as a launching pad for other police offences. These police offences or misconducts include absenteeism, abuse of police resources, extortions, conspiracy and concealments or coverups.

#### 1.4.4 Corruption corrodes discipline and ethical conduct

A police force/ service is an institution that should, ideally, be characterised with discipline and good ethical conduct (McGregor, 2021). However, if a police institution condones corruption, it is inevitable that the levels of indiscipline and unethical conduct

may rise. The consequence is that police corruption is pervasive, therefore, it can undermine good governance, corrode police discipline, and promote unethical conduct (Newburn, 2015). A study which was conducted by the African Criminal Justice Forum (ACJF), (2021) investigated the effects of corruption on discipline. The study revealed that corruption can negatively impact the level of discipline of the members of the police organisation, stating that corruption may enable and increase the disciplinary contraventions (ACJF, 2021:5).

It is worthy to note that socialisation may occur in any environment where there is two or more persons, and the police institution is not an exception. Through socialisation, police officers may learn from each other, ethical and unethical behaviours (Bessey, 2021). It is submitted that if a police organisation has corrupt police officers, these corrupt police officers, may through the process of socialisation corrosively influence other officers who are disciplined or not corrupt to become indisciplined or corrupt.

### **1.5 Statement of the problem**

A statement of problem is an articulation of an identified issue which the researcher contemplates to resolve, discover, assess, investigate, or evaluate. In addition, it should be articulated in clear terms and reflecting compelling reasons to conduct research (Miles, 2019:3). For an issue to be elevated into a statement of problem, at an academic level, such issue or concern requires to be effectively framed. The framing of an issue presupposes subjecting such concern to scrutiny thereby reflecting the ideal situation, and the current (i.e., undesirable) situation. The statement of problem should be effectively defined to an extent that it compels the launch of the study with the object to attain the ideal situation (Miles, 2019:2). Taking cognisance

of, among others, these requirements of statement of problem, in this study, the statement of the problem is constructed in the following terms:

The establishment and mandate of the Namibian Police Force is enshrined in the Namibian Constitution as per the provision of article 118. Article 118 of the Namibian Constitution, read in *tandem* with section 13 of the Police Act 19 of 1990, delineates and prescribe the police powers and functions to include, among others, the provision of internal security, maintain law and order, investigate offences, to protect life and property, and prevention of crime. The provision of section 43C of the Police Act 19 of 1990 establishes and enjoins the Municipal Police Service, with limited functions, to the policing mandate. These broad functions entail that, in Namibia, the policing mandate is primarily vested in the Namibian Police Force. However, to a less extent, such policing mandate may be executed by other law enforcement agencies.

Deduced from the legislative provision on policing mandate, it can be argued that the policing mandate is a peculiar function, in that, it engenders and places a positive duty on police officers with attributes estimated to be beyond reproach. In this context, the policing mandate presupposes that police officers' ought to possess qualities, *inter alia*, to be trustworthy, scrupulous, act with integrity, honest, and incorruptible in their dealing (Kim, 2021:71). To effectuate these functions, duties, and qualities, police officers undertake oaths to uphold the Namibian Constitution and the law. Essentially, the culmination of all these constitutional, oaths, qualities, and legislative provisions is aimed at the theoretical and practical assumption that police officers may not break the bounds of the law which they take oath to uphold (International Association of Chiefs of Police, (IACP), 2021:2).



However, the current situation as reflected in section 1.3 above is problematic and contrary to the ideal situation. Research and media reports clearly reflect that some of the members of the Namibia Police Force, of various ranks, often than not wantonly, betray the oath of office and become involved in the commission of crimes and criminality (Katsinde, 2021:13; Amupanda, 2019:191; Kooper, 2019:3). These crimes include corrupt practices and corrupt related crimes which are committed both within the police organisation and outside the police organisation (Masake, 2019b:5). To explicate on the unkempt involvement of law enforcement (police) officers in the commission of crimes and corrupt related offences, literature and media reports reveals a worrisome factual situation which transcend beyond isolated occurrence to prevalence and systemic level.

The Afro Barometer Report of 2019 on the perceptions of police corruption reflects that police corruption in Namibia was at 56 percent (Afro Barometer Report (ABR) 2019). Since 2018, Namibia has been consistently ranked high on corruption, particularly, the Namibian Police Force. The ABR (2022) reported that about 32 percent of the participants identified and perceived the members of Namibian Police Force to be corrupt. This is relatively high and comparable with other countries in SADC such as Malawi with 43 percent, Zimbabwe with 29 percent, and Lesotho with 26 percent.

In 2016, the Namibia University of Science and Technology's Herald Business School carried out a public perception study on corruption within government institutions which depicted and rated law enforcement members, specifically, members of the Namibian Police Force as predominantly corrupt. Whereas a perturbing ratio estimated at 2 out of 5 members of the police force been construed to be corrupt (Tjihenuna, 2016).

Kandjungu (2020) revealed that about 7699 cases were brought against police officers during period 2016 to 2020. As the result of these cases some police officers were subjected to arrests, convictions, and discharges from the Namibian Police Force on account of being found criminally and or departmentally liable for, among others, corrupt practices, and corrupt related offences.

The Annual Report of the ACC of Namibia for Financial Year 2017/2018 reflects that six (6) percent of the cases that were referred to the Prosecutor General were cases in which police officers were involved in corrupt practices. There was a notable increase to nine (9) percent in 2019, and further increase to 13 percent in 2020 as reflected in Figure 1 in section 1.3 of this study above. These cases included recruitment corruption, extortion, money laundering, bribery, assault, unauthorised use of government resources, and paddling of evidence. In the matter *Government of the Republic of Namibia v Lazarus* (SA 54 of 2017) [2022] NASC 11 a Supreme Court of Namibia Appeal Judgement delivered on 06 April 2022. In this matter Mr Lazarus reported a housebreaking and theft case that occurred at his business place to the police. Police officers from the investigation directorate of the Namibian Police Force accosted, extorted, intimidated, and assaulted Mr Lazarus after having received a bribe from suspect. The Supreme Court ruled in favour of Mr Lazarus and confirmed the decision of the High Court of Namibia that awarded a civil claim for damages in favour of Mr Lazarus. Remarkably, the police officers who were involved in these corrupt crimes were not arrested and nor prosecuted, rather their liabilities jointly with the Namibian Police Force were limited to civil penalty.

Complaints of corrupts practices against the members of the law enforcement agencies, specifically that of the Namibian Police Force continue to be on increase. This is evident from the Annual Report of the ACC of Namibia for the Financial Year

2018/2019 which ranked the complaint against the police in a third position on the type of corrupt practices mostly reported to the ACC. A member of the Municipal Police Service of the City of Windhoek, Namibia was recently apprehended for his involvement in the fishrot corrupt scandal. A mega corruption case in which cabinet ministers and members of the Namibian Parliament responsible for the Ministry of Justice and Ministry of Fisheries and Marine Resources were arrested and investigated (Menges, 2020; Immanuel, 2021).

The occurrence and pattern of these corrupt practices when critically assessed and interpreted, signifies, and presupposes, among others, the prevalence of corrupt practices; the challenges and or deficits of strategies that contemplate to combat corruption; the ineffectiveness on the part of the law enforcement institutions which are tasked to combat corruption; and the lack of effective anti-corruption legal framework. The commission of these corrupt practices, in the context of the Namibian Police Force, is exacerbated by the absence of effective anti-corruption system and legal framework which can detect and deter the commission of corrupt acts. For example, in 2018 the Namibian Police Force launched its Strategic Plan 2018-2022. This strategic plan failed to make provision on how the police may deal with corrupt practices within the police force. This omission, assumably, is an indication that fighting police corruption is not a priority at this stage. However, the fact that the Namibian Police Force Strategic Plan (NPFSP) 2018-2022 fails to expressly provide for an anti-corruption strategic intent does not bring an inquiry on strategy to an end. Rather, other strategic instrument such as the legislations, police practices, and police manuals were used to assess whether these strategic instruments are responsive to the fight against systemic corruption.

Studies and media report substantially identifies various causes of police corruption, among others, such as lack of effective anti-corruption legislative framework, low salary, lack of role models, lack of effective supervision and visibility of senior officers, greediness among the police officers and questionable ethical standards (Amupanda, 2019; Masake, 2019b:35; Menges, 2020; Kandjungu, 2020).

The construction that can be deduced from the discussion above, is that the causes of police corruption are known. These causes are largely attributed to the weakness and flaws in the system of governance and ineffective legal framework (Amupanda, 2019:191). The assumption is that police officers use the deficiencies of the anti-corruption system and defective legal framework to commit corrupt practices.

Ideally, and notwithstanding the Anti-Corruption Act 8 of 2003 (as a country's legal framework) which is enforced by the ACC, there should be an effective system that does not enclave or promote corrupt practices. In this context, there should be, as part of the system solution an external institution that is charged with the duties to investigate complaints against the police officers. The unlimited tenure of the position of the Inspector-General in Namibia should be revised and be limited to a five (5) year term. This is premised on the fact the current tenure of the Inspector General (IG) is unlimited, that is, once appointed he or she remain as IG until retirement. The outdated police manuals should be revised and aligned with the Namibian Constitution, accountability and transparency principles of governance; progressive investigation and effective prosecution and punishment of offenders; and, that effective vetting process should be conducted regularly on all officers. These suggested strategies have the potential to close the loopholes/ deficiencies in the system and thereby deter and combat systemic corrupt practices.

The suppositions, as demonstrated in this section is that corruption is prevalent in the rank and file of the Namibian Police Force; the increase of corrupt practices is exacerbated by the ineptness of law enforcement agencies which are tasked to curb corruption; and incoherent anti-corruption strategies. Therefore, this study was undertaken with the object, among others, to critically assess the strategies that were adopted to combat and detect systemic corruption in law enforcement sector, specifically in the rank and file of the Namibian Police Force.

## **1.6 Rationale of research**

The rationale of the any study underscores the articulation and explication of the overall intention of the research, thereby require to answers specified questions. Further, the purpose of research provides direction on the aims and objectives that need to be achieved. In this context, it is derived from the problem statements, and it coherently informs the objectives of the study (Mouton, 2014:100-103).

The purpose of conducting research is multifaceted and may include but not limited to: predicting the outcome, providing explanation of the phenomenon, evaluation of the subject under investigation, exploration, analysing and generating strategies (Ritchie & Lewis, 2012:39).

In the context of this study, the rationale includes to describe and define the concept of systemic corruption. The definition hereof, enhances the comprehension of the intellectual connotation of the notion of systemic corruption. The importance of this approach is theoretically grounded on the assumption that systemic corruption is a species of corruption, and that, it can be distinguished from the general forms of corruption. That is, the former is inflamed by the deficiencies in legal framework and the exploitation of such deficiencies by offenders.

Further, this study assesses the current trends on the strategies to detect and combat systemic corruption, which include a comparative analysis of international, regional, domestic, and national practices. This was premised on the assumption, as noted in the problem statement, that systemic corruption is prevalent in many organs of government, including the Namibian Police Force. This helps to learn and develop good practices and explicate such good practices in the quest of combating systemic corruption in the Namibia Police Force.

Furthermore, the overall object, was to develop a blueprint of actionable strategies that may be adopted and deployed as measures in the fight against systemic police corruption, specifically, in the rank and file of the Namibian Police Force.

### **1.7 Aim and objectives of the study**

The aim and objectives of the study denotes the intention and outcomes which the study desires to realise or accomplish. Creswell (2013:134) asserts that the aim and objectives of the study can be grouped in various categories, including, and not limited to: primary, secondary, and tertiary objectives. It is arguable that the aims and objectives of the study should reflect and be set as a direct response which is aligned with the questions of the study (Grove, Burns, & Gray, 2013:14; Doody & Bailey, 2016:21). With this theoretical assumption, the research objectives below, were constructed in a corresponding order with corporeality relationship to the research questions.

#### 1.7.1 The aim of the study

- To critically assess the strategies to detect and combat systemic corruption in the Namibian Police Force.

### 1.7.2 The research objectives

- a) To examine the concept of strategy in the context of the police;
- b) To analyse the intellectual meaning of systemic corruption;
- c) To determine the effectiveness of the strategies, which are currently applied by the Namibian Police Force for purposes of detection and combating systemic corruption in the Namibian Police Force; and
- d) To recommend effective and actionable strategies to detect and combat systemic corruption in the Namibian Police Force.

### 1.8 Research questions

The phrase or concept of research question entails a form of linguistic expression that contemplates to extract information on a subject under investigation or that require to be dissolved. Construed in this context, Creswell (2013:138) suggest that research questions are answerable investigation and as such plays a crucial role in studies. Ideologically, the gist of a research question is solving the research problem (Barkhuizen & Schutte, 2015:51).

Literature lays several reasons on the importance of research questions. These reasons, among others include that it demarcates the research area and the objectives thereof. In addition, it serves as a guideline that informs the choice of methods to be used in the study, choice on the instrument for collecting data as well as analysis tools (Doody & Bailey, 2016:19). Creswell (2013:43) postulate that research questions may be classified as primary, secondary, and tertiary. The other classification could be construed as general and specific research questions. The former encompassing central areas of research, whilst the specific research question covering all aspects related to the central areas of the study (Creswell, 2013:43). Against this theoretical

underpinning, the study adopted the main and subsidiary research questions as provided in sections 1.8.1 and 1.8.2 below:

#### 1.8.1 Main research question

- What are the actionable strategies that may be deployed to effectively detect and combat systemic corruption in the Namibian Police Force?

#### 1.8.2 Subsidiary research questions

- a) What does the concept of strategy, in context of police, entails?
- b) In the context of the Namibian Police Force, what does the concept of systemic corruption entail?
- c) What strategies are applied by the Namibian Police Force to detect, combat, and prevent systemic corruption in the Namibian Police Force?
- d) What actionable strategies are recommended for purposes of enhancing the detection and prevention of systemic corruption in the Namibian Police Force?

### **1.9 Significance of the study**

The practical impact and contribution of this research is multifaceted, including, positive impact on the Namibian Police Force as an organisation, as well as its contribution to literature. In relation to the Namibian Police Force, this study is significant because the recommendations therefrom may help the police to develop or redesign effective policies on how to regulate police conduct (behaviour) within the police. Further, to recommend effective strategies with the object of detecting, monitoring and to prevent police corruption.



Furthermore, it may help in reinvigorating the values of ethical conduct and standards as well as personal knowledge creation and enhance various strategies to combat corruption. In addition, this study has potential to immensely contribute to the body of literature in various discipline (criminal justice and governance), on the strategies to detect, prevent and combat police corruption. Therefore, the findings and commendations of the research may be used by academics and other professionals as the basis for further study.

### **1.10 Philosophical Worldview**

Theoretically, the concept of world view presupposes a personification of ideas and beliefs. The catchment of a person's perception about a subject or object which can be shared or aggregated and distributed over a given society or community. Kaushik and Walsh (2019:2) postulates that the conceptual meaning of worldview includes the personal and historical enunciations of a subject. This presupposition, viewed, in its narrow sense catapults the concepts of world view to a position where it may be in direct contrast with the conception of philosophy. The assumption is that philosophy advocates for a universal validity claim which is premised on rationality, which may, in a narrow sense be distinguished from world view. However, in its broader sense, world view is closely related to the concept of philosophy. The belief is clear that the concept of world view, as Kaushik and Walsh (2019:4) juxtaposes, relates to rationality.

It thus follows that the contradistinction between the concept of world view and philosophy is relegated and indifferent, ratcheting the advocacy for the interchangeable use of the two concepts. In its natural setting, philosophical world view is underpinned by imperatives, which includes and not limited to, among others: the theory of reality (*ontology*), theory of values (*axiology*), theory of actions (*praxeology*),

and theory of knowledge (*epistemology*) (Abi-Hashem, 2017:3; Rousseau & Billingham, 2018:2).

The axiological perspective underscores that there is a recurring perception that the causes of corruption are multi-faceted. These may include inadequate legal framework. This translates that, equally, the undeniable consequences of corruption may be multi-faceted and not limited to economic crisis, erosion of integrity and ethics. The practical implication, in the quest to combat systemic corruption, is to take action thereby devising actionable strategies which are responsive to the fight against systemic corruption.

Construed from the intellectual explication of philosophical world view it is apparent that there are several strands or constituencies of world view that can be identified, namely: constructivism, transformative, pragmatism, post-positivism, feminism, phenomenological and postmodernism (Creswell, 2014). These strands or frameworks of the study are imperative. The theoretical assumption is that these strands inform the basic standards of research. In this study, the researcher adopted a combination of constructivism and pragmatism approach.

The constructivist world view presupposes, situated in the ontological and epistemological perspectives, that knowledge is a product of the interaction between ideas and experiences. In this context, constructionist argue that human beings produce knowledge by construing meanings from the mix of their experiences and ideas. Ritchie and Lewis (2012:12) underscores the inverse of multiplicity of reality construction, enunciating that discovery of knowledge is less likely to occur, rather, knowledge is constructed through interactions.

Applied in the context of this study, and being consistent with the constructivism approach, the philosophical world view contemplates to examine the held perceptions and interpretations as to what is systemic corruption, as understood universally. Further, deduced from the standpoints of the theory of values, is to evaluate the level of acceptance, practice, or condemnation which the societies attach to systemic corruption. Furthermore, informed by the theory of actions, this study contemplates on canvassing actionable strategies that may be adopted by various organisation and particularly the Namibian Police Force in the fight against systemic police corruption. In addition, is to recognise that the production of knowledge about a subject or object cannot be divorced from the contractions that underlay the society's experiences and perceptions of the corruption riddled or free world (Braun & Clarke, 2013:30).

In relation to pragmatism approach, the focus is on the outcome. The goal is to determine '*what works*' or '*what to do*' for purposes of solving the problem. Explicated in this study, the pragmatism approach is concerned with the investigation as to what strategy will work effectively in the fight against systemic corruption. Literature suggest that the pragmatic school of thought acknowledges a number of assumptions, including, advocacy for practical outcomes and the pluriverse of knowledge production (Ritchie & Lewis, 2012). The pragmatic approach is highly relevant for this study as it mainly focuses on the actionable strategies to combat systemic corruption.

### **1.11 Research demarcation**

The theory of demarcation of study entails setting boundaries of the study (Denscombe, 2012:70). Setting the boundaries of the study hinges on several variables or factors. These factors may include (a) demarcation based on the nature of the study including, descriptive, explorative, explanatory, and normative. For

instance, normative studies focus on an objective of improving a situation, whereas, a descriptive study aims at gathering knowledge about a phenomenon. By extension demarcation based on the type of this research may include the identification of the research framework. (b) The geographical aspects invoke the questions of setting the research margins that is centred on the geographical location of the population of the study. (c) demarcation based on the period which may, in cases of historical studies, setting how far in the past will the study include (Griffiths, 2020).

In this study, the theoretical framework of the study falls within the remits of constructivism infused with pragmatism. In this vein, the study is approached from a distinct constructionist perspective and strategies are developed with the aid of the pragmatism theory. Whereas, the geographical location of the study population was Namibia, and specifically the Namibian Police Force members.

This study excludes anything else, and it is limited to systemic corruption in the Namibian Police Force, with specific focus on Khomas, Erongo and Zambezi region. By design, the study adopted a Delphi data collection method and technique (as explained in chapter 4 of this study).

### **1.12 Definitions of key concepts**

The theoretical assumption that underlay the inclusion of definitions of key concepts in the study, is to afford clear meaning of the usage of concepts in the study (Podsakoff, MacKenzie & Podsakoff, 2016:2).

- **Strategy**

The conceptual meaning of *strategy* is contentious. However, it traces its origins to Ancient Greek and usage by military (Nickols, 2016:2). The concept of strategy, its conception, is accredited to war and military tactics. Strategy is defined as “the

practical adaptation of the means placed at a general's disposal to attainment of the object in view" (Nickols, 2016:2). Partly drawing inferences from these definitions, the study constructed a purposive definition construed in the framework suggesting that a strategy to combat systemic police corruption refers to a step, procedure, a plan, a means, or method of obtaining the desired output which can be adopted to deter systemic corruption (Cooper, 2012:180).

- **Police Corruption**

The concept of police corruption is extremely contentious. This is because police corruption is often defined with reference to both criminal and administrative misconduct committed by police officers. Police corruption may broadly refer to the abuse of police entrusted powers or authority for private gain which include but not limited to dishonest, theft, favouritism, nepotism, kickbacks, tampering with evidence, offering and receiving bribes (Lee-Jones, 2018:2, Newburn, 2015:3). This description, though not exhaustive, is important to set the scenery and to serve as port of departure in analysing the concept of police corruption.

In general, the meaning of the concept of corruption continues to be a subject of much debate (Holmes, 2014; Rajin, 2017:9; Lekubu, 2019:41). Rose (2018) predicts that the disagreement on the definition of corruption is far from been settled (Rose, 2018:222-223). Literature on the study of corruption defines corruption inconsistently and it appears that there is no consensus on the definition of corruption (Nye,1967:419; Klitgaard, 1988:24; Philp, 2015:22). Alternatively stated, there are multiple definitions of what is constructed and construed as corruption and such definitions are influenced by distinct context (Rose, 2018:226). The multifaceted definitions of corruption, (seemingly irreconcilable) has persuaded critiques to argue that the definition of corruption is impossible to achieve (Rajin, 2017; Holmes, 2014). This argument

presupposes that if a concept cannot be defined then the concomitant proscribed conduct is non-existent. The critiques, however, concede that the multiplicity of the definition of corruption leads to an alternative, namely, the focus should be shifted from defining corruption to determining and defining corrupt practices (Masake, 2019c:17). The approach of shifting the focus from corruption to corrupt practices as crime is novel. It therefore advocates for a re-newed way of thinking and constructing corruption, namely, to proscribe specific corrupt practices.

The attempt on the definition of corruption, albeit, unsatisfactory, has a history. Observably, the age of civilisation, modernisation, and industrial revolution had a great influence or bearing and is accredited for shaping the definition of corruption (Asheela-Shikalepo, 2020; Patra, Matipira, Saruchera, & Musti, 2021). The observation is that the attempt on the definition of corruption evolved over time, for instance, under the feudalism system corruption was chiefly defined from morality (ethics) lens (Jones, 2013). The socialism and capitalism system, corruption was defined and constructed from the economic lens (Enste & Heldman, 2017). Whereas with globalism and internationalism, corruption is defined and explained from the institutional and governance perspective.

The definition of corruption has a history. The early attempt on the definition of corruption, as observed from the early dictionaries reveals that corruption was defined with reference to “wickedness, perversion of principles, loss of integrity” (Samuel Johnson Dictionary of the English Language, 1756). The early academic and scholarly attempt on the definition of corruption, among others, include the works of Robert Brooks (1910:58) who defines corruption with reference to poor performance and been reckless. Failure to recognise a duty, abuse of power, or to unlawfully obtain a benefit. Nye (1967:419) define corruption as “behaviour which deviates from the formal duties

of a public role because of private-regarding pecuniary or status gains or violates rules against the exercise of certain types of private-regarding influence.” Klitgaard construe corruption from a principal-agent relationship and proffer that corruption “occurs when an agent betrays a principal’s interests in pursuit of her own” (Klitgaard, 1988:24). The recent attempt on the definition of corruption includes the works of Philp (2015:22) who postulates that corruption:

*“Occur where a public official, violates the rules and/or norm of office, to the detriment of the interests of the public who are/is the designated beneficiary of that office, to benefit themselves and a third party who rewards or otherwise incentivizes a public official to gain access to goods or services they would not otherwise obtain.”*

There is dearth of literature that is related to the definition of corruption. What is seeming is that research on corruption do not question the adequacy of the current definition of corruption, neither do they question the impact of the lack of authoritative definition of corruption. In most research published online it appears that researchers have a tendency of adopting, the seeming *de facto* definition laid down by Transparency International (2017). The Transparency International (2017) defines corruption with reference to “the abuse of entrusted power for private gain.”

Rajin (2017:9) proffer and describe corruption with reference to:

*“any violation of rules, policies of the government and departments and legislation for personal gain, as long as the power of authority was abused. In addition, corruption also occurs when there is personal gain due to their actions, offences of perjury, physical abuse of prisoners, sexual misconduct, robberies, theft, fraud, and even racial profiling are committed.”*

Lekubu (2019:26) postulates that “conceptually, corruption is a form of behaviour that departs from ethics, morality, tradition, law and civic virtue.”

Construed from these definitions, it is arguable that corruption can be committed in different ways and further that there is no material distinction of the definition of corruption: whether such corrupt practice was committed by the police officer or any other government official. In the context of the police, Holmes underscored that police officers commit corrupt practices when such police officers “utilise their position, authority and power as police officials for their personal gain” (Holmes, 2014:16).

Deduced from these definitions of corruption, as observed by Rose (2018:221), there are definitional deficit: for example, lack of uniformity, lack of clarity (ambiguity), and hedging the definition of corruption to morals (ethics). The definitional deficit is problematic in various ways, namely, among others that, if a concept cannot be defined, it does not qualify, in strict sense, to constitute a criminal offence (Hossain & Rahi, 2018: 460). From a criminal law perspective, a crime or offence should satisfy the legality requirements, which, include the principle of “*nullum crimen, nulla poena sine lege*” (Sanz-Caballero, 2017). This principle entails that the law should define the crime and make provision for punishment. It is important to note that this principle has specific requirements, namely: (i) an offence should be defined without ambiguity (Hossain & Rahi, 2018; Stark, 2013); (ii) the elements of the offence should be determinable or ascertainable (Stark, 2013), and (iii) a person cannot be punished without a pre-existing law that clearly proscribe the conduct in question (Sanz-Caballero, 2017; Kemp, Walker, Palmer, Baqwa, Gevers, Leslie, & Steynberg, 2019). The legality requirements, specifically on issues related to corruption, were applied in the matter of *S v Lameck* (CC 11/2010) [2018] NAHCMD 214. In this matter the court found that a warrant of arrest which did not specify the specific and defined crime was not intelligible and such warrant of arrest was set aside, the court held that:



*“(c) the warrants on themselves do not satisfy the common law requirement of intelligibility in that they ought to have specified a particular offence or corrupt practice as defined in Chapter 4 of the Act instead of merely stating that a corrupt practice has taken place and is being investigated”, (S v Lameck (CC 11/2010) [2018] NAHCMD 214 paragraph 5).*

The matter of *S v Lameck* is illustrious of the crucial importance of having an offence which is defined without ambiguity.

The question of definitional deficit can negatively impact the level of significance ascribed to corruption. The assumption is that if corruption is a significant phenomenon, justifiably, it ought to have been defined with the necessary certainty or particularity. With these differentiated definitions of corruption, Rose (2018:221) extends a question to “whether the current understanding of corruption is adequate for the tasks to which it is being applied?” This question is highly relevant for reasons, among others, that the definition that is attached to a concept influences the understanding of such a concept. Thus, if a concept is ill-defined or in-adequately defined, the consequences include that the understanding, impact, and measures in response thereof would be aligned to such ill-definition or in-adequate definition. Alternatively, the definitional deficit of corruption implicitly suggests the lack of attentiveness to the understanding of what corruption is? its nature, extent, and impact corruption is taken for granted without carefully critiquing it (Rajin, 2017:7).

The definitional deficit has potential to negatively influence the measurements an activity that is highly relevant for purposes of determining the extent of corruption (Malito, 2014:4). The argument, which is valid, is that if a concept cannot be defined how would it be possible to measure its consequences? What variables will be used to measure something that cannot be explained or defined? In other words, for

measurements related to corruption to be meaningful, valid, and reliable it should be done on a definable variable of a given phenomenon.

It is agreeable that the definitional deficit is indeed problematic, and it is suggestively capable of baffling the adoption of effective anti-corruption strategies. The attempt to cure the definitional deficit noted above, for purposes of criminal punishment, led to various approaches, among others, namely (a) defining corruption through the common law lens, and (b) through the statutory law lens.

- **Systemic Police Corruption**

Systemic police corruption is a staggered notion which recognises the involvement of police officers in the commission of corrupt practices. However, it goes further and presupposes that the deficiencies in the structure, anti-corruption framework and system has potential to exacerbates the commission of corrupt practices (Batalla, 2020:158). Laver (2014:10) defines systemic corruption with reference to “corruption brought about, encouraged or promoted by the system itself.” Under systemic police corruption the assumption is that the police officers use the cover of the deficiencies in system, structure, and anti-corruption framework to commit corrupt practices.

There are different categories of corruption, namely: petty, grand, systemic corruption, and state capture (Dube, 2011:22). In this section, however, the analysis unpacks the concept of ‘*systemic corruption*’ and distinguishes it from the general concept of corruption. The concept of systemic corruption comprises of the words ‘*systemic*’ and ‘*corruption*’. The term *systemic* is derived from the word *system*. According to the Merriam-Webster Online Dictionary the concept of system entails:

*“a set of things working together as parts of a mechanism or an interconnecting network; a complex whole. It may further be defined as a set of principles or procedures*

*according to which something is done; an organized scheme or method.*" (Emphasis the underlined is mine) (Merriam-Webster Online Dictionary [sa]s.v. "system").

The Collins English Online Dictionary define system with reference to:

*"a way of working, organizing, or doing something which follows a fixed plan or set of rules. Further that the word system refers to an organization or institution that is organized in certain or particular way."* (Collins English Online Dictionary, [sa]s.v. "system").

Construed from the definition of the word system, above, it is agreeable that the concept of system presupposes a pact of coordinated functions or activities within an institution or inter-institutions and that these activities are interrelated, interdependent and indivisible. Further that these activities are not merely isolated or occur by coincidence or rare but activities which are thoroughly planned, organised, executed, and are prevalent. A system, according to Chand ([sa]:1) refers to "an assemblage or combination of things or parts forming a complex whole." This conceptual understanding of the concept of system influenced the construction of the system theory. Chand ([sa]:2) identifies various characteristics of a system, among other, are:

- A system consists of interacting elements. It is set of inter-related and inter-dependent parts arranged in a manner that produces a unified whole (Van Steen & Tanenbaum, 2016).
- The various sub-systems should be studied in their inter-relationships rather, than in isolation from each other (Mele, Pels, & Polese, 2010).
- An organisational system has a boundary that determines which parts are internal and which are external (Dumez & Jeunemaitre, 2010).

- A system does not exist in a vacuum. It receives information, material, and energy from other systems as inputs. These inputs undergo a transformation process within a system and leave the system as output to other systems (Rawat, Kumar, & Gupta, 2021).

The explanation on the concept of system reveals that the phrase *systemic* is derived from the concept of 'system'. The phrase systemic according to Merriam-Webster Online Dictionary ([sa]s.v."systemic") refers to "something relating to, or that affects an entire system."

Stemming from the definitions and relationship between the words system and systemic the description of systemic corruption is aligned to the characteristics of the concept of system. In this manner, systemic corruption includes features such as: an elevated form of corrupt practices that involves highly organised and inter-related activities that transcend, over and beyond, isolated, or rare corrupt practices.

It is important to note that under the scourge of systemic corruption the implications include that the existing anti-corruption legal framework is rendered ineffective (Davis, de Assis Machado, Pimenta, & Prado 2021). Formal rules are undermined and substituted by informal rules (Vergara, 2021:328), with weakened enforcement mechanisms (Anders, Kanyongolo, & Seim, 2020). In addition, lack of accountability (Adel, 2016), proliferation of abuse of authority, increased social ills, crimes committed with impunity (Adel, 2016; Anders, Kanyongolo, & Seim, 2020), and moral decay.

Dube (2011) describes systemic corruption as a form of corruption where the "unethical activities have been normalised or regularised and public accountability rendered as an exception and not the rule" (Dube, 2011:22). The sentiments noted in the definition stated by Dube (2011) are shared by Coetzee (2013) who argues that

systemic corruption is a form of corruption that is entrenched within the fabric of social processes, and that it creates a deep-seated complex situation of normative and social deviance.

Interpretively, systemic corruption is distinct from ordinary corruption. The distinguishing features include but is not limited to: an individual or few people may commit petty corruption, whereas systemic corruption presuppose weak system and many people who may be corrupt. Further those structures and personnel who ought to prevent or combat corruption are themselves corrupt: rendering it extremely difficult for the structures or people to combat or prevent corruption (Anders, Kanyongolo & Seim, 2020:318).

- **Policing**

The concept of policing encompasses various policing activities. Masake (2019b:16) proffers that policing can be defined with reference to “activities that are carried out pursuant to crime prevention, maintenance of peace, law and order, protection of life and property and investigation of crimes.” Rodger (2015:43) opines that policing activities include, but not limited to how the police conduct their functions, strategies, practices, and techniques which are adopted by the police. This definition is important for this study, premised on the factor that systemic police corruption presupposes a form of corruption that is committed by the police officer whilst in the performance of policing functions. It is important to note that the concept of policing is not defined in the Police Act 19 of 1990, nor is it defined in the Namibian Police Force manuals.

- **Ethics**

The concept of ethics admits to multiple definitions. According to Souryal and Whitehead (2019:7) the term entail compliance with virtue, codes, and normative standards that regulates people or organisations in line with normative values. Ethics

encompasses ethical leadership as noted by Masake (2019c:10) who argue that “ethics and ethical leadership models provide a standard through which the law-enforcement officers’ actions may be subjected to scrutiny and/or evaluation, and where necessary, corrective measures may be adopted to improve the backsliding behaviour.”

Therefore, it follows that police officers should act, always, ethically. The assumption is that if the police officers’ conduct is compliant with ethical standards, there are high prospects of preventing systemic police corruption.

- **Law enforcement sector**

Law enforcement sector refers to a sector, within government, that is vested with the responsibilities to enforce the law (Villalobos, Williams & Davis, 2014:2). Carter (2009) posits that law enforcement sector include all stakeholder who are vested with the responsibility to ensure the provision of security, prevention of crimes, investigation, and protection of life and properties. In the context of this study, law enforcement sector includes the Namibian Police Force, Namibia Defence Force, immigration, customs, Anti-Corruption Commission, Namibia Correctional Service, Municipal Police Services, and Namibia Central Intelligence Service.

- **Critical**

For purposes of this study, unless expressly stated, the concept of critical is used in its adjective sense and it means “exercising or involving careful judgment or judicious evaluation” (Merriam-Webster Dictionary, [sa]:s,v. “critical”). The Oxford Language Dictionary define the concept of critical as an “expressing or involving an analysis of the merits and faults of a work” (Oxford Language Dictionary, [sa]:s,v. “critical”).

- **Detect**

The study adopted the definition of the concept of detect as defined in the Cambridge Dictionary, and it means “to notice something that is hidden, or not clear or to discover something especially using a special method”, for example: audit, investigation, interviews, and observations (Cambridge Dictionary, [sa]:s,v. “detect”). Qian (2014:2) define detect as the process of “extraction of particular information from a larger stream of information without specific cooperation from or synchronization with the sender.”

- **Combat**

According to the Cambridge Dictionary the term combat means “to try to stop something unpleasant or harmful from happening or increasing” Cambridge Dictionary ([sa]:s,v. “combat”), In this study, the concept of combat refers to any measures or steps which are adopted to try to stop or mitigate or counter the commission or increase of systemic corruption.

- **Concept of theoretical framework**

The concept of theoretical framework presupposes the amalgamation of the word “theory” and “framework”. Theory refers to a set of propositions which are interrelated to inform a certain outcome or result and helps to clarify, understand, or predict the characteristics of a phenomenon or subject of investigation (Kivunja, 2018:45; Rengasamy, 2016:121). A research framework entails the structure or support system that informs or holds the research together by providing context thereof or the idea that undergirds the research (Imenda, 2014:188).

- **Active Bribery**

The definition of the concept of bribery was aligned to its forms (active or passive). Snyman (1995:445) defined active bribery as “consists in unlawfully and intentionally giving, agreeing to give or offering to give to a state official any consideration in return

for either future or past action or inaction by that state official in an official capacity.” Hunt (1996:754) defined active bribery as “consists in unlawfully and intentionally offering to or agreeing with a state official to give any consideration in return for action or inaction by him in an official capacity.” Snyman (1995) proffered a definition which is similar to the definition that was proffered by Hunt (1996).

- **Passive bribery**

In relation to passive bribery, Hunt (1996:754) defined passive bribery stating that a person commits passive bribery, when he or she “unlawfully and intentionally agrees to take any consideration in return for action or inaction by him in an official capacity.” Snyman (1995:445) defined passive bribery with reference to “when a state official unlawfully and intentionally receives or agrees to receive any consideration in return for return for either future or past action or inaction in his official capacity.”

- **Good governance**

The definition of good governance is contentious as it can be defined from multiple perspectives. Generally, good governance entails an idea of governing that takes into consideration, effective and efficient processes, practices (Suksen, Sanrattana, & Suwannoi, 2020:85). Further, it may be construed as management of public resources for benefit of the common good (Towah, 2019:36). It may include aspects such as quality regulatory framework, compliance and enforcement thereof (Suksen et al, 2020:91). Furthermore, good governance takes cognisance of requisite requirements such as accountability, transparency, stakeholder engagement, social, economic and political stability (Suksen, et al, 2020:91; Cárcaba, González, Ventura, & Arrondo, 2017:314; Towah, 2019:36).



### **1.13 Division of chapters**

**Chapter 2** – provides a reflection on the theoretical and legal framework of the study.

**Chapter 3** – depict the literature review on systemic corruption in law enforcement sector.

**Chapter 4** – consists of the methodology that was adopted by the study: thereby reflecting the approach, design, strategy, setting, data collection, and data analysis.

**Chapter 5** – deal with aspects such as data presentation, interpretation, and discussion of the findings. Further the data was analysed selectively as per the themes and interpreted to provide meaningful statements, assumption, and theoretical underpinnings.

**Chapter 6** – showcase the attributes of research, summaries, recommendations and concluding statement.

## CHAPTER 2

### LEGAL AND THEORETICAL FRAMEWORK OF THE STUDY

#### 2.1 Introduction

This study focuses on the assessment of strategies which may be applied or used to detect and combat systemic corruption, particularly in the Namibian Police Force. To give effect to this overall objective of the study, this chapter provides an analysis on the theoretical and legal framework for systemic corruption. The chapter distils the concept of framework and provides justification as to why this study adopted the theoretical framework. Further, the chapter unpack specific theories that undergirds systemic corruption.

#### 2.2 Legal and theoretical framework: Does it matter?

A framework serves different functions, among others, it helps to set and regulate the parameters of the study (Ravitch & Riggan 2017:136). Further, it provides the requisite context or contextualisation of the study (Van der Waldt, 2020:4). In this manner, it is arguable that a theoretical framework section or portion of a study is imperative and indispensable (Sibomana, 2021). The importance of theoretical framework of a study cannot be overstated, among others, it includes:

- serving as a bedrock and launching pad that clarifies and decipher the implicit and explicit theories applied in the study (Imenda, 2014:189).
- interlink between the existing literature and current study (Van der Waldt, 2020:4).

- helps researcher in deciding and choosing appropriate research questions, research methodology, and making relevant predictions (Van der Waldt, 2020:4; Lederman & Lederman, 2015:594).

In this study, when analysing actionable strategies to combat and detect systemic corruption, the study ought to have recourse or evaluate the theories that explains systemic corruption, as well as the legislations and policies which are used in the fight against systemic corruption. Recourse to legislations and policies in this study renders the study to transcend over and above theoretical framework to include the application of a distinct framework known as normative/legal framework. Normative framework requires effectuating interpretive and application of theories, rules, policies, and legislations (Taekema, 2018). In this study, the normative framework is adopted, to form the basis of evaluating the efficacy of the legislations, policies and strategies which are used to combat and detect systemic corruption.

Taking the above understanding of the conceptual meaning of theoretical/ normative framework into consideration, this chapter focuses on the relevant theories, legislations, and policies that govern and proscribes systemic corrupt practices. This was done, in order, to lay a robust foundation and to provide deeper understanding of the anti-systemic corruption strategies.

### **2.3 Exposition on legal framework**

The legal framework, in this chapter, focusses on the interpretive and application of the common law, and statutory (legislative) law that informs anti-corruption strategies in Namibia, and the Namibian Police Force, in particular. These are elucidated at great length and detail in section 2.3.1 and 2.3.2 below.

### 2.3.1 Common law framework

Common law system refers to a body of uncodified laws or legal system which develop, interpret, and apply unwritten rules and laws based on common practices, customs, and case law or judicial precedents (Rigoni, 2014:134). This is contrasted to laws derived from statutes or legislations (Crawford & Meagher, 2020:212). Under the common law legal system, the concept of corruption was not defined. However, the forms of common law crime of corruption include, (a) active bribery, and (b) passive bribery (Hunt, 1996; Snyman, 1995). In other words, corruption denoted or was interchangeably used with the concept of bribery.

The essential elements, noted, in both definitions places emphasises on official capacity, and state official to the exclusion of private capacity and non-state official (private person). The concept of *state official* is not precisely defined, rather, it is dealt with on case basis. For instance, in *S v Ngunovandu* 1996 NR 306 HC at 307 paragraph A-B, the court found that a judge is a state official. Other state official, include but is not limited to police officers, custom officers, and immigration officers. The exclusion of private persons presupposes that under the common law system, a private person, by law, could not be charged for either giving or offering to give a bribe to another private person. Interpretively, where a state official offers a bribe to private person, such corrupt practice was not covered by the common law crime of corruption (bribery).

The common law approach to corruption, was found to be inadequate and had many loopholes. Literature reveals that the common law approach was only (partly) a success in as far as combating petty corruption was concerned (Griffin, 2011:1828). However, it is inadequate and failed to cater for other types of corruption such as

grand, systemic, and state capture (Maguchu, 2018:360). Further, it concerned itself with corruption in public service and ultimately turning a blind eye on corruption that occurs in private sphere (Boles, 2014:676). The other critique, on common law approach, is that it failed to clearly articulate the nature of authority or power that is required for a person to be construed as public official or acting in official capacity (Qureshi & Smith, 2010:4). For instance, when a private person is contracted by government to render a service: would this contracted person be treated as public official or acting in official capacity, when such a person performs work on behalf of government? Equally, the common law approach is silent on powers or authority that stems from public-private partnership contracts, does this power rise to the level where the contracted private partner may be construed as public official?

In sum, the common law approach is suggestively inadequate, irresponsive, and incapable of combating and detecting the pervasive, and prevalent systemic corruption or any other form of corruption that is caused by weak system and manipulation of legal system. The shortcoming noted under the common law approach, to a great extent necessitated the adoption, in Namibia, of the statutory approach in the effort of combating corruption. The statutory approach is discussed in the next section 2.3.2 below.

### 2.3.2 Statutory law framework

The concept of statutory law approach refers to an approach that is constructed or derived from the interpretation and application of the provision of a statute or legislation in the fight against corruption (Hopman, 2017:56). In theory and practice, literature reveals that there are various strategies that may be adopted to combat corruption, among others, includes but is not limited to adopting and putting in place

effective legislations or Act of Parliament that contemplate to proscribe, criminalise, or punish corruption (Boles, 2014:674). The study that was conducted by Patra et al (2021) found that the lack of effective legislations which proscribe corruption may fuel the proliferation of corruption. Equally, noting that effective anti-corruption legislations is one of the most effective ways of combating, preventing, or detecting corruption (Patra et al 2021; Thompson, 2013:41). The assumption undergirding the need for effective legislations, in the context of fighting systemic corruption, has been underscored in research (Pillay, Pikie & Kesavan, 2021). Tom (2011:17) proffered that weak legal systems and dis-functioning democracies enables or provides fertile breeding ground for corruption.

The theoretical and practical assumption that the anti-corruption legislation or statute plays a critical role in the fight against corruption, chiefly influenced the conception and development of the statutory law approach and elevated it to an anti-corruption strategy, as understood nowadays (Thompson, 2013). The statutory law approach to corruption, therefore, is mainly, premised on the adoption and utilisation of legislation or statute in the fight against corruption (Thompson, 2013). From the Namibian context, the origins, development and utilisation of legislation or statute as an anti-corruption strategy can be traced to the 1920s. In 1928, the determination to cure the inadequacy of the common law approach to corruption became a reality when the colonial government, among others, enacted the Prevention of Corruption Ordinance 2 of 1928 and the Prevention of Corruption Amendment Act 21 of 1985. Post the Namibian independence, the Namibian government, with the object of fighting corruption in general, and specifically in the Namibian Police Force, adopted various legislations. These legislations, among others, include the Police Act 19 of 1990, the Public Service Act 13 of 1995, International Cooperation in Criminal Matters Act 9 of

2000, and the Anti-Corruption Act 8 of 2003. These instruments or legislations are explored in detail in sections 2.3.2.1 to 2.3.2.5 below. However, it is important to underscore that these legislations form part of the concerted effort (statutory law approach) devised and adopted by the Namibian government in the fight against corruption.

#### 2.3.2.1 Prevention of Corruption Ordinance 2 of 1928

The Prevention of Corruption Ordinance 2 of 1928, as amended, codified the common law definition of active and passive bribery. Further, it facilitated the shift from reliance on common law approach to statutory law approach. The distinctive feature which was brought by the Prevention of Corruption Ordinance 2 of 1928 was the inclusion and proscription of corruption that may arise based on principal-agent relationship as contained in section 2(c) which provides that:

*“knowingly gives to any agent or, in the case of any agent, knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead his principal, shall be guilty of an offence and liable on conviction to the penalties which may by be imposed for the crime of bribery”* (Section 2(c) of the Prevention of Corruption Ordinance 2 of 1928).

The Prevention of Corruption Ordinance 2 of 1928 was effectively amended by the Prevention of Corruption Amendment Act 21 of 1985.

#### 2.3.2.2 Police Act 19 of 1990

The Police Act 19 of 1990 in terms of section 35(2)(b) proscribed passive bribery by members of the police force, extortion, and threat of violence against the members of

the police force. Further, the provision of section 33(b)(i) of the Police Act 19 of 1990 provides that:

*“any person who persuades any member to omit to carry out his or her duty or to do any act in conflict with his or her duty (...) shall be guilty of an offence and liable on conviction to a fine not exceeding N\$ 4000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.”*

The Police Act 19 of 1990 is silent on active bribery. Differently stated, the Police Act 19 of 1990 failed to provide for corruption which is initiated by a police officer or circumstances where the police officer induces a private person.

It is noticeable that the advantages of statutory law approach, among others, include the clear definition of what is proscribed, and it stipulates the specific penalties that may attach when a person is found guilty (McMunigal, 2004:1287). These features are not found in the common law approach. However, the fact that the statutory law approach provides for clear definition of the proscribed conduct does not necessarily extend to imply that such definitions are comprehensive (Isiaka & Okaphor, 2018: 247). In other words, a crime may be defined in a statute in an inadequate and vague manner.

#### 2.3.2.3 Public Service Act 13 of 1995

The Public Service Act 13 of 1995 is relevant to issues related to corruption in the Namibian Police Force because it prohibits practicing corruption in public service, and that the Namibian Police Force forms part of the public service in Namibia. Section 25(1)(l) of the Public Service Act 13 of 1995 provides that a public servant may commit misconduct if she or he “accept or demand in respect of the performance of his or her duties any commission, fee or reward, pecuniary or otherwise, to which he or she is



not entitled by virtue of his or her office.” It is interesting to note that the Public Service Act 13 of 1995 do not create an offence, when a public servant contravenes the provision of section 25(1)(l). To the contrary, it reduces such conduct to the level of misconduct which may result into disciplinary action.

The effect of the provision of the Public Service Act 13 of 1995, understood in the context of strategy to combat systemic corruption, it is arguable that this legislation is inadequate and that it lacks the rigour which is required to combat systemic corruption. This argument suffices when the Public Service Act 13 of 1995 is compared with other legislations such as the Police Act 19 of 1990, and the Anti-Corruption Act 8 of 2003, which criminalises active or passive bribery (corruption).

#### 2.3.2.4 International Cooperation in Criminal Matters Act 9 of 2000

The International Cooperation in Criminal Matters Act 9 of 2000 contemplate to prevent organised crimes, such as corruption. It provides a platform where crimes committed in other countries can judiciously be prosecuted and punished. Literature reveals that corruption, as a species of organised crime, respects no territorial boundaries (Rose-Ackerman & Palifka, 2018:76; Yahia, 2019). It can move from one territory to the other, through labour movement and transnational transactions (Lo, Siegel & Kwok, 2021). With this reality, Lo et al, (2021) argues that the fight against corruption should not be limited to specified territory of states. Therefore, to effectively fight corruption would require cooperation between countries, regional and international institutions, transnational corporations, civil societies, and non-governmental organisations (Albanese, 2018). The cooperation may be concretised through bilateral or multilateral agreements, and international conventions. These

bilateral, multilateral, or international conventions forms part of the concerted strategies in the fight against corruption.

There are several regional and international conventions that can be noted at this juncture, among others, including the African Union Convention on Preventing and Combating Corruption of 2003, and the United Nation Convention against Corruption. The efficacy of these conventions, in as far as prevention of corruption is concerned, is fully explored in chapter 3 of this thesis. However, a reflection on some of the classical cases is warranted to showcase the efficacy or otherwise of the legislation under discussion. An illustrious case is the matter of *Shalli v The Attorney-General* [2013] NAHCMD 5 (16 January 2013). In this case Shalli was a former Chief of Defence Force (CDF) in Namibia who was later appointed as High Commissioner to Zambia. Whilst serving as CDF he procured military equipment from a Chinese company (based in China), which in turn paid him bribes. The bribes were allegedly sent to Shalli's bank account. To ensure effective investigation and preservation of the proceeds of crime, the Government of Namibia invoked and applied the International Cooperation in Criminal Matters Act 9 of 2000 seeking cooperation from other countries such as China and Zambia. With the international cooperation, the preservation, confiscation, and the repatriation of the proceeds of crime were successful.

#### 2.3.2.5 Anti-Corruption Act 8 of 2003

The Anti-Corruption Act 8 of 2003 is the principal legislation that regulates and proscribes corruption in Namibia. It repealed the Prevention of Corruption Ordinance of 1928 as amended. It established the ACC, an institution that is authorised to investigate and prosecute corrupt practices committed in state own enterprises and

government institutions in Namibia. The applicability of the Anti-Corruption Act 8 of 2003 to the Namibian Police Force is not in question since the Namibian Police Force is an organ of the government.

The scope of the Anti-Corruption Act 8 of 2003 include the prevention and ensuring that any person who commit a corrupt practice is punished. It further outlines the functions of the ACC. These functions include receipt of information on corruption, investigate corruption committed by members of public institution to the exclusion of private entities. Mention should be made that the conduct of private entities is not left without recourse as such conduct may be amenable under the Prevention of Organised Crime Act (POCA) 29 of 2004. The ACC retains the authority to investigate all the corruption related offences in Namibia. However, there is a practice that some cases may be investigated by the Namibian Police Force. These cases include administrative offences committed by members of the Namibian Police Force that has minor elements of corruption. This proposition is seeming in the matter of *Kudumo v Inspector-General of the Namibian Police* (HC-MD-CIV-MOT-GEN-2019/00441) [2020] NAHCMD 451 (1 October 2020). In this case Kudumo was suspected to have abused a government vehicle and a credit card. The Inspector General of the Namibian Police Force ordered that an internal investigation should be mounted against Kudumo. The investigation dragged for a long period, as the result Kudumo approached the court to set aside the pending investigation. The court found that it could not stop the corruption investigation on the basis that such stoppage would be construed as court interfering or infringement on the powers of the Inspector General of the Police.

It is important to note that the *Kudumo v Inspector General of the Namibian Police Force* case did not raise the question to whether the Namibian Police Force had jurisdiction to investigate corruption allegations. Thus, the court did not have an opportunity to make an express pronouncement to whether the parallel investigation mechanism was above board. The parallel investigation mechanism refers to the powers of the ACC to investigate corruption as per the Anti-Corruption Act 8 of 2003, on one end, and on the other end, the powers of the Namibian Police Force to investigate offences as contemplated in section 13 of the Police Act 19 of 1990.

Notwithstanding the absence of court pronouncement on the question of parallel investigation mechanism, section 20 of the Anti-Corruption Act 8 of 2003 is instructive. This section sheds light on what should be done in the event where an investigation commenced with the police. There are several possibilities that may occur, among others, the Namibian Police Force may proceed with the investigation, provided they comply with the investigation requirements as outlined in the Anti-Corruption Act 8 of 2003. The other possibility is that such investigation may be transferred to the ACC as contemplated in section 20(2)(b) of the Anti-Corruption Act 8 of 2003.

#### **2.4 Exposition on theories that undergirds corruption**

There are various theories that attempt to explain the causes and effects of crimes, including the crime of corruption as well as the strategies that may be adopted in the fight against corruption. This study is mainly focussed on assessment of anti-corruption strategies. Therefore, the theories which are covered in this section attempts to explain and critique the strategies that may be applied to detect and combat systemic corruption. In this context, the theoretical framework includes ethics theory, rational actor theory, Becker's economic model of crime theory, principal-agent

theory, collective action theory, good governance theory, institutional theory and noble cause theory.

#### 2.4.1 Ethics theory

Ethics theory is one of the oldest theories and it continues to shape the anti-corruption discourse and strategy formulation. Ethics is closely related to morality. Morality deals with the question to whether a conduct is wrong or right (Chowdhury, 2016:1). In contradistinction, ethics is described with reference to standards that influence how people act in response to a situation (Chowdhury, 2016:1). However, beyond the descriptions of these terms, the objective is similar: to instal and maintain good behaviour (Shaw, 2015:12). Thus, in this study, these two concepts are, for convenience purposes, used interchangeably. Under the morality-ethics theory the assumption is that it is immoral and unethical for police officers to engage in corrupt practices (Varona, 2012). This is because corruption may be construed to be inconsistent with acceptable police standards. Alternatively stated, police officers are expected to conduct themselves in an ethical or moral manner. For instance, police officers should demonstrate the exercise of values such as self-restraint, honesty, and serving with integrity (Westmarland & Conway, 2020). The morality-ethics theory is a subject of much contestation mainly because the elements that constitutes morality/ethics are influenced by culture, and values system. The critique against adopting morality/ethics theory as a framework is that it is relative and subjective in its nature as opposed to been objective (Zheng, 2021:504).

Morality theory leaves many questions unresolved such as, if morals are subjective and relative to individuals, then, who determines what morality is? and when is a conduct immoral or unethical? These questions resonate well when considering the

proposition that morals differ from one individual to the other, or from one place to the other, and from one society to the other (Kanarek, 2013:6).

In the context of the police institutions which employs officers from different (diverse) cultural background it become even increasing difficult to assume as to which set of morals may be adopted as a set of acceptable standards. In this view, it is arguable that morality theory, alone, is construed to be inadequate to serve as a measuring stick for behaviour in a culturally diverse working environment (Zheng, 2021:505; Kanarek, 2013:13). To explicate this dilemma in the United States of America (USA), the Federal law allows payment of a facilitation fee to a public servant for purposes of fast-tracking a service (Nichols, 2013:128; Follett, 2015:125). The other example is that police organisations, from the Namibian perspective: operate hotels, clubs, and guest houses. The workers may be paid tips by patrons for the service. These tips are mainly to facilitate a service and the receipt of these facilitation fees and tips, under these circumstances, is not considered as corrupt practice. However, when a fingerprint analyst receives a fee to fast-track the printing of a certificate of conduct for a client, or traffic officer who receive a fee to fast-track the process of issuing a licence may be accused of corruption.

Notwithstanding these critiques, the relevance of ethics in the fight against systemic corruption cannot be overstated. Collins and Klahm IV (2019:264) observes that the demand for ethical policing (integrity, honest, trustworthy) continues to be on the increase in modern day. To underscore the importance of ethics in policing and as a strategy to combat unethical behaviour, Cohen (2021:1) goes further to suggest that ethics should be incorporated in police education and curriculum. Another observation is that when recruiting police officers, they should be subjected to a rigorous ethical

vetting (Nkuna, 2020:33). The anticipation is that when police officers are taught on morals and ethics they may refrain from indulging in immoral or unethical conduct, including refraining from committing crimes, i.e., corruption.

#### 2.4.2 Rational actor theory

Cornish and Clarke (1986) are accredited for linking rational actor theory to situational crimes prevention. The rational actor theory refers that an individual may commit corrupt practices if he or she stands to gain therefrom with diminished chances for such an individual to be punished (Jacob, 2011:273). Therefore, the premise of the rational actor theory include that an offender is rational and can think or reason when making a decision, in such a manner that he/she can weigh the benefits and consequences of a transaction. The assumption is that an individual would calculate the gains of practicing corruption, on one end, and on the other end, weigh the consequences (against the odds or costs) that may ensue when caught and punished for corruption. This is often referred to as cost-benefit equation of criminality and it is not an exception to corruption. In this context an individual is construed as a rational actor who may elect to wilfully commit corrupt practices. In analysing the cost-benefit equation, Jacob (2011:274) argues that the benefit could include but not limited to monetary value, in-kind, corporeal, incorporeal and any forms of gratification, that accrues to the individual or third party with whom an individual retains interest, that is more than any cost or odds. Cost implies but not limited to severity of punishment, loss of property, loss of liberty (freedom), loss of privilege, and incarceration, to mention a few (Hylton, 2019; Sigrist & Marin, 2022:5-7).

In terms of rational actor theory, it is arguable that, among others, two postulations come to the fore, namely: an individual may commit corrupt practices, when, there is

inadequate anti-corruption legislative framework. The effect been that it reduces the chances of been caught and punished (McCarthy & Chaudhury, 2014). Further that even when an individual is caught, if the sanctions are less severe or the cost of been caught do not exceed the benefit: then the individual may not be deterred from committing corrupt practices (Cook, Machin, Marie, & Mastrobuoni, 2014). The latter postulation is reducible from the assumption that an individual may use the proceeds (benefits) obtained from corrupt practices to set-off the contemplated lesser cost or sanction if such benefit exceeds the sanction. This includes partly set-off where the benefit may be below the cost. The argument is that the penalised individual may utilise the proceeds of crime as baseline fund on which he/she may top-up to fully off-set the penalty or sanction.

Without detracting from the gist of rational actor theory, it is important to note that: reliance on monetary value, as the cause for the commission of corrupt practices has received much criticism. Anders et al (2020:319) conducted a study which revealed that senior government official, arguably who are well remunerated and resourced, have been involved in the commission of corrupt practices (Anders et al, 2020:319). This revelation, however, does not unequivocally exclude benefit in a form of money as a cause of corruption, but questions over reliance on money as reason for the commission of corrupt practice. The critique also helps to re-direct the studies on corruption to other multiple factors that may contribute to the commission of corrupt practice and re-definition of gains (benefit) that transcends beyond monetary value (Prabowo, 2014:312; Nugraheni, 2018:98).

The other observation on rational actor theory is that there exists a perception that corruption oils the machinery of public services (Nurtegin & Jakee, 2020:20; Patra et



al, 2021:274). This perception is argued to resonate well in countries which are characterised by weak democracies, underdeveloped, civil unrest, and weak economies (Kolstad & Wiig, 2011:3; Boehm, 2015:77). However, the study conducted by Di Mascio and Piattoni (2020:72) noted that even in advanced economies and settled democracies corruption may manifest. There is a scholarly debate that links this observation to bribes in form of facilitation fees and gifts (Argandoña, 2017:50; Kubiciel, 2015:473). The object, *inter alia*, of facilitation fees is to expediate a service process through payment of money or gift to a bureaucrat. The effect of such payment is to induce such bureaucrat to prioritise the request from the person (or on his/her behalf) who is making the facilitation payment. In countries such as Namibia and South Africa, this practice is counter-anti-corruption legislations, as such it is proscribed and is criminalised as corrupt practice. However, in other countries such as New Zealand, USA, Australia, and South Korea, facilitation payment is construed as an exception to anti-corruption legal framework (Strauss, 2013:241). The implication is that facilitation payment is ordained as a method with probative value that is necessary (Strauss, 2013; Argandoña, 2017:50; Kubiciel, 2015:473).

#### 2.4.3 Becker's economic theory of crime

Becker (1968) developed an economic theory of crime that expanded and revitalised the rational actor theory. The economic theory of crime presupposes that when the gain from a crime exceeds the punishment that may be meted out, then the probability of committing the crime may increase. Becker's economic theory of crime encapsulate pillars such as: a) damages, b) cost of apprehension and conviction, c) supply of offences, d) punishment and e) optimality conditions.

- Damages

The damages pillar assumes that crime is harmful to the society and the victim of crimes. In addition, it assumes that offenders may gain from the crimes (Becker, 1968:173). Therefore, the net damages pillar underscores the cost and benefits. The application of the net damage formula is wider in scope and is not limited to theft. Rather, it may be applied to systemic corruption. In terms of systemic corruption, the argument is that corruption may cause damages to society, i.e., it may lead to poor service delivery, and depletion of resources. In this manner, it presupposes that corruption, as an organised crime is not victimless. The case of *Lazarus v Government of Republic of Namibia* (2954 of 2015) [2017] NAHCMD 348 (1 December 2017) is illustrious of victim of corruption. In this case a complainant filed a report of housebreaking and theft to the police. What transpired was that the members of the Namibian Police Force, after receiving a bribe from a suspect, they turned against the complainant by assaulting, and extorting the complainant to appoint that the complainant felt unsafe. Another illustrious case on victim of corruption is *S v Hanse-Himarwa* (CC 05/2018) [2019] NAHCMD 260 (31 July 2019). In this case, a house that was supposed to be given to the earmarked rightful recipient was diverted and allocated to the family member of the offender. As the result the earmarked rightful recipient was robbed of an opportunity to benefit from government scheme.

- Cost of apprehension and conviction

The assumption under the cost of apprehension and conviction includes that there are actual costs that may accrue which are associated with the arrest and detention of offenders. These costs include resources that may be used to conduct investigation, manpower, hold prosecution and trials, feeding of offenders who are detained in correctional facilities, and costs related to rehabilitation and integration processes

(Becker, 1968:174). Becker (1968) believed that there is a relationship between the frequency of committing crimes and the cost. Implicitly, this belief presupposes that an increase in the commission of offences increases the probability of conviction. Therefore, if the rate of conviction increases it directly influences the increase in the total cost (Becker, 1968:176). The cost of apprehension and conviction is a vital element in formulating responsive policies and strategies in combating systemic corruption. This is because systemic corruption is a highly organised form of crime, as a result it may require substantial funds to successfully conduct investigation, arrest, and prosecution.

- Supply of offences

The aggregated understanding of the supply of offences is that an offender may elect to commit a crime, if such an offender stands to gain from a transaction more than what he/she may lose. This assumption reinforces the rational actor theory, which claim that an offender may calculate the cost and benefit of committing a crime. Therefore, the expectation under the utility maximization is that an offender may commit corruption regardless of legal consequences, when such an offender's gain outweighs the consequences of been apprehended, convicted, and punished (Becker, 1968:177). The supply of offences focuses on an offender. Implicitly, this means that an increase in convictions and or individual punishment has the potential to serve as a reduction factor in the commission of offences. This serves as a reduction factor because when an offender is arrested, convicted, and imprisoned, such an offender may specifically be deterred from committing further crimes during the period of imprisonment. It is argued that for this strategy to be effective there should be a change

in utility gained by the offender. The change in utility includes that the fine or punishment should be relatively higher than the benefit that is gained by the offender.

- Punishment

Becker (1968) elucidates that punishment is one of the imperative factors that should be applied in order to deter the commission of crime. There are various forms of punishment, including imprisonment and fines that are capable of dissuading an offender. However, punishment should be proportional to the crime committed. If the punishment meted out is significantly less than the benefits derived from the crime, then such a punishment may be ineffective (Becker, 1968:180). The case of *S v Hanse-Himarwa* (CC 05/2018) [2019] NAHCMD 260 (31 July 2019) is illustrative of disproportionate use of punishment. In this case the court found that the offence of corruption is serious. However, notwithstanding the seriousness of the case, the court sentenced the offender to a fine of N\$ 50 000 or 24 months imprisonment. The issue of disproportionality arises on the premise that the estimated value of the house (the gain) that was corruptly awarded to the family members of the offender was estimated at N\$1 000 000. In addition, the N\$ 50 000 fine was far below the maximum permissible fine of N\$ 500 000 that is provided for in terms of section 49 of the Anti-Corruption Act 8 of 2003. This case reveals that, when other factors are constant, the benefit in favour of the offender is higher than the cost of punishment. Consequently, this type of punishment lacks the dissuasive factor and may be ineffective in the fight against corruption.

Becker (1968) argues that punishment does not only affect the offender. However, it may have a potential negative effect on the society. The societal cost of punishment

may include expenditure on correctional facility, ranging from water and electricity bills, and food provision that is expected to be budgeted for by the public fund through tax.

- Optimality conditions

The gist of optimality conditions is to establish the best possible options to mitigate against the losses by weighting various factors such as the social loss, cost of apprehension and offender costs. Becker (1968) argues that to be effective a strategy should raise chances of conviction and punishment: provided such a punishment exceeds the gains. This attribution should take into account the factor that raising conviction and punishment has the potential to reduce crimes, on one end, however, on the end, it may increase social cost (Cook, Machin, Marie, & Mastrobuoni, 2014:9). Therefore, a balancing act is required to ensure that increase in one of the variables does not disproportionately increase the other variables.

- Challenges against Becker's economic theory of crime

Becker's economic theory of crime is not free of criticism. Becker advocated for a punishment system that is optimal. This entails to increase the severity of punishment and reduce the commission of crime. The net effect is lowering the possibility of been punished. To apply this assumption, from a Namibian perspective is problematic. This is because in Namibia severe (longer terms, i.e., 25 years and above of imprisonment, death penalty, etc.,) punishment is considered to be contrary to the Bill of Rights that provide for right to life, and right to dignity. This determination was considered in *Lukas Tcoeb v State* 1994 SC decision delivered 06 February 1996. In addition, severity of punishment is not the only factor that explain compliance with the law. That is, there are other factors that explains why people may be obedient, i.e., the law as a legitimate source of authority (Tyler, 2021). Furthermore, the assumption that criminals are

rational actors is challenged in light of biological, sociological, and psychological factors (McCarthy & Chaudhury, 2014; Manzo, 2013).

#### 2.4.4 Principal agent theory

The principal agent theory stems from a vertical relationship that arises between two or more persons. This includes a relationship between a principal, on one end, and on the other end, an agent (Walton & Jones, 2017:2). The description of a principal includes but is not limited to a person, or institution, or government who is the master of an agent (Gailmard, 2012:4, Walton & Jones, 2017:2). Whereas an agent is a person or institution that serve the principal or master (Gailmard, 2012:4). The principal agent theory provides that the principal assigns or transfer his or her duties to the agent of which the agent performs such duties on behalf of the principal.

The principal agent theory can be explicated at various levels. It can manifest where the public assume the role of principal and the public official as the agent. Further explication can be that the politician assumes the role of a principal and the bureaucrat as the agent (Walton & Jones, 2017). In the context of the police, this explication would imply that the members of the public are the principal whilst the police officers (public officials) being the agents. Alternatively, the president or cabinet minister responsible for the police been the principal and the bureaucrats (the police) being agent.

The dynamics of the principal agent theory implicitly would include the assumption that the public or the president/ cabinet minister is principled principal to be able to hold the police/ police officers accountable and that the agent (police) would not have adverse interest (Wawrosz, 2022). The agent is assumed to have no adverse interest other than furthering the interests of the principal. Further that the principal is principled to an extent that such principal will control, monitor, and hold the agent accountable.

Therefore, the agent is required to exercise fiduciary duties, not limited to the absence of conflict of interest, maintenance and exercise of unfettered discretion, duty to act legally, with skill, care, honest and with integrity (Marquette & Peiffer, 2015:10).

Forgues-Puccio (2013) argues that the principal agent theory, in the context of corruption, is problematic. It may be an enabler of corruption because of the transfer of duties from the principal to the agent that is compounded by lack of effective monitoring system. The lack of effective monitoring system may lead an agent to abuse her/his position and subvert the interest of the principal.

These assumptions, wrought by the principal agent theory, to a large extent, informed and or guided the nature of strategies in response to systemic corruption. Some of the strategies to solve adverse agent interest (systemic corruption) has witnessed the reform framework. These reforms include heightened reduction of agent discretion, increasing monitoring systems, and strengthening sanctions (Gailmard, 2012:7). However, these reforms have largely failed to combat systemic corruption (Marquette & Peiffer, 2015:11), in general, and specifically, in the police force, of which the Namibian Police Force is not an exception.

The argument that these reforms have failed to achieve their objectives is premised on the basis that the agent may be in possession of more information than the principal (Runtong, Yang, Hongnan, & Xiaomin, 2015:492). Further that the agent may retain a certain level of discretion as to which of the held information may be disclosed and which may not be disclosed (Runtong et al, 2015:493). Furthermore, the critique as observed by Marguette and Peiffer (2015:8) who argue about the fallacy of principled principal. The critique is that it is difficult to have a perfect or principled principal,

therefore it is possible that the principal's will to condemn the agent's adverse interest may be absent.

#### 2.4.5 Collective action theory

Post the principal agent theory problem, worthy to note, is the theoretical frame of collective action. The collective action theory presupposes that, on equal footing, there is inclusive participation and commitment which is geared and conducted by all the members of the collective towards a common good or production thereof (Jagers, Harring, Lofgren, Sjostedt, Alpizar, Brulde, Langlet, Nilsson, Carney-Almroth, Dupont, & Steffen, 2020: 1283). Applied to this study, the collective theory entails that both the police officer (policing institutions) and the community, equally, are committed and work together towards a corruption free society (common good). Alternatively, that they are working towards the construction and preservation, through integrity, honest, and good governance, of the common resources of the government. The basic understanding wrought by the collective action theory is that an individual's rational choice to engage in corrupt activities reduces the collective's access to the common resource. Further, it has the potential to disrupt the corrupt free environment enjoyed by the collective (Jagers et al, 2020).

However, the collective action theory presents challenges. These challenges include the free rider issue, and the tragedy of commons. The free rider issues, as a reality, it is a recognition that the collective is abstract (Gavrilets & Fortunato, 2014:3). In addition, that not everyone is equal nor is everyone pulling together towards common good (Booth, 2012:11). The argument in context of accountability is that some of the members of the collective may not act against those who breach the collective efforts.



The inability to reprimand or act against offenders in a collective may lead to the creation of incentives for adverse interest (Gavrilets & Fortunato, 2014:6).

In a nutshell there is scholarly argument that systemic corruption, notwithstanding the reform strategies based on collective action theory framework, is on increase and is undeniably prevalent. Therefore, the post-reformism approach advocates for strategies such as: holistic approach, context-based approach, political will theory, and evidence-based approach.

#### 2.4.6 Good governance theory

The theory of good governance attempt to explain the commission and strategies to combat corruption utilising the governance tenets. Governance, according to the World Bank criteria, comprises of six pillars or indicators through which countries are measured. These pillars are namely: “control of corruption, rule of law, regulatory quality, government effectiveness, voice and accountability, political stability and absence of violence/terrorism” (Gallego-Álvarez, Rodríguez-Rosa, & Vicente-Galindo, 2021:2). These governance pillars have been *de facto* adopted and applied by various countries and corporations.

The theory of good governance seeks to analyse the relationship and effects of good governance on corruption. The theoretical assumption that is advanced by this theory, which has been supported by empirical research, is that poor governance may amount to a breeding scheme that boosts the proliferation and prevalence of corruption (Salihu, 2022:103; Aldcroft, 2015:64). Alternatively stated, good governance may be an effective strategy to combat corruption. Salihu and Gholami (2018:671) postulate that where a country or institution is well governed, the prospects of implementing the anti-corruption strategies is significantly high. This contrasts with a situation of anarchy

that is associated with poor governance. The 2020 World bank worldwide governance indicator (WGI) on control of corruption reveal that countries which were exposed to conflicts or civil unrest had low levels of governance and subsequently difficulties in controlling corruption. For instance, WGI reflects the low governance indicators in countries such Afghanistan 5.3%, South Sudan 00%, Syrian Arab Republic 0.5%, Mozambique 26%, Mali 24%, Angola 18.3% and Ethiopia 40.9% (World bank, 2020). This observation is fairly applicable in the context of governance of a police institution: for instance, where there is poor leadership and command style, contemptible supervision and monitoring, inadequate policies, and lack of ethics that ought to guide and deter police corruption may result in police officials to indulge in corrupt practices (Schafer, 2010).

#### 2.5.7 Institutional theory

The institutional theory invokes a distinct perspective to the study of corruption, among others, it contemplates to examine corruption by considering the characteristics of an institution (Thompson, 2018:496). The institutional characteristics include culture, governance process, procedures, rules, policies, gender, design, structure, and practices of the institution (Pillay, 2014; Fotaki, 2020:207; Thompson, 2018:497). The institutional theory assumes that institutional practices, rules, and policies are so entrenched that they form the basis for authority and guidelines for interaction and behaviour (Pillay, 2014:78). Implicit to this assumption is an argument that corruption is susceptible to the characteristics of an institution, i.e., if the institutional practices condone corruption, the premium became so high for the employees to indulge in corrupt practices. The institution may be structured in the manner that advocates for deviation from the anti-corruption framework. The impact include that these deviating

practices becomes the norm of the institution (Thompson, 2018:499). The institutional theory calls for a shift of focus, that is, it challenges the traditional individual based (rotten apple) approach. The individual based approach focussed on the individual as a subject of the studies of corruption (Pillay, 2014). In contrast, to focussing on an individual (rotten apple), the institutional theory advocates and suggests the shift of focus to an institution or organisation (rotten barrel) (Pillay, 2014:79; Thompson, 2018:496).

The rotten apple-based approach presupposes that an individual, but not the institution of affiliation, is corrupt (Gottschalk, Dean, & Glomseth, 2012). Corruption is perceived as the work of an individual police officer whose deed is divorced or isolated from the police institution. Further that the individual police officer may evade screening and vetting at recruitment stage. Wherefore, once inside the police institution such individual may abuse his/her authority for personal gain (Gottschalk et al, 2012:7). In addition, once inside, the corrupt individual police officer infects or incites others to be corrupt (Gottschalk et al, 2012:7). This is the most common form of labelling adopted by police organisations. The convenience in explaining individual corrupt behaviour and the fear of institutional reputational damage renders this approach to be adopted with the most ease (Punch, 2010).

Contrast to the rotten apple approach, lays the rotten barrel approach. The rotten barrel approach acknowledges that an individual may indeed commit corrupt practices. However, the working environment (institution) may equally be a great contributing factor to the commission of corrupt practices. The drivers for rotten barrel approach, includes, among others, a situation where an institution is poorly governed; where the culture of the institution condones corruption; lack of anti-corruption framework; and

socialisation (Pillay, 2014:81). It is important to note that socialisation plays a critical role, in that, the interaction among colleagues helps to shape the behaviour (Miles-Johnson, 2019:4; Punch, 2010:10-12). The proponents of the rotten barrel approach argue that the institution-based factors such as distinct police subculture (deviance), has potential to create an impression in the police officer that such subculture is critical to their functions (Pillay, 2014; Punch, 2010). The impact of police subculture and peer pressure, in shaping behaviour, is highly pronounced when a new recruit is in the equation (Miles-Johnson, 2019:4; Johnson, 2021).

#### 2.5.8 Noble cause theory

The noble cause theory refers to the moral commitment which a person undertakes with intention for good deeds or an action that is in the interest of the public, but which is at the expense or detrimental to an individual (Merrington, Lauchs, Bell, & Keast, 2014:19). The noble cause theory may include a situation where a police officer conducts a covert operation. During the covert operation such an officer may get involved in the actual commission of a crime (including corruption) with the object of buying the confidence the members of a criminal gang. The commission of crimes may be a gatekeeper to the overall intention of penetrating the targeted criminal syndicate for purposes of cracking down such syndicate. Under these circumstances, the noble cause theory recognises the violation of the alleged offender's right to liberty, and the commission of the crime. However, these violations may be construed as justifiable. Therefore, the liability which would have otherwise attached, but for the police mandate, may not attach against the arresting or undercover officer. In this manner, the noble cause theory is a species of institutional theory since it is undergirded by institutional practice, culture, processes, and policies, *albeit* an exception to the police subculture and deviance.

## **2.5 Conclusion**

The legal and theoretical framework chapter explored a range of main theories that undergird the commission and strategies to counter the crime of corruption, with specific focus, on systemic corruption. Further it critically evaluated the legal framework, from a distinct point of view, that is normative perspective, that informs the anti-corruption strategies, in Namibia, with specific emphasis on the Namibian Police Force. It is important to note that the chapter adopted a double barrel approach as framework of the study, that is the utilisation of theoretical framework, on one end, and on the other end, normative framework. The double barrel approach is vital to this study, as the study transcends beyond theory to legal interpretation and application of the legislations and laws analysed in this chapter.

## CHAPTER 3

### EXTENT OF LITERATURE ON ANTI SYSTEMIC CORRUPTION STRATEGIES

#### 3.1 Introduction

This chapter, in an in-depth manner, analyses the literature on strategies to combat systemic corruption. The chapter identifies and establishes two categories of strategies, namely direct and indirect category. In terms of direct category, police reformist argue that this category includes strategies which responds directly to the issue that require to be resolved, in this case, systemic corruption. In this context, the direct category includes strategies, among others, provision of adequate benefits, asset recovery, institutional and structural configurations, intensification of management, oversight and monitoring, investigation, and prosecution, as well as punishment. Whilst the indirect category of strategies includes but not limited to prevention and law enforcement, training, reporting and protection mechanism, cooperation, integration of technology in policing, data exchange, and legislative reforms. These identified categories are discussed in detail in sections 3.3 to 3.4 below.

#### 3.2 A primer on strategies to combat systemic police corruption

Police reform scholars argue that there are two schools of thoughts that influence the current discourse on strategies to combat police corruption, namely: the general (indirect) and specific (direct) schools of thoughts (Dzhekova, Gounev, & Bezlov (2013:30; Lamani & Venumadhava, 2013: 231). Theorist who advocates for explicit or specific strategy approach acknowledge the multiplicity of strategies which can be deployed in the fight against corruption (Enste & Heldman, 2017:35). The basis of this

acknowledgment includes a belief that there is no single or all-embracing strategy that can effectively address a vast form of corrupt practices. Otherwise stated, specific strategy is undergirded by an assumption that each cause of corruption should have a corresponding specific strategy to combat it (Momitova, Kumarbekkeyzy, Tapenova & Mahanov, 2016:5858). Thus, each cause of corruption requires a specific strategy to combat it as opposed to a blanket or general approach to combating corruption. For example, Newburn (2015:6) identified inadequate remuneration as a possible cause of police corruption. In the context of specific strategy, to prevent corruption caused by inadequate remuneration, a specific response is needed, namely, to raise the remuneration of the police officers.

There are various strategies which can be deployed to curb corrupt practices in the police force, *inter alia*, includes:

- subjecting police officers to effective training (Newburn, 2015:8).
- deployment of external oversight mechanism, i.e., complaints raised against the police to be investigated by an external body (Gates-White, 2017:3).
- provision of effective supervision; avoid politicisation of police function; encourage transparency and accountability (Somadiyono, 2014:28).
- incorporation of ethics in police training; and adopt effective process of recruitment with rigorous vetting (Miller, 2016: 31; Lamani & Venumadhava, 2013:232).

In this study, the primary assumption is that the enabler of systemic police corruption, is the deficiencies in the anti-corruption legal framework, and system of governance. This presupposes that the police officers, use the cover of these deficiencies to perpetuate the commission of corrupt practices. These deficiencies, in context of the

Namibian Police Force, include that there is no independent institution that is vested with authority to investigate complaints against the police when police officers are suspected of committing offences. Rather the current exposed arrangement is that a Namibian Police Force internal investigation unit is tasked with the function to investigate complaints against the police officer. This deficiency allows for coverup and lack of transparency which may be abused and potentially exacerbate the commission of police corruption. Some of these strategies are briefly discussed below.

### **3.3 Direct strategies**

There are various methods that may be used to respond to an acute pandemic such as systemic corruption. These methods include to treat and manage the symptoms or consequences thereof. This is depicted in the adoption and application of direct strategies, which are reactionary in nature. Direct strategies are reactive since they are often utilised to be responsive to, or addressing, an issue that has already manifested. This contrasts with pro-active strategies (indirect), which may be adopted in anticipatory and prior to the manifestation of an issue. The analysis in section 3.3.1 to 3.3.11 below, critically reflects on the strategies that may be adopted to directly respond to systemic corruption.

#### **3.3.1 Provision of adequate benefits**

The utilisation of adequate remuneration as an anti-systemic corruption strategy may be effective, however, it raises questions. What role does remuneration plays in combating systemic corruption? Does adequate remuneration even arise over the thrust to be included as an effective strategy that may be applied to combat systemic



corruption? These questions, intrinsically, guide the reviewed literature on adequate remuneration, as elucidated in this section of the study.

The provision of adequate remuneration includes but not limited to salary, incentive, fringe benefit, performance bonus, and gift. Literature suggests that members of the Namibian Police Force, especially lower ranking officers, are lowly remunerated (Masake, 2019b:35). The issue of low remuneration is not unique to Namibia, rather it is common in most of the police institutions (Newburn, 2015). The consequences of low salary wages place the police officers, notwithstanding their oath of office or nature of duty, to be vulnerable to corrupt temptations. Reference to the oath of office, require the police officers' conduct to be beyond reproach, self-restraint, respect for the law, enforcement of the law in an impartial manner, without fear or favour, and uphold the law. Therefore, to effectively combat corrupt practices caused by low salary, as Newburn (2015:10) observed, it may require raising the salaries, consideration of tax reliefs, or utility (electricity and water bills) subsidies. Foltz and Opoku-Agyemang (2015:1) found that increasing the remuneration of government official has potential to reduce the tendency to offer or accept bribes. The issue of low salary forms part of the triggers of systemic corruption in the sense that, from the Namibian context, the Namibian government, for past five (5) years, has been battling with the economic classification of junk status. The impact of junk status makes it difficult for government to review the salaries of the public servants of which police salaries is not an exception.

In a comparative study that was carried out in 2018 by Lee-Jones, Lee-Jones compared police agencies in Singapore, South Africa, Georgia, and Hong Kong. The study highlighted the need for better remuneration as a dissuasive factor to police corrupt practices. More so, Lee-Jones (2018) transcended beyond analysing

remuneration in isolation and made a startling determination where she linked remuneration to social and economic factors (Lee-Jones, 2018:7). The assumption is that remuneration as a strategy to combat corruption could effectively work well if it is considered together with the social and economic factors of the subject of investigation. In other words, the pivotal issue is that when considering a strategy such as remuneration, it is important to also analyse the context, for example: the social and economic factors. This argument could be developed further to state that raising remuneration should be done in proportion to the economic status of a given country. This may for instance cover aspects such as inadequate salary increase, where the raise in remuneration hangs below the market value and cost of living.

Police reformists are engaged in a debate on the issue of remuneration. The opposing argument, among others, include that low salary is not *per se* a factor that may lead to corrupt practices within the rank and file of the police force. The underlying assumption being that police officers should be scrupulous and incorruptible regardless of the circumstances in which they find themselves. Further that the issue of low salary does not explain as to why high-ranking officers who are well remunerated are involved in corrupt practices (Pollock & Reynolds, 2015:184).

Scholars such as He (2020) conducted a study on cases of corruption against high-ranking official with positions of provincial ministerial and or major-general between the period 2012-2015 in China. The study found that there were about 145 cases of which high-ranking officials were prosecuted for corruption during the period under review.

Out of the 145 cases, about 48 of these cases were in respect of high-ranking officials from military ranks. These 48 military related cases could not be analysed as the study

reported that these cases could not be accessed. However, and interestingly, 97 of the 145 cases were analysed. The gist of the study was to determine the causes of corruption, and to identify the strategies that may be applied for purposes of curbing corruption among high-ranking officials. He (2020) noted that these high-ranking officials were highly remunerated with a variety of privileges such as vehicle allowances, housing allowances, and were entitled to further corporate benefits such as entertainment allowances. However, over and above these befitting remuneration packages and benefits, these high-ranking officials were still involved in corrupt activities. The study conducted by He (2020) further revealed that sufficient remuneration alone, is not enough to dissuade the commission of systemic corruption.

### 3.3.2 Prohibition or regulation of gifts

Soliciting or receipt of gifts by police officers is one of the triggers for corrupt practices, much so if such solicitation or receipt of gifts is unregulated. There is a split contests among scholars on the question of gifts. The contestation include argument that gift solicitation or receipt thereof should be banned on one end, and on the other end, lays an argument that instead of the ban, it should rather be regulated (Graycar & Jancsic, 2017; Torsello & Venard, 2015; Belmi & Pfeffer, 2015).

What constitutes a gift can span from material, offer for trips, holidays, been on pay roll from other sources other than employer, dinners, monetary consideration, facilitation expenses (fees), in kind, and even a bottle of water which is received, for example, by a traffic officer, on patrol, on a sunny afternoon from a motorist (Graycar & Jancsic, 2017:1015). Scholars such as Graycar and Jancsic (2017) ask relevant questions, as to when is a gift a bribe? Is there any undue expectation that is ought to

occur, at present or in future, if a gift is solicited or received? Is there reciprocity or *quid pro quo* required?

In general, as a direct measure to curb corruption committed through soliciting and receipt of gifts, police institutions worldwide tend to adopt several strategies, among others, a) total prohibition of solicitation or receipt of gifts by members (Hurst, 2016), b) permit solicitation or receipt of gifts under regulated or strict conditions (Prenzler, Beckley, & Bronitt, 2013; Hurst, 2016).

Mitchell (2020) explored, from an ethics point of view, to whether it is ethical for police officers, on duty, to receive a gift. Mitchell's study examined the policy of Hutto Police Department. Mitchell's study referred the conduct of receiving gifts by police officers as a '*dilemma*'. This is because, as Mitchell noted, it frequently occurs and it is not unique to any profession, but it cuts across many professions. Mitchell's study found that total prohibition is not conducive, as it presents challenges, on a premise that gift giving occurs daily, and that some gifts may not amount to bribes. In this manner, a policy that bans gifts has potential to create a subculture. This is because police officers may find it difficult to resist gifts in a form of a *thank-you-gift* (a genuine token of appreciation that is unconnected to any act of reciprocity). Mitchell (2020:11) study concludes and recommends that a policy should not contemplate a total ban on soliciting or receiving gifts. Rather, policies should provide for discretion in a regulated manner.

A text review of the Namibian Police Force Administrative Manual (NPFAM) Chapter 2, Regulation 15 (X)(ii) reveals that it is an administrative offence, and a member of the Namibian Police Force may be found guilty for misconduct if he/she demand, receive or accept a gift without first obtaining authorisation or permission from the

Inspector General. Another caveat is that the misconduct may be invoked if the member failed to report the receipt or acceptance of such gift to his/her immediate supervisor (NPFAM, 1990).

This provision of the administrative manual demonstrates that, where permission was obtained from the Inspector General prior to the receipt or solicitation of a fee or gift, then a police officer who receives such a gift do not contravene the regulation in question. It is also, interesting to note that, from the Namibian Police Force context, there is another strategy, in addition to Regulation 15 (x)(ii) above, as to how the issue of gifts is regulated. This is depicted in terms of Regulation 15(z) Chapter 2 of the NPFAM (1990), which provides that:

*“A member shall be guilty of misconduct if he or she:*

- (z) demands, solicits, receives or accepts any discount, commission, gift, fee, reward or other consideration or advantage, whether pecuniary or otherwise (except his or her official remuneration), in respect of the acquisition, purchase, sale or disposal of any supplies, arms, ammunition, accessories, transport, animals and other equipment or any other requisites of whatever nature, required for use in, or being the property of the Force, a canteen, mess or any other institution of the Force.”*

Interpretively, it can be deduced from the provisions of Regulation 15 Chapter 2 of the NPFAM (1990), that solicitation or receiving of gifts is permissible when certain conditions are satisfied. These conditions, include but may not be limited to, namely, obtaining prior permission from the Inspector General who should authorise such solicitation or receipt. Further that in the event where no prior permission was obtained

from the Inspector General, the police officer who is receiving the gift must immediately report such gift to his or her immediate commander or supervisor.

In a nutshell, a police officer makes him/herself guilty of misconduct, only when there was no prior permission or where the officer failed to report (immediately) to his/her supervisor or commander. Construed from the interpretation stated above, it is arguable that the Namibian Police Force adopted the regulatory strategy as opposed to the total ban of soliciting or receiving a gift.

### 3.3.3 Asset recovery strategy

Asset recovery is a strategy that directly affects or impacts the commission of systemic corruption as it contemplates to follow the assets or proceeds of crime. The main objective of asset recovery is to divest any person accused/convicted of the offence of corruption of any asset or proceeds thereof and repatriate such assets or proceeds to the owner (Lisanawati, 2020:314). Asset recovery strategy has been adopted and applied by many countries. In the context of the Namibian legal framework, the provisions of asset recovery are provided for in chapter 4 to chapter 8 of the Prevention of Organised Crime Act (POCA) 29 of 2004. It is important to note that the provisions of POCA applies indiscriminately to all organised crimes committed in Namibia of which organised crimes, such as systemic corruption committed by members of the Namibian Police Force is not an exception.

In terms of POCA, a successful asset recovery strategy should be executed in compliance with specified process. The POCA driven asset recovery strategy contemplates to subscribe to the following process. The *first* step is to apply for restraint order. The object of the restraint order is to restrain the accused from having access to the asset or proceed of crime. The *second* step, the alternative to restraint

order, as contemplated by section 28 of POCA is to seize the asset or proceed without a restraint order. This can be adopted where there are reasonable grounds to believe that the asset or proceeds would be disposed if they are not subject to immediate seizure. The implications, under step two includes that the police can seize a property without a restraint order, if the delay in obtaining the order would defeat the object of the seizure.

The *third* step, as provided for in section 29 of POCA, is to appoint a *curator bonis* who is vested with the powers, among others to: administer, take care of the seized or restrained assets, and realise the property. The *fourth* step is issuing of a confiscation order. This is provided in terms of section 32 of POCA which may apply when an accused is convicted. Post conviction, the prosecution may bring an application for the confiscation of the assets or proceeds of crime. This may include application for compensation contemplated in terms of section 300 of the Criminal Procedure Act 51 of 1977. The object of the confiscation order is to inquire on any benefit which the accused obtained from the assets or proceeds of crime and for the court to issue a confiscation order for the recovery of such assets or proceeds.

The *fifth* step, as provided in terms of section 43 of POCA, is the realisation of property. The effect is that any person who holds a property, assets or proceeds of a crime may be required to immediately surrender such property to the authority. The *sixth* step is to preserve the assets or proceeds of crime. This step is closely linked to seizure step. However, the distinction is that seizure in step two is executed based on reasonable grounds and is not accompanied by a court order. In contrast, under the preservation step, there is a preservation order which bar or prohibit any person from dealing with the property, i.e., use or disposal of such property, except for the person who may be

authorised by court. Colloquially, this step is dubbed as freezing of assets or proceeds of crime, and it is provided for in terms of section 51 to section 58 of POCA.

The *seventh* step is forfeiture of property. In terms of section 67 of POCA the effect of forfeiture order is to divest any person who holds the assets, proceeds, or instrument of crime and vest such forfeited assets, or proceeds, or instrument of crime to the state. The *eighth* step deals with the disposal of the forfeited assets, proceeds or instrument of crime. The state (authority vested with possession of the forfeited the property) has several options, among others: (a) may handover the assets to the lawful owner from whom the assets was stolen, if such a person can be determined. (b) the state may auction the assets and deposit the amounts realised into the asset recovery fund as contemplated in chapter 7 of POCA. (c) the state may repatriate the recovered assets or proceeds of crime to, i.e., other countries where such assets were stolen from.

It is important to note that equally, at international level, the United Nations Convention Against Corruption (UNCAC) in Part V (article 51-59), makes provision for asset recovery. Whereas member states to the UNCAC are encouraged to develop legislative frameworks that incorporates asset recovery as one of the strategies to combat corruption.

A comparative study between France and USA conducted by Leasure (2016) on the adoption and utilisation of asset recovery strategy, concluded that asset recovery strategy is effective domestically as well internationally. However, there are challenges that may ensue when executing asset recovery. These challenges, include tracing, legal issues, bank secrecy, and distinction between clean capital (money) and proceeds of crime. Leasure (2016) identified the Teodoro Obiang's case, in which the



former Vice President of Equatorial Guinea stashed money in offshore (overseas) accounts. Due to bank secrecy, it is stated that some of the stashed money were not recovered, since tracing increasingly become difficult.

Lohaus (2019) expounded that asset recovery strategy is effective since it goes beyond mere freezing of assets to include recovery and repatriation of such assets or proceeds of crimes. Lohaus (2019:1) further noted that at international level the success of asset recovery strategy is interlinked with a series of other activities such as cooperation, political will, and sharing of information. Lohaus' observations, even though stated differently, is similar to the observation which was noted by Lisanawati. Lisanawati (2020) argued and identified that some of the barrier to asset recovery strategy, at international level, included lack of cooperation between states and uneven data sharing.

The impact of these noted challenges is enormous. Bang and Kien (2019) conducted a study on asset recovery in Vietnam and used the statistics for the period 2012 to 2016. The study found that it is difficult to recover a full 100 percent of the misappropriated assets. The cause for low recovery rate included lack of cooperation among states in cross-border or transnational corruption cases, legal issues, and lack of information sharing (Bang and Kein, 2019:208).

Though at a low pace, the success of asset recovery continues to gain momentum. For instance, from the Namibian context, several cases related to asset recovery has been heard in the High Court as well as the Supreme Court of Namibia. One of such case is the matter of *Shalli v Prosecutor General* (9 of 2011) [2012] NAHC 112 the judgement was delivered on 02 May 2012. In this case, the assets and proceeds of

corruption, worth over US\$ 359 526.00 were recovered from the offshore accounts of the former High Commissioner of Namibia to the Republic of Zambia.

In the case of *The Prosecutor-General v Jesaya Kangandjo* (HC-MD-CIV-MOT-POCA-2018/00299) [2020] NAHCMD 67 (27 February 2020). In this case the participants committed fraud and laundered money in the amount of over N\$ 800 000.00. The court granted an order to forfeit the proceeds of crimes to the state and such proceeds to be dealt with in terms of the rules that governs the Asset Recovery Fund.

In a nutshell, a systematic review of literature reveals that asset recovery strategy, notwithstanding the challenges and the concomitant barriers, is one of the effective strategies that is gaining momentum in the fight against corruption.

### 3.3.4 Institutional and structural configuration/ reform

Structural and institutional configuration is one of the direct methods of responding to systemic corruption. This includes adopting strategies such as establishment of independent anti-corruption unit, civilian oversight, and changing the organisational culture and leadership structure (Sudibyo & Jianfu, 2015).

There are different approaches that may be adopted in as far as investigation of police misconduct or commission of crime is concerned, namely: investigation to be conducted internally, or externally. In the context of the Namibian Police Force, there are internal structures, within the police force, which are empowered to investigate police misconduct and criminal cases (Pillay & Kluvers, 2014; Sudibyo & Jianfu, 2015).

Studies demonstrates that transparency and accountability may be mystified under circumstances where the cases against the members of the police are investigated by

an internal unit within the police (Lekgau, Maluleke, & Roelofse, 2021; Hsieh, 2017; Masake, 2019b:37). This is the status of the Namibian Police Force, in that an internal investigation unit is responsible for the investigation of offences committed by police officers. The consequence of this approach may give rise to issues of coverup. Further, it has potential to exacerbate the commission of corrupt practices by the police officers. Thus, to enhance transparency and accountability it is required that an independent unit must be established to deal with all complaints against the police (Masake, 2019b; Hsieh, 2017:11).

The other approach to institutional strategy, is to establish an independent (external) investigation agency. An example is the approach adopted by South Africa. The Independent Police Investigation Directorate Act (IPIDA) 1 of 2011 of South Africa contemplate to establish a directorate with powers and duties to investigate police misconduct and criminal cases. This directorate is independent of the police influence, and it has the potential to increase transparency, accountability, and community trust in investigation process (Lekgau et al, 2021; Chetty & Pillay, 2017).

Chetty and Pillay (2017) conducted a comparative study between South Africa and India. Their unit of analysis, among others, was to determine the value and role of independent anti-corruption agencies in the fight against corruption. Chetty and Pillay's comparative study concluded that in the fight against corruption, it is imperative to have anti-corruption agencies that are independent from any form of influence (Chetty & Pillay, 2017:117).

To reconfigure or restructure an organisation may include revisiting the institutional culture, changing leadership and management of a police institution (O'Rourke, Su, & Binder, 2021). Literature points out to the rise and fall of the Directorate of Special

Operation in South Africa, and the Camden County Police Department, New Jersey, USA as one of the successful model for a restructuring or reconfiguration of a police institution.

The Directorate of Special Operations (DSO) dubbed as Scorpions was a premier institution that was established in 1999 with the legislative and operational mandate to investigate serious crimes including corruption in South Africa (Berning & Montesh, 2012). However, its broad mandate conflicted with the mandate of the South Africa Police Service (SAPS). The conflict in mandate coupled with accusation of political influence led to a Commission of Inquiry headed by Khampepe Judge over the affairs of the DSO. At the fore front of the political influence accusation, among others, was the case of *S v Shaik and Others* [2005] JOL 14601 (D). In this case, Shaik who happened to be close to the former President Jacob Zuma, was convicted and questions were raised as why the investigation did not expand to include Zuma. Due to a series of accusations against DSO, in 2008 the Parliament of South Africa passed a bill to dissolve or disband DSO. Its residue was relocated from the National Prosecution Unit and integrated into the SAPS (Berning & Montesh, 2012).

Another example is the Camden County Police Department. Camden County was perceived to be one of the deadliest crimes riddled cities in USA, with rogue police brutality, excessive use of force, police corruption, lack of cooperation between police and community, and lack of community trust in the police (Tsuruoka, 2018:1). These factors compounded by budgetary issues, Camden County Police Department was successfully, in total, disbanded (dissolved) and overhauled in 2013. The overhaul witnessed a re-birth of an improved Camden County Police Department that is responsive to the community policing needs, integration of community policing styles

and cooperation, reduced police misconduct and corruption, use of de-escalation tactics as opposed to use of excessive police force (Gallotto, 2021).

Disbanding a police institution, for purposes of reform, among others, is a drastic endeavour and it requires the political will. The absence of political will may be a serious stumbling block to reform. For example, the aftermath of the death of George Floyd, coupled with several police misconduct and violations in Minneapolis, witnessed a mass wave of protest in USA, and calls for disbanding the Minneapolis Police Department (Herndon, 2020). The nature and extent of police brutality, excessive use of force, and police involvement in criminal activities, as experienced in Minneapolis, were comparable to the dark history of Camden Police Department. Thus, there were sufficient grounds and reasons to disband Minneapolis Police Department. However, the bill for disbandment did not garner sufficient support and political will consequently, the disbandment call failed (Herndon, 2020).

The effect of disbanding or dissolving a police institution, presents several potentials, among others, opportunity to rebuild a reputable institution, adopt a new police culture, and instalment of new leadership, as is noted with Camden County Police Department.

It is worth noting that the art of changing police culture as a strategy to combat corruption or police misconduct is closely linked to institutional reform, education, training, and ethics.

The concept of police culture is relational and admits to multiple definitions. Police culture refers to police work-associated or related attitude that influences or guides the conduct of the police officers (Ingram, Terrill, & Paoline, 2018:780). Police culture can be derived from common police practices, rules, and regulations of the police institution. Therefore, police culture can be positive or negative (subculture). The

negative police culture involves but not limited to police distrust against the community, perception that community members are a threat to the police, and fidelity to peer police officers (Silver, Roche, Bilach, & Ryon, 2017:1273). Police culture involves the association and socialisation among the police officers. It is against the socialisation premise that scholars argue that police officers can learn or unlearn from each other, which include learning the police culture that may be negative (Fielding, 2018).

The observation made by Fielding (2018) above, confirms the findings of a study that was conducted by Silver, Roche, Bilach, and Ryon (2017) on police socialization which covered about 781 participants (police officers) from 48 States in USA. Silver et al. (2017) study found that through police socialization, which is an institutional factor, police officers may learn from each other, and that there was a correlation between police culture and how the individual police officer behaved (police behaviour).

Since police culture shapes police behaviour, as part of the anti-corruption strategy, Paoline, and Gau (2017:692) argues that when considering police reform or institutional reconfiguration, it is necessary to consider changing the negative police culture to acceptable standards or positive police culture. A practical example on how to change police culture, among others, is the disbandment and re-constitution of Camden County Police Department as it was analysed above. Further, is to encourage and subject police officers to training in the field of ethics (Paoline, et al., 2017) and discourage police intra-groups or peer loyalty (Caveney, Scott, Williams, & Howe-Walsh, 2020:1223).

Another approach to institutional re-organisation is to consider changing or rotating the leadership corps of the police institutions, on regular basis. This could be achieved through policy or legislative mechanisms. For example, the tenure of office (period) of

the head of the police or department that is responsible for the police oversight should be limited. Many countries have adopted the practice of limiting the term of office held by persons in-charge of the police institution or departments that oversees the investigation of offence committed by police officers. However, this is not the practice in Namibia. In South Africa, for instance, section 6(3)(b) of IPIDA of 2011 limits the term of office of the Executive Director to a period of five (5) years, and it may be renewed for one additional term. In terms of the South African Police Service Act 68 of 1995, it provides in section 7(1) that:

*“Subject to this Act, the person who is appointed as National or Provincial Commissioner shall occupy that office for a period of five years from the date of his or her appointment or such shorter period as may be determined at the time of his or her appointment.”*

(Section 7(1) of the South African Police Service Act 68 of 1995)

From the Namibian perspective, the Police Act 19 of 1990 is silent or do not expressly provide for the tenure of office of the head of the Namibia Police Force. However, the Namibian Anti-Corruption Act 8 of 2003 section 7(1) provides that “the Director-General and Deputy Director-General are appointed on a fulltime basis for five years and may be reappointed upon expiry of their term of office.” A further comparative study, textual analysis, on the legislations that provides for the term of office of heads of police reveals that the Kenya National Police Service Act Chapter 84 limits the tenure of office of the Inspector General to a period of four (4) years. The instructive provision is section 18 of the Kenya National Police Service Act Chapter 84 which provides that “the Inspector General shall be appointed for one term of four years and shall not be eligible for reappointment.”

Considering the preceding discussion, it is arguable that there is a strong shift, by countries, towards limiting the term of office for the police leadership corps. The strategy to limit the tenure of office enhances transparency, accountability, and community trust in the police.

### 3.3.5 Management (monitoring) and administration

To directly combat corruption, it is necessary to effectively supervise, coordinate and monitor how police officers carry out their functions (perform duties). This is because, police corruption, is an opportunistic crime that may be committed where there is inadequate supervision and monitoring. To curb police corruption effectuated by low managerial visibility or supervision, the suggestion is to increase managerial visibility (Newburn, 2015:8). This strategy emphasises on tightening management and supervision of subordinates. The strategy presupposes that if police officers are effectively supervised and monitored, then such police officers may be deterred from committing corrupt activities. The implication is that corruption in the rank and file of the police is likely not to exist if not abode by senior officers. This argument assumes that officers in supervision roles are less likely to be corrupt and as such may condemn corrupt practices committed by subordinate. This assumption is challenged. Kim (2021:79) posits that strict supervision or managerial visibility is not a watertight strategy because studies shows that high ranking officers are corruptible. Thus, the managerial visibility strategy ought to be complimented by the leaders who must lead by example, as ambassador for integrity, honest, and trustworthy.



### 3.3.6 Limiting police discretion

Police discretion has been cited as one of the contributing factors to police corruption (Yesufu, 2014). Conceptually, discretion entails the power to select among two or more competent legal options (Tillyer, & Klahm, 2011). For instance, a traffic officer, who observes a motorist who is driving at the speed more than the speed limit or who violates a traffic rule: such a traffic officer may elect (exercise discretion), among others, to issue a fine, or alternatively issue a curtesy ticket (warning), and may decide who to arrest. Both these options are competent under the traffic laws and regulations. By adopting one option over the other reflects the exercise of discretion by the police officer (Nowacki, & Spencer, 2019).

It follows that since the police officers may exercise their discretion when carrying out their duties, it is possible for such discretion to be fettered, through undue influence, i.e., engaging in corrupt practices (Nowacki, & Spencer, 2019:13). It is uncontested that police discretion can be fettered. Therefore, there is a scholarly argument that to combat corruption or misconduct in the rank and file of the police, police discretion should be proportionately limited (Yesufu, 2014:7).

A comparative study on countering corruption in the police, which was conducted by Dzhekova, Gounev, and Bezlov (2013) in five countries, namely, United Kingdom (UK), Belgium, Austria, Romania, and Bulgaria found that police discretion was an enabler of corruption. The study concluded, among others, that to curb discretion-based corruption requires placing a limitation on police discretion.

It is important to note that, literature presents a competing position against the argument for limiting police discretion. The counter argument is that police discretion plays a significant role in policing. This because a police officer in the field may require

exercising discretionary powers and that such exercise of discretion may be unfettered by undue influence. Thus, to reduce police discretion would result in ineffective police service delivery (Huff, 2021:7).

Literature reveals a middle ground of the two competing views stated above, namely, police discretion should be exercised in a proportional manner (Flores, Citro, Guruli, Rosenblat, Kehrer, & Abrahams, 2021:269). The gist of the middle ground proposal is to avoid a situation where the police possess unlimited discretionary power (Flores, et al., 2021), on one end, and on the other end, to avoid stripping (in total) the discretion of the police. To achieve the balance requires expressly making provisions (regulatory framework) that depicts the circumstances in which a police officer may exercise discretion (preferably minor violations) in contradistinction of serious violations (Flores et al., 2021).

### 3.3.7 Lifestyle audit strategy

Lifestyle audit, especially in developing countries, has been neglected, neither has it been incorporated in legal frameworks. Therefore, it has not been used as a strategy to combat corruption. The position is slightly different, in the developed countries and matured democracy, lifestyle audit had played significant role in reducing corruption. Sihanya and Ngumbi (2020:86) define lifestyle audit with reference to “a process of inquiry aimed at ascertaining whether or not the lifestyle of an individual accords to the individual’s known legitimate sources of income.” To conduct a lifestyle audit, an investigator may, among others, make comparison between the legitimate or legal sources of income with the expenditure (Animashaun, & Chitimira, 2021).

The objective of the lifestyle audit strategy is to establish if the expenditure is consistent with the lawful sources of income. A similar proposition, on the objective of

lifestyle audit strategy, was juxtaposed by Sihanya and Ngumbi (2020:93) who proffered that “the primary objective of a lifestyle audit is to determine whether or not the assets of an individual that are disproportionate to the individual’s lifestyle may have been corruptly acquired from public resources.” The comparison helps to determine if a person lives beyond what his or her legal sources of income can provide (Sihanya & Ngumbi, 2020). The rationale for lifestyle audit is premised on the assumption that persons who commit illicit crimes or corruption may ordinarily conceal the sources of their income. This may be achieved by avoiding mainstream banking and transferring proceeds to close friends, family, or associate (Animashaun, & Chitimira, 2021). Further that such persons may spend lavishly on luxury items such as houses, offshore assets and businesses that are beyond what their legal sources of income can sustain (Animashaun, & Chitimira, 2021).

Animashaun and Chitimira (2021) argue that lifestyle audit strategy is imperative, and it plays a significant role in combating corruption. There are various methods that may be adopted when implementing a lifestyle audit strategy, these methods include, a) net worth, b) surveillance, and c) administration of lifestyle questionnaires. The net worth method focuses on the equity of a person. This method analyses difference between the liabilities against the assets. The analysis can be conducted periodically, or between the interval for a specified period. With the net worth method, the assumption is that if the net worth, at a given period, exceeds the amount of money/ assets obtained from lawful sources of income, then corrupt practices suspicion may arise (Animashaun, & Chitimira, 2021:10).

The surveillance method include covert and or overt operations through which a person is investigated to determine if she/ he may be involved in corrupt activities. The

investigator may use electronic tapping of communication, physical visits, banking records, and property listing (Adam & Fazekas, 2021).

The lifestyle audit questionnaires method refers to the distribution and administration of lifestyle audit questionnaires to persons of interests (Animashaun & Chitimira 2021:10). With the administration of the questionnaires the persons of interest are afforded an opportunity to respond to a series of questions. Upon completion the data is analysed to determine if there are corrupt practices that may have occurred during the period under review.

The study that was conducted by Sihanya and Ngumbi (2020) presented about five (5) methods on how to conduct lifestyle audit. These methods are referred in their study as “*elements of lifestyle audit framework*” and they include: wealth declaration, forfeiture, vetting, surveillance, and tax. The contents on forfeiture, and surveillance are similar to the contents related to forfeiture and surveillance exposed in section 3.3.3 above. Thus, to avoid repetition these two similar and exposed methods will not be re-discussed. The method of wealth declaration presupposes that a person makes a declaration that discloses, among others, the assets, finances, and accounts. The wealth declaration may be done at various stages, such as at the commencement of employment, during and after the tenure of office.

The practice of wealth declaration has potential to increase transparency, accountability, and society trust in those who are entrusted with leadership positions. His Excellence the President of the Republic of Namibia, Dr Hage Geingob at inception of his tenure of office in the Office of the Presidency made a declaration of his assets and those of the First Lady (Corruption Watch, 2015). In the same vein, the President made a call to all members of the Namibian Parliament to make the declaration.

Notably, His Excellence the former President of the Republic of Kenya, President Uhuru Kenyatta, in the bid to motivate the Bill on Lifestyle Audit of 2019 offered to make a declaration of his assets (Sihanya & Ngumbi, 2020: 86).

Countries have noted the importance and value of wealth declaration, as such have incorporated the element of wealth declaration in their national laws. Some of these countries include Nigeria, Kenya, Tanzania, South Africa. For example, office bearers such as governors in Nigeria are required to declare their assets as a prerequisite requirement to serve as governor. Section 185(1) of the Nigerian Constitution requires that wealth declaration should be conducted at the commencement and end of the tenure of office.

The other method that was identified, as part of lifestyle audit strategy by Sihanya and Ngumbi (2020), is vetting. Vetting refers to a careful and systematic assessment of the past, present, and future projection of a person's characteristics (financial, criminal, social, and habits). Vetting is continuous process with the object to determine the suitability, loyalty, or corrupt practices of a person. The reason for vetting may include appointment or continuation of such appointment (Sihanya & Ngumbi, 2020:101). Vetting may be conducted at the time of appointment to a position, and during tenure of office. This may occur mostly for high profile positions that requires utmost trust, public resource management, and public management cadres. The argument that is proffered by the study conducted by Sihanya and Ngumbi (2020:102) is that when vetting is effectively carried out it may lead to increased chances of detecting corrupt practices.

Lifestyle audit strategy is not free of criticism. Challenges that may ensue when applying the lifestyle audit strategy include: the violations of the right to privacy where

covert operation through surveillance is conducted (Ochieng & Kamau, 2021). Doubts has been raised to whether lifestyle audits are suitable for petty types of corrupt practices (McIntyre, Aslett & Buitendag, 2022). There are legality questions that arises when one adopts lifestyle audit strategy, i.e., the evidence obtained may not be conclusive which may lead to duplication of investigative efforts (which then becomes an unnecessary expense). The lifestyle audit strategy may not yield the desired results if, and when the person hides the assets in foreign territory, i.e., offshore accounts and properties (Ochieng & Kamau, 2021). The other challenge is concerned with the fact that lifestyle audit is largely dependent on expenditure as indicator of unlawful sources of income. The question is what more if the concerned person remains humble and do not splash the assets or money? Implicitly, if there is no suspicion of opulence, then, a suspect may go scot-free.

### 3.3.8 Recruitment and selection strategy

The focus when adopting a recruitment and selection strategy is to ensure that the person who is selected and appointed is best suited for the position (Ekwoaba, Ikeije, Ufoma, 2015:24). The implication is that the emphasis is on the subject (person) as opposed to incentive. Literature on police corruption identifies the process of recruitment and selection as an area that is potentially vulnerable to corruption (Borges, Gans-Morse, Makarin, Nickow, Prasad, Watters, Mannah-Blankson, & Zhang, 2017). The common forms of corrupt practices in recruitment, include, sextortion, favouritism, cronyism, and nepotism (Razzente, 2019; Kirya, 2020:3). The assumption is that when the recruitment and selection procedure, process or policy is not clear or weak, it creates opportunities for corrupt practices to manifest (Kirya, 2020).

A review of studies demonstrates and recommend that for recruitment and selection processes to effectively combat systemic corruption the organisation should, among others:

- put in place clear human resources anti-corruption policy (Kirya, 2020).
- recruitment and promotion should be merit based (Borges et al., 2017).
- there should be standardised procedures and processes for recruitment and selection (Razzente, 2019).
- the officials who are involved in the recruitment processes should be subjected to the declaration of confidentiality and conflict of interest (Borges et al., 2017).
- recruitment officials should be vetted regularly (Borges et al., 2017)
- compliance with the policies should be regularly monitored and evaluated (Kim, 2021)
- that recruitment officers should be empowered to enable them to report on recruitment corrupt practices (Kim, 2021).

To have clear anti-corruption policy is imperative to enhance the recruitment and selection strategy. The basis for this requirement is to avoid the abuse of recruitment processes (Ekwoaba et al, 2015). Further, that the policy should be used to guide the recruitment process. The availability of the policy alone is not sufficient. Rather, the policy should be effectively brought to the attention of the recruitment officials (Surbhi, 2021). A policy is a broad statement of intention or framework. Therefore, an institution should develop, in *tandem* with the policy, the procedures on how to implement the policy (Surbhi, 2021). A procedure, in this context, refer to the specific steps that may be followed for purposes of giving effect to the policy. In so doing, the adoption of the procedures, helps to create a standardised method of recruitment.

Hanna, Bishop, Nadel, Scheffler and Durlacher (2011) conducted a study which adopted a textual review of published articles on effectiveness of anti-corruption policies. The study concluded that to effectively implement a policy, procedures should be developed since the procedures help to give effect to the policy.

Apart from the requirement of clear anti-corruption policy, the other mechanism to reduce corruption in recruitment, is to require the recruitment official to make a declaration of conflict of interest (Borges et al., 2017). The effect of declaration of conflict of interest is to guard against undue influence, nepotism, favouritism, and to increase transparency and objectivity in processes (Canary, Hansen, Rinehart, May, & Barlow, 2015). It is submitted that the declaration of conflict of interest should be applied by a police organisation during the recruitment process. Conflict of interest plays a critical role in recruitment as it guards against undue influence where the recruitment officer's interest may be contrary to the interests of the employer (Rodwin, 2018:68). For example, it is in the best interest of the Namibian Police Force, if at recruitment stage, a suitable candidate is employed. However, the Namibian Police Force's interest may be at stake where the recruitment official participates in the recruitment process where his or her relatives or friends had tendered an application for recruitment.

The other mechanism is vetting or screening of employees. Screening is a systematic examination of the person's background including financial, behaviour, social, psychological, and criminal records (Sihanya & Ngumbi, 2020:102). The effect is to determine the person's suitability for the envisaged position. There are various ways of conducting screening or vetting, i.e., integrity test through the use of polygraphs;



interviews with family, friends, and former employers; and taking of fingerprints and analysis thereof (Sihanya & Ngumbi, 2020:102).

There is a plethora of empirical studies that notes and recommend pre-employment screening (Hanna, & Wang, 2017; Barfort, Harmon, Hjorth, & Olsen, 2015; Banerjee, Baul & Rosenblat, 2015). Hanna and Wang (2017) conducted an empirical study on university students in India. They used a dice game to measure the integrity of the players. It is important to note that the study had different category of students who participated in the game, namely, students who intended to join the public service, and those who pursued career for private sector. The study found that students who intended to join the public sector were inclined to cheat when compared to those who intended to join the private sector. The study conducted by Barnejee et al, (2015) which involved university students in India found similar results to Hanna and Wang (2017).

The other mechanism that may be utilised to combat corruption in recruitment, is to consider meritorious appointment and promotion (Borges et al., 2017:21). The object is to ensure that the person who is recruited or promoted has effectively demonstrated achievement of the pre-set required standards. This includes, interviews, psychometric tests, examinations, and obtaining qualifications (Ekwoaba et al., 2015; Gamage, 2014). The meritorious appointment is said to be objective in nature, and it reduces recruitment or appointment vulnerability (Borges et al., 2017). This mechanism is directly contrasted with appointment or promotion based on patronage or long service. The patronage or long service approach is highly subjective and is dependent on favourable vertical relationship between the supervisor/ commander

with the subordinate employee (Borges et al., 2017), nepotism, and corrupt practices (Haider, 2019).

The Namibian Police Force is currently utilising both two contrasted mechanisms when dealing with corruption. That is merit based on one end, and on the other end, patronage. The NPFAM (1990) chapter 7, section F.1(a)(3) provides that: "On reaching the minimum period of service and or a member obtains an academic qualification, promotion will only be considered if vacancies exist." The minimum period of service in a particular rank is three (3) years. Notwithstanding the scholarly critique against patronage appointment, Toral (2021:5) argues that "in low-capacity settings, connections between bureaucrats and politicians may help not only decrease agency losses but also enhance bureaucrats' ability to do their jobs." Toral (2021) notes that patronage appointments, under certain circumstances, may be utilised to enhance performance. However, Toral (2021) study does not explain the lack of transparency and possibility of abuse of recruitment process that are associated with patronage appointments. Thus, the argument is not necessarily that non-meritorious appointees cannot perform, but rather, the lack of transparency, and abuse of recruitment system (corrupt practices) that may arise due to non-meritorious recruitment or appointment (Haider, 2019; Sigma, 2018).

### 3.3.9 Rotation and transfer strategy

Generally, rotation and or transfer is an administrative mechanism through which an employee is moved from one locality, unit, department, ministry, or position to another (Ingrassia, 2021:2). The nature of rotation or transfer include that it could be vertical or horizontal. Vertical rotation or transfer may, among others, entail two approaches, namely, a) assignment of new role accompanied by recognitions such as promotion

which is upward stream. b) de-assignment of role accompanied by demotion which is downward stream (Ingrassia, 2021:2). In the context of horizontal nature of transfer or rotation it may, among others, include relocation to another duty station whilst the employee retains his or her responsibilities or duties.

Staff rotation or transfer is one of the strategies that may be deployed in the fight against systemic corruption. The objective of rotation or transfer is to lower the frequency of acceptance of bribes by cutting the ties (Bayar, 2013:2). Further, may focus on interrupting the elongated corrupt relationship (Fisar, Krcal, Stanek, & Spalek, 2019:15). In addition, the objective may be to remove the existing corrupt network (Zeng, 2017:166), or ameliorate the worsening corrupt ties between the organisation employee and the corruptor (Ingrassia, 2021:12).

It is important to note that the premise for adopting rotation or transfer as a strategy to fight corruption is based on the recognition that an employee (police officer), whilst in the service of the employer, may build up connections with fellow police officers and the members of the communities. The connections or relationship which may be built may include, not only good relationships but also bad relationships: of which corrupt relationship is not an exception. Thus, the effect of rotation or transfer strategy cannot be overstated, and it may lead to the significant reduction of the opportunities for corrupt activity (Bayar, 2013:2). Further, it has the potential to reduce the relevance of the corrupt relationship between the corruptor and organisation employee, since sustaining such relationship may not be beneficial to the corruptor (Bayar, 2013:2. Zeng, 2017; Fisar et al., 2019).

The effect of rotation or transfer strategy has been suggested by a couple of studies (Bayar, 2013; Zeng, 1017; Fisar et al., 2019). Bayar (2013) conducted a study to

investigate whether rotation had any significant impact in reducing corruption. Bayar study focused on the frequency of connection building, and role or utilisation of intermediaries in facilitating corrupt activities between the corruptor and the corrupted. Bayar found that rotation had significant impact on the frequency of connection building, on one end, on the other end, however, rotation appeared to lead to the increase in frequency of intermediaries (Bayar, 2013:21). With these findings, Bayar concluded that intermediaries, who act on behalf of the corruptor, may likely continue to commit corrupt activities if the corrupt officer is not rotated. However, when the corrupt officer is rotated, and assuming a new honest officer takes over, the corrupt activities at the behest of the intermediaries may be combated (Bayar, 2013:21).

The study conducted by Zeng (2017) focussed on the impact of rotating managerial corps. Zeng noted, as a primer to his study, that China operates through a communist regime without competitive election to change the governing regime. Thus, a fight against corruption relies on the governing Party, and the state. In this vein, Zeng's analysis was to determine the impact of rotation strategy at the Party level on the fight against corruption. Zeng noted that rotation was a routine exercise that was adopted by the Party to curb corruption. This strategy could be implemented, either through the vertical or horizontal approach. Zeng's study found that the objective of the rotation strategy, at the Party level, was multifaceted, and include, to remove the employee from local existing and established networks (Zeng, 2017:166). Notably, corrupt networks; rotation of exposed Party cadres to multiple province experience was a pre-requisite for assignment at national level (Zeng, 2017:170). Further that rotation improved the communication among the Party members (Zeng, 2017:171).

In respect to the removal of the Party member from the local existing and established connections or networks. Zeng's study concluded that the rotation strategy was effective in fighting corruption. The premise for this recommendation is that the Party member may not reciprocate to the bribes because of the removal from the locality where the networks were established (Zeng, 2017:171).

The empirical study that is worth noting, though it focussed on petty corruption, is the study, which was conducted by Fisar et al., (2019). The study adopted a game theory, with the following design: under treatment one, a) the briber makes a bribe, b) the official may decide to accept the bribe or reject it. If the official is honest and rejects the bribe, then the game ends. In addition, there are pay offs which are higher than the bribe, i.e., (i) report the case and receiving rewards, and (ii) zero possibility of punishing corruptor. Equally, under treatment two: a) the briber makes a bribe, b) the official may decide to accept the bribe or reject it. However, the official accepts the bribe and reciprocate. In addition, there are pay offs which are higher than the bribe, i.e., (i) report the case and receiving rewards, and (ii) zero possibility of punishing corruptor.

Fisar et al (2019) study was administered to about 94 students who partook in the study. These participants were sourced from different faculties. The Laboratory experiment was held at Faculty of Economics and Administration in 2015, Masaryk University. In total four (4) experiments were conducted comprising of two (2) sessions per treatment with 24 subjects (Fisar et al., 2019:9). The study found that the strategy of rotation had potential to lower corruption since it had the effect of disrupting the corrupt relationship that existed between the corruptor and corrupted. Further that it reduces the opportunities for the corrupted official to reciprocate (Fisar et al., 2019:15).

Fisar et al (2019) study further concluded that if the rotation strategy is not executed, one short bribe may easily elevate and become continuous. For example, where activities, among others, renewal of licences are concerned. Furthermore, the study concluded that the pay offs may aid the frequency of reporting the bribes and thereby reducing the frequency of receiving bribes by officials.

Ingrassia (2021) analysed the effect of rotation on corruption from an organisational structure and process perspective. The assumption is that the structure of an institution with its procedures, policies, and process, if they are well designed may protect employee from committing deviant behaviour. In this vein corrupt practices are not an exception (Ingrassia, 2021:4). Ingrassia described job rotation with reference to “assignment of new roles to employees” and that such rotation may take the form of vertical or horizontal (Ingrassia, 2021:2). One of the primary questions that is raised in Ingrassia’s study is “what effect does rotation have on individual or group cohesion?” (Ingrassia, 2021:6). To address this question, from an Italian context, Ingrassia conducted a desktop study and reviewed about 27 academic papers which were relevant to the study, and the Italian laws, directives on job rotation, recommendations, and legislations.

Ingrassia’s study found that the Italian laws incorporated job rotation as a standard procedure to curb deviant behaviour and corruption. Further that to effectively implement the job rotation strategy, an employer, is required to consider the set criteria for job rotation. These criteria, among others, include subjective constraints, training, contingencies, objective constraints, alternative measures, rotation in same office, indifferent office, territorial rotation, special rotation, and employee rotation that

incorporate response to Italian law that all employees should rotate as anti-corruption strategy (Ingrassia, 2021:7).

Ingrassia (2021) conducted a study on The Rome Police Force, specifically the Corpo di Polizia di Roma Capitale. The National Anti-Corruption Agency reportedly in 2015 engaged the said Corpo di Polizia di Roma Capitale to determine compliance with the job rotation directives for anti-corruption strategy. It was established that for senior police officer, the rotation was occurring over a period of five (5) years. Whereas, for other categories such as the gradualness: the rotation was executed over 22 months. The study concluded that there were elements of compliance with directive of rotation as an anti-corruption strategy. Further that rotation strategy presented objective challenges where shortage of skills may arise. This was particularly pronounced where the officer to be rotated has no matching skills to the officer who takes over his/her roles and responsibilities (Ingrassia, 2021:9). In sum, the study concluded that notwithstanding the challenges, rotation strategy can ameliorate corrupted existing relationship or connection between the corruptor and corrupted.

Derived from the studies discussed in this section of the study, it can be argued that rotation or transfer of members (regularly) can be effective when adopted as a strategy to combat corruption in the police force. In the context of the Namibia Police Force, the rotation strategy is not specifically designed to combat corruption, rather to enhance performance. However, there is a shift in the use of transfer for purposes of curbing misconduct as was applied in the case of *Nakanyala v Inspector-General of Namibia and Others* (APPEAL 148 of 2011) [2011] NAHC 190 (5 July 2011).

### 3.3.10 Investigation and prosecution strategy

Investigation and prosecution are one of the reactive, and generally common strategies that may be adopted directly to combat systemic corruption. These strategies are referred to as reactive, since they may be, primarily applied, post the corrupt activity. The object is to gather evidence, arrest, and bring to court the culprit of corrupt practices to be prosecuted, and with possibility of punishment, as the circumstances may require. The strategy to investigate and prosecute corrupt practices, has been widely incorporated in domestic legislation. Hean ([sa]:159-160) identifies four mechanisms under investigation, namely, investigation based on intelligence information, interview, forensics, and field operations. In terms of intelligence information, literature reveals that it is an exceptional tool for gathering information on organised crimes such as systemic corruption. This may include the use of telecommunication and electronic tapping, use of technology for intelligent data collection, and profiling of offenders (Hean, [sa]:159).

The interview mechanism is basically a two-forked approach, namely, the interview of witnesses, on one end, and on the other end, the interview of suspects. In relations to witness interview, the object is to gather evidence that may be used to prove or disprove the allegation of systemic corruption: legally, witnesses can be compelled to testify in criminal cases (Lazarus, 2018). Witness interview may include obtaining statement or affidavit under oath and documentary or electronic evidence that is held by witness, that have probative value to the case under investigation (Hean, [sa]:160). Equally, suspect interview is aimed at obtaining evidence from the suspect's perspective. It is important to note the contrast between the two approaches of interview, namely that suspects cannot be compelled to testify against themselves or



their spouses (Lazarus, 2018). Thus, the extent of interview with suspects may be reduced because of the application of the principle of right to remain silent and the principle of innocent until proven guilty which are common practices and principles adopted by many countries (Lazarus, 2018).

Forensic investigation, as noted by Masake (2016:74) refers to the investigation process that applies sophisticated technology to solve criminal or civil cases, i.e., utilisation of services such as ballistic, biology, and questioned documents. Hean ([sa]:160) when reflecting on how forensic investigation has been utilised in Singapore, proffered that the utilisation of forensic investigation, such documentary evidence through forensic analysis, vis, financial transactions, electronic communication, and digital evidence has been significant in detecting and combating corruption (Hean, [sa]:60).

It is undeniable that forensic investigation is imperative in financial and organised crimes such as systemic corruption. However, there are challenges that may hamper the effectiveness of forensic investigation (Schlogl, 2020). A study that was conducted by Masake and Balhao (2013) analysed, from the Namibian perspective, the computer-generated evidence legal framework to determine if it is consistent with the demands of technology-led evidence. Masake and Balhao's study found that the Computer Evidence Act 32 of 1985 which regulated the admissibility of computer-generated evidence was outdated. Further that it failed to keep pace with the fast-paced or evolution of technology which influences the extent of forensic analysis. The implication for the challenges noted against the current Computer Evidence Act 32 of 1985 include courts adopting, very extenuating interpretive approach such as the "*ut res magis valeat quam pereat*" (Masake and Balhao, 2013:120).

The other investigation mechanism is to conduct field operations that may consist of activities such as field inquiries, surveillance, effecting arrest, detention of suspects, conducting searches, and where possible seizures of assets (Hean, [sa]:160).

A comparative study of Uganda and Tanzania conducted by Engelbert (2014) analysed the power to investigate and prosecute corrupt activities in these two countries. Engelbert's study, among others, analysed the legal framework in these countries that support the investigative and prosecutorial powers. Engelbert's study noted that in Tanzania the Anti-Corruption Agency's power to prosecute is subordinated. Thus, it is not fully independent because prior to mounting any prosecution it must first seek authorisation from the Director of Public Prosecution (Engelbert, 2014:9).

The finding on subordination of powers to prosecute, is not unique to Tanzania, rather it is a common practice. For example, in Namibia the Anti-Corruption Commission have the powers, as part of its function to investigate corrupt practices, as provided for in section 2 of the Namibian Anti-Corruption Act 8 of 2003. However, the power to determine if a suspect should be prosecuted and designation of charges is vested in the Prosecutor-General as provided for in terms of section 3 of the Criminal Procedure Act 51 of 1977.

Further that the Namibian Police Force, equally have the power to investigate offences, as provided for in section 13 of the Namibian Police Act 19 of 1990. The police powers to investigate include investigation of corrupt activities. The question to whether, the police's power to investigate corruption infringes on the Namibia Anti-Corruption Commission's powers and function remains undetermined. This creates duplicity in roles of anti-corruption agencies. To whether the duplicity of agencies, from

the Namibian perspective, creates power struggle or ineffectiveness is an inquiry that requires further investigation.

It is important to note that it is settled law and practice, from the Namibian jurisprudence, as provided for in article 88(2)(a)(b), and (c) of the Namibia Constitution that the powers and authority to prosecute all criminal offences, on behalf of the state, is vested in the Prosecutor-General. This power extends to corruption cases.

The study conducted by Engelbert (2014) has revealed that the power to investigate and prosecute corruption offences may not be subordinated. The power to investigate may reside in the anti-corruption agency but not the Prosecutor-General or Director of Public Prosecution. This is the case with Uganda where section 14(8) of the Inspectorate Government Act 5 of 2002 empowers the Inspectorate of Government to conduct investigation or prosecution of corruption independently (Engelbert, 2014:13).

It is important to note that the authority to prosecute, include activities such as the power to decide whether to prosecute or not, as to what charges may be put against the accused, drafting indictments in cases where the offences are serious, leading witness, re-examination of witness, cross-examining accused, plea bargain, and tendering evidence in court (Mapaure, Ndeunyema, Masake, Weyulu, & Shaparara, 2014:41-42). In terms of strategy to combat crimes, these prosecutorial activities are highly important as they signify the state's intolerance or condemnation of the commission of corruption.

An empirical study that was conducted by Bugayong, Butterworth, and Kabwabwa (2021) collected data from key informants such as prosecutors, police officers, magistrates, defence attorney, and legal academics on how to enhance the prosecutorial power in Zambia. The study confirmed that indeed the prosecution plays

a cardinal role in combating crimes. The study established that the power to prosecute is not free of challenges, rather it is subject to various limitations or challenges. These challenges include budget constraints, prosecutorial discretion dilemma, and lack of specialisation, particularly in offences such as corruption (Bugayong et al., 2021:18). These challenges have counterproductive effect and may render the prosecutorial power ineffective in the fight against systemic corruption.

The investigation and prosecution strategy, for purposes of combating corruption, are not limited to criminal investigation, rather, they may include investigation and prosecution in civil, administration or departmental violations. For instance, the UNCAC encourages member states, in terms of article 5 (2) to promote responsive practices with the object of combating corruption effectively. Therefore, consistent with the spirit of article 5(2) of UNCAC reference to *effective practices*, may entail any set of measures that may be effective for the purpose, and this may include adoption of mechanism such as disciplinary or administrative policies, procedures and processes that seeks to combat corruption.

Non-criminal investigation and prosecution such as civil, administrative, or disciplinary proceedings have high premium in the fight against systemic corruption (Flavier, Chikireva, & Ivanova, 2017). The implementation of mechanisms such as asset recovery through reduction of proportional monies from pension schemes of offenders, suspension, and discharge from employment are undoubtedly good weapon against systemic corruption (Kekae, 2017:149; Lee-Jones, 2018:12).

The premise for non-criminal prosecution is moral condemnation which is contrasted from criminal condemnation (Lee-Jones, 2018). In relation to disciplinary action, the initiation thereof, is to ensure corrective measures are deployed where there is

disciplinary violation (Kekae, 2017:149). Further is to discipline the members for violations which may not constitute criminal or civil conduct. Flavier et al, (2017) conducted a study on Russia, Germany, France, USA, and UK on the utilisation of disciplinary measures to combat corruption. Flavier et al's study noted the instructive law, vis article 192 of the Labour Code of Russian Federation and how Russia applies this mechanism. Flavier et al's study found that the disciplinary violation such as failure to perform optimally may attract sanction, including reprimand, dismissal, or reproof (Flavier et al, 2017:124).

Disciplinary measures are common in most police organisations. From the Namibian Police Force perspective, disciplinary measures against the members who commit disciplinary violations are provided for in terms of the Regulation 15(x)(ii) and (z) as contained in Chapter 2 of the NPFAM. These disciplinary violations, includes corrupt practices related to unauthorised solicitation of gifts or bribery.

Interpretively, the effectiveness of the disciplinary measures against corruption cannot be overstated, among others, that the offending member may be suspended or discharged. The effect is that during the period of suspension the suspended offender may not hinder or temper with investigation. Further that the offending member may be dismissed, thereby removing such cancerous (corrupt) member permanently from the police organisation. The impact of this measure is immeasurable in that the offender is stripped permanently of the opportunity to abuse the police powers or police resources.

### 3.3.11 Punishment strategy

Punishment for the commission of a crime is one of the responsive measures which is widely practiced (Zhu, 2012; Boly, Gillanders, & Miettinen, 2017). Punishment refers

to the discomfort or pain or penalty that is legally, by order of court or authorised institution, inflicted or imposed on the offender (Marson, 2015:19; Materni, 2013). Punishment as an anti-corruption strategy may be implemented or administered in different ways depending on the motivation for such punishment.

The techniques for administering punishment may include, causing the offender to lose liberty or freedom through incarceration (Materni, 2013:286); payment of sum of money through fines (Masake, 2019a:244); forced to lose property through compensation or forfeiture (Beade, 2021); loss of privileges through suspensions or cancellations (Masake, 2019a: 246). The motivation or the rationale for administering punishment may include, among others, the desire to rehabilitate the offender; to restore the breach or violation; to deter reoffending or would be offenders; to prevent; or retribution for the violation committed (Maculan, & Gil, 2020:145).

A series of legislations at domestic level, and conventions or accords at international level, advocates for punishment as an effective strategy to combat corruption. It may suffice to note that article 30(1) of UNCAC identifies punishment or sanction as one of the strategic pillars in the fight against corruption. Article 30(1) of UNCAC encourages state parties to criminalise corruption and to ensure that sanctions should be proportional to the gravity of the offence. The provision of article 30(1) of UNCAC read together with the article 5(2) of UNCAC enjoins and encourages State Parties to adopt effective measures to combat corruption. These measures include punishment or sanctions that may be imposed on the convicted offender.

Similarly, at the African Union level, article 2(1) of the African Union Convention on Prevention and Combating Corruption of 2003 (AUCPCC) provides for the objective of the convention to include the prevention, detection, punishment, and eradication of

the commission of corrupt practices. Beyond the gesture of including punishment in these respective conventions, as well as in the national legislations the questions may arise: to whether punishment as a strategy, is effective and responsive to the task of combating systemic corruption? If it is not sufficiently effective, how can it be reinvigorated? What may be the competent alternative strategy, thereto? To address these questions recourse is given to literature and empirical studies as it is elucidated below.

An empirical laboratory study to test whether anti-corruption legislation and punishment can deter the commission of corruption that was conducted by Boly et al., (2017) in Nairobi, Kenya's Busara Center for Behavioural Economics. There were about 198 students who participated from various fields of study in different treatment roles. The first treatment was designated as *Endogenous and Discretionary*, the second treatment assumed the role of *Endogenous and Non-Discretionary*. Whereof, the additional or third treatment was *Exogenous and Non-Discretionary*. The study adopted a treatment design where a zero likelihood for detection was assigned to a control treatment. Further it adopted the experimental treatment of which the researcher imposes, externally, the first positive level of likelihood of detection. Similar laboratory experiment design was applied by Serra (2012). The anticipated results were, among others, that the down-sloping signifies evidence of effectiveness and deterrence nature of punishment. The contagion effect may procure a contrast in corrupt outcomes average levels of the Endogenous Discretionary who are assigned the first treatment role.

Boly et al (2017) found the contagion effect as a result they concluded that increasing punishment and monitoring may effectively deter or lower the level of corruption (Boly

et al, 2017:22). In addition, the study found that legitimacy plays an important role in ensuring the effectiveness of monitoring and punishment. This implies that where monitoring and punishment are conducted and enforced by institutions that are reputable, then the legitimacy levels increase with the ripple effect of increasing the deterrence effect of such monitoring and punishment (Boly et al, 2017:29).

A study conducted by Zhu (2012) from the China's perspective sought to determine whether severe punishment had any deterrence effect on the commission of corruption. Zhu applied a game theory. His analysis could not find the relationship between severe punishment and deterrence. Thus, Zhu concluded that severe punishment for corruption was ineffective. Zhu's study further established that the fight against corruption should not be decision based where the accused is presumed to be rational. Rather, it should be based on game theory. The basis for this submission is that in corruption cases, there is an additional player, namely, the law enforcement agent who may tolerate corruption or not. At this juncture, Zhu concludes with an argument that to effectively combat corruption there should be interaction between the investigator and target actor. This interaction should be reinforced by aligned policies and institutions. In so doing, it avoids reliance on severity of punishment that may not necessarily yield desired outcomes (Zhu, 2012:26).

Zhu's study identified about six high profiles persons, in China, who were executed through capital punishment (death penalty) for corruption during the period 2000 to 2010. These high-profile officials were found guilty of a range of corruption offences, such as accepting bribes, ignoring wrongdoing by subordinates, and shielding organised crimes (Zhu, 2012:5).



It is not clear from Zhu study whether the six high-profile persons who were executed is the total number of the high-profile persons who were executed for the period stated or it is a representative figure of a higher number of high-profile persons who were executed during the same period. However, it is expressed that these high-profile persons were aware of the fatal consequences, which may arise, when one is found guilty of corruption involving amounts which were amenable for capital punishment. Notwithstanding the awareness of the grave consequences the offenders were not deterred.

Zhu then concludes and recommends that what is required is not necessarily severe punishment alone, but that there should be, in addition, incentives for anti-corruption, i.e., legitimacy in investigation, responsive anti-corruption legislations, and sound anti-corruption institutions. Further that increased penalty may lead to unintended effects such as reduction in monitoring mechanism due to over reliance on severity of punishment. In a nutshell, Zhu (2012:26) advocates for a policy that incentivises anti-corruption measures contrary to severe punishment.

Srirejeki and Srirejeki (2020) noted the contest of argument to whether severe punishment effectively deters the commission of corruption. Srirejeki and Srirejeki (2020:172) concludes that the study on the deterrence effect of severe punishment on corruption is still underdeveloped. However, the recommendation is that a single strategy may not be effective when standing alone. Rather, what is required in the fight against corruption is a combination of strategies.

### **3.4 Indirect strategies**

Indirect anti-systemic corrupt practice strategies are construed as preventative or proactive category of strategies. These are strategies that are developed or adopted

before the commission of corrupt practices is detected, and they include, training, integration of technology, ethics, and legislative reform. The discussion below focuses on the indirect strategies.

#### 3.4.1 Effective training/ education

Provision of adequate training, either for development, capacity building, or other purposes, is of critical importance in the 21<sup>st</sup> century. The concept of training which implies the act of learning and teaching. Training is distinguishable from education which implies acquiring knowledge through the act of learning and teaching (Soderstrom & Bjork, 2015). These concepts are, most often, applied interchangeably. Rahayu (2020:71) argued that training is indispensable in the fight against corruption. Rahayu (2020) further argued that education may be general or specific (anti-corruption education). To combat police corruption, it is imperative to provide a responsive or tailor-made training to the members of the police force (Dutta & Mukherjee, 2016:2; Pitsoe, 2013:750; Somadiyono, 2014:28). The nature of the required training, as Hope (2017:4) posits should enhance the skills of police officers so that they comprehend the consequences of corruption. This may help such police officers to resist or avoid corruption.

Training as an indirect strategy to combat systemic corruption, forms part of the broader schema of one of the pillars of the prevention theory, namely, developmental pillar. Understood in the context of developmental pillar of the theory of prevention, training refers to an aggregate of programmes or activities that enhances cohesion, encourage compliance with the rules, early risk detection system, and the reduction of risks (Muir, 2021). Rahayu described anti-corruption education with reference to:

*“Education that is part of the process of moral formation and is expected to be a major foundation in identity formation of honest – thereby strengthening basic values that are expected to form the anti-corruption attitude” (Rahayu, 2020:71).*

In this manner, training may include attributes such as, formal, or informal education, ethics and integrity, awareness, workshops, refresher courses, and sensitisation mechanisms. The gist of training, as Kaffenberger (2012) noted transcend beyond cognitive benefits to include the realisation that crime is bad, inculcation of a culture of refraining from committing illegal deeds, instils the need for safety, and the desire or will for compliance with rules. Hulten (2017) argues that education enlightens a person and reduces ignorance or risks associated with the commission of a crime. The value of education in the fight against corruption cannot be overstated. This is because it has the potential to influence person to resist corrupt temptations (Kaffenberger, 2012:17).

These non-cognitive attributes of education are highly critical in the fight against corruption since the educated society may be able to identify the social ills which corruption may bring about. Further that education may make people to realise that in longer run, the societal values such as honesty, integrity, and trustworthiness are important for social cohesion rather than immediate personal gratification (Kaffenberger, 2012:17).

Gok (2021) conducted a study on education as a strategy to combat crime, with specific analysis on tertiary education. Gok’s study focussed on tertiary education which may be highly specialised form of training and it found that tertiary education has potential to significantly reduce crime. However, it did not test whether any form

of education, that is below the standards of tertiary education would have similar effects on corruption.

Rahayu (2020) conducted a study that analysed the anti-corruption education in lower grades, specifically, kindergarten level. The premise of the study was informed by an assumption that learning formation begins at an early age: as such, inculcating values such as honesty, and integrity in the children may lead to social cohesion and production of the generation that are bound by morals. Rahayu's study concluded education was necessary to inculcate values such as honesty and integrity (Rahayu, 2020:74). In a nutshell, the study recommended the inclusion of anti-corruption education, as a strategy to indirectly fight corruption, in the kindergarten curriculum (Rahayu, 2020:74).

Dormaels and Walle (2011) conducted study to determine the value of anti-corruption education among the customs officials. There were about 2630 participants from the Belgian custom officials. The participants were requested to explain if they gained insight or not because of anti-corruption training. In response to this question, the study noted a positive response through which the participants acknowledged gaining good understanding better than prior to training exposure (Dormaels & Walle, 2011:37).

Derived from these responses, it is arguable that the participants' state of awareness before exposure to training were characterised with lack of clarity on concepts of corruption, and that the forms of corrupt practices were unknown. However, post training significant impact about the participants knowledge of corrupt practices were observed. Dormaels and Walle's study reflected that anti-corruption training enlightens the trainees, and that it inculcates the requisite knowledge about corruption. Further

that training on corruption instils a sense of responsibility on an individual (Dormaels & Walle, 2011:46). It is submitted that individual's sense of responsibility and duty is necessary in the fight against corruption.

Arguably, there is a link between education and development: the assumption being that the higher the level of education, the higher the development (Kaffenberger, 2012:17). The other link is that if the society is educated or well trained, then, the level of corruption may significantly reduce. This is because, education is a catalyst of the ability to identify risks. However, studies on anti-corruption transcends beyond these parameters and makes a claim that the training advocated for should include ethics. Newburn (2015) noted that the training curriculum, in the fight against corruption, should contain ethics contents (Newburn, 2015:32; Hope, 2017:4).

In the context of ethics training, the theoretical assumption is that it may assist in influencing police officers to model their behaviours on ethical standards. In so doing, refraining from corrupt practices (Collins & Klalm, 2019:267). The other dimension to the inclusion of ethics in the training curriculum is context: considering the organisational culture. The influence of organisational culture, on ethics, cannot be overstated. Dormaels and Walle (2011) expanded on this when they found that an anti-corruption policy that is tailored for a given entity can provide acceptable results if it is linked to the function and culture of an organisation (Dormaels & Walle, 2011:46).

Pliscoff-Varas and Lagos-Machusa (2021) conducted an exploratory study. The study addressed a critical question that was aimed at establishing the effect of ethics training on public officials (Pliscoff-Varas & Lagos-Machusa, 2021.951). To determine whether ethics training had any effect on public officials, the study adopted a pre-and-post-exposure methodological design. That is, the study tested the officials before training

was administered. Further that another test was conducted after the same officials were exposed to ethics training. The results of the two tests were analysed and compared to see if there were changes in perceptions of the officials. The result of the study revealed that there were significant changes in the responses which were given before the ethics training, when compared, to the responses which were given after the exposure (Pliscoff-Varas & Lagos-Machusa, 2021:958).

This reflects that when one is exposed to training, there is potential that such a person, may learn new skills that may be required to execute a task. However, training may not have any impact on a person and by extension on situation if such a person prior to training, was sufficiently familiar with the contents of the training. This observation is consistent with the responses that were noted in the study that was conducted by Dormaels and Walle. That is, when participants were asked whether they gained insight or not? Dormaels and Walle's study noted the responses in which participants claimed that they were familiar with the concepts therefore there were no new insight that were gained (Dormaels & Walle, 2011:37).

By explication, it is undeniable that training, either in general or specific may have an impact on corruption, i.e., reducing the frequency of the commission of corruption. In sum, it is arguable that recognition of training as a strategy to combat corruption continue to gain momentum.

#### 3.4.2 Reporting and protection

The confidence to report by the public or persons who encounter a corrupt practice is partly influenced by the level of risks to which the reporter may be exposed to (Schulz, & Harutyunyan, 2015). Reporting of the corrupt practices may take the form of anonymised information, (i.e., by informers) delivered to the authority, or non-

anonymised options (i.e., witnesses). The risk associated with reporting corruption include physical or psychological violence, threats, intimidation, and loss of property (Dulume, 2017).

There are generally, less risks associated with anonymised reporting system when contrasted with non-anonymised options. The fact that there are risks associated with reporting corrupt practices, it renders the prevention of corruption through reporting difficult. The difficulty is exacerbated by the fear of experiencing the risk. Thus, to effectively use the reporting strategy to combat corruption, there should be corresponding protection afforded to the persons who may report. The protection, required, could range from relocation, physical, psychological, health, finance, and so on, (Dulume, 2017).

Section 52 of the Namibian Anti-Corruption Act 8 of 2003 provides for the protection of the identity of persons who may report corrupt practices and it provide the way through which the identity of informer may be protected. This include to conceal, remove, or obliterate any information from a book, sound record, or document that is capable of leading to the discovery of the identity of the informant (Section 52(5) of the Namibian Anti-Corruption Act, 8 of 2003).

To effectively protect the witness or informants, section 39 of the Anti-Corruption Act 8 of 2003 criminalises the corruption of witness. This may occur, where a witness is offered a bribe by an accused or any third party acting on behalf or for the benefit of the accused person. The offence of corruption of witness, is closely linked to another mechanism that is aimed at witness protection, namely, the offence of obstruction, and or defeating the administration of justice. Interfering with the witnesses or exposing the identity of the informant may attract criminal punishment.

There is an increased recognition that information about crimes, particularly, syndicate offences such as corruption is highly valuable and that the sources thereof should be effectively protected. To guarantee the required level of protection, most countries, adopt legislations such as the Whistle-blower Protection, and Witness Protection. Whistle-blower refers to “an act of an individual within an organization who discloses information in order to report and correct corruption” (Schulz, & Harutyunyan, 2015:88). These legal instruments encourage the public to report the commission of offences, including corruption.

From the Namibian perspective, the Whistle-blower Protection Act of 2017 was adopted, and it deals with issues such as impunity, confidential information, and the question of detrimental effect. However, due to operationalisation issues, the said Namibian Whistle-blower Protection Act of 2017 is yet to come into force. In other words, this legislation is not yet operationalised. Dulume (2017) argued that where the witness or informant is not sufficiently protected, the possibility is high that they may not report the corrupt practices.

There are incidences where those who report or blow the whistle may be exposed, this may include the arrest of journalist. For example, in 2015 John Ngirachu a journalist in Kenya was subjected to arrest after he published an article about allegations of grand corruption that was alleged within the Interior Ministry (Jorgic, 2015). In 2021 the authorities in Bangladesh arrested an anti-corruption journalist Rozina Islam, who was reported to have been investigating corruption related to Covid-19 procurement (Human Rights Watch, 2021).

The arrest of these journalists, and many more others, forms part of the challenges which may arise when executing the reporting strategy. The question is to whether,



the reporting strategy, can be effective if those who should report or blow the whistle are arrested by the very authority to whom they should report?

### 3.4.3 Integration of Technology strategy

The technological demands, as witnessed in the 21<sup>st</sup> century, has greatly impacted all facets of life (Masake & Libebe, 2021). The unavoidable technological revolution, without doubt, continue to shape the use of technology in preventing crimes (Asheela-Shikalepo, 2021). Criminals nowadays are so innovative and sophisticated that they utilise technology to aid the commission of offences (Silveira, 2016). This argument places a high premium on policy makers to ensure that they adopt the integration of technology in crime combating (Silveira, 2016, Asheela-Shikalepo, 2021). There are several technologies that can be revolutionised and that may be adopted to reduce systemic corruption, namely, big data, internet of things, block chain, and software applications.

With Big Data, it is uncontested that in the past the manual operating systems coupled with the shire volume of papers and physical storage thereof made it difficult to detect corruption (Silveira, 2016). However, with the initiation of Big Data management and electronic system, handling volumes of data became relatively ease. There is now increased automation, data network infrastructure, and increased data quality. The implication is that with the adoption of technology, there are great opportunities to detect corruption. This is because these technologies can significantly be used to do predictive analysis (Torres-Berru, López-Batista, & Torres-Carrión, 2020). The predictive analysis can accurately identify trends, data matching, and patterns, which may be utilised to detect and prevent corruption.

Torres-Berru et al (2020) conducted a study to determine the utilization of data mining strategies to combat corruption and their study found that there is a shift, towards adopting technology in combating corruption. The study noted the benefits of using data mining technologies, include the potential to minimise bureaucratic interpositions (Torres-Berru et al. 2020:15). It is important to note that *these* bureaucratic processes are subject to abuse by officials. Thus, removing the bureaucratic red tapes, increases transparency, and reduces opportunities for corruption. Torres-Berru et al (2020) concludes that technology enhances the anti-corruption mechanism, and thereby reduces the corruption opportunities.

Several countries adopted the electronic governance system (e-government), (Halai, Halai, Hrechaniuk, & Datsko, 2021). Over and above efficiency and effectiveness in service delivery, e-governance is a critical tool in combating systemic corruption. For example, from the Namibian Police Force context: the police force (government) took a deliberate decision to instal e-policing and had opportunity to cause all the dockets to be uploaded on e-policing (Nampa, 2016). The implication is that the traditional theft of dockets by official is now a thing of the past. This is because once the docket is uploaded unto e-policing system, any input or changes effected to the docket is reported through an integrated notification system that is sent out to officers with the clearance rights.

Halai et al (2021) observed, in their paper which investigated the use of technologies by governments to combat corruption, that technologies such as e-governance, Big Data (open data), use of blockchain, and information and communication can reduce the opportunities for corruption. Elaborating on open data (big data), Halai et al (2021)

argued that an open data system can reduce secrecy and thereby increasing transparency in government processes.

Adam and Fazekas (2021) conducted a study which adopted a systematic review of literature of published articles on the use of technology as a strategy to combat corruption. The study concluded that technology through automation can create a standardised platform, improve collective action, and reconcile information asymmetries (Adam & Fazekas 2021:3). The effort reflects a limitation on the public official's discretion. The study also revealed an opposing position. That is, technologies can equally present unique challenges related to cybercrimes (Adam & Fazekas, 2021:3). This contrasting view resonates well, especially, in countries with low technology infrastructure, lack of technological capacity, and where the technology legal framework is underdeveloped. When it comes to technology advancement, Namibia finds itself at the periphery, therefore, it is vulnerable to cybercrimes (Towett, 2019).

Notwithstanding the challenges noted by Adam and Fazekas (2021), there is high demand for the use of technology to combat corruption. The other form of technology that has gained much momentum is the use of software applications, either cell phone or web-based applications (Silveira, 2021). The software applications provide additional advantage, namely that it delivers instant detection. The use of software applications provides an opportunity to citizens to virtually keep government officials in check and increases transparency. Therefore, it has the potential to reduce opportunities for corruption. Silveira (2021:2) submitted that the integration of technology in strategies to combat corruption re-enforces effective decision making and increases transparency.

#### 3.4.4 Access to information and transparency strategy

True to the mantra: information is power. Access to information is a powerful tool when combating systemic corruption. Access to information may refer to a person's ability to obtain information from the source or data base or archive. Different countries, have different approaches on access to information. Access to information may be treated as part of the rights of citizens. In this vein, some countries adopted legislative framework that seek to protect information. At international level the Sustainable Development Goals (SDG), specifically goal 16 that deals with peace, justice and strong institutions advocates for access to information. SDG goal 16, target 16.10 encourages state parties to provide for equitable access to information by members of the public. This provision encourages the States to adopt measures that promote access to information.

From the Namibian perspective, access to information is still a distant reality: since the Protection of Information Act 84 of 1982 is still in enforce. This legislation prohibits both obtaining and disclosure of information, specifically, information held by government officials. The practice is that when government officials are appointed in functions such as the police, military, and security services, they are bound by the provisions of Protection of Information Act 84 of 1982. Thus, they are prohibited from disclosing information on anything that is happening in their work environment. Even though the primary focus of the Protection of Information Act 84 of 1982 is to protect security of the state. This legislation has been applied to prohibit disclosure of anything related to law enforcement agencies. As a result, public access to information held by law enforcement agencies continues to be unrealised. This challenge extends to information held by the Namibian Police Force.

To illustrate this challenge reference is made to the case of the *Director-General of Namibian Central Intelligence Service and Another v Haufiku and Others* (SA 33 of 2018) [2019] NASC 7 (12 April 2019). In this case the Supreme Court of Namibia was required to make a ruling on whether media house should be given access to information which was held by the Namibia Central Intelligence Service. The information was about a farm which was allegedly acquired corruptly. Initially, the Namibia Central Intelligence Service denied the journalist access to information citing security reasons and the violation of the Protection of Information Act 84 of 1982. The court distinguished between protection of security information and protection for crime cover-ups. The Supreme Court found that information which the journalist wanted was on the allegations of corruption related to the acquisition of a farm but not security of the State. With this distinction, the Supreme Court ruled in favour of the journalist to have access to information specifically related to the acquisition of the farm in question.

The lack of clear guidelines or legislation that provide for access to information works against transparency standards. In 2021 a Bill on Access to Information was introduced: however, this Bill is yet to be finalised by the Namibian Parliament. In a nutshell, transparency, and access to information as a strategy to combat corruption in an institution such as the Namibian Police Force which subscribes to the Protection of Information Act 84 of 1982 remains unrealistic.

#### 3.4.5 Legislative reform

The relevancy of the conventions against corruption appears to be beyond question. This may be derived by means of proxy indicators, such as the ratification or ascension by State Parties to the principal anti-corruption conventions such as UNCAC and the

AUCPCC and the political will of the State Parties to provide legislative framework against corruption. The AUCPCC, there are 49 signatories out of 55 States, of which 45 State Parties ratified and deposited their ratification instrument. Whereas the UNCAC consists of 189 State Parties who ratified and deposited their ratification instrument. These numbers are overwhelming and may indicate the relevance of these respective conventions. However, the questions remain to be answered to whether these conventions, together with domestic legislations, are responsive and effective in the fight against corruption.

### **3.5 Comparative approaches on police corruption: selected countries**

Corruption is widespread and common in most Southern Africa Development Community (SADC) member states. A reflection in selected SADC states such as South Africa, Botswana, and Zimbabwe reveal a varying trend on police corruption. The Afrobarometer (2022) identifies police corruption as one of the major crimes that affects development, service delivery and justice. In these selected countries the public perceive police officers to be corrupt, ranging from 57% Namibia, 44% Zimbabwe, and 43% for Malawi. The data on South Africa and Botswana were not included in the 2022 report of the Afrobarometer Round of 9. However, the Plus 94 Research (2021) reflects public perception of about 36% police corruption in South Africa. In Botswana the public perception on police corruption stands at 43% (Star Awards, 2023). These rates are worrisome. The discussion below unpacks the regulatory mechanism on how these countries deal with police corruption.

#### **3.5.1 South African perspectives**

In South Africa, there are several legal instruments that can be applied to counter police corruption. These legal instruments include, the Constitution 1996, the South

African Police Service Act 1995, the Prevention and Combating of Corrupt Activities Act 2004, the South African Police Service Code of Conduct, and Independent Police Investigation Directorate Act 2011.

The 1996 Constitution of South Africa is the supreme law and that all other laws are subject to the Constitution (Steytler, 2017). The SAPS is established in terms of section 205 of the 1996 Constitution, and it is vested with the function, among others, to enforce the law, prevent crimes, and to investigate crimes. Rajin (2017:46) argues that construed from the functions of the SAPS as enumerated in section 205 of the 1996 Constitution the public has the right to be policed without corruption. Section 205 of the 1996 Constitution further places a positive duty on legislature to promulgate a legislative instrument to guide the functions and responsibility of the SAPS.

The South African Police Service Act (SAPS Act) 68 of 1995 provide for the establishment of the SAPS. Interestingly, section 40 of the SAPS Act provides for disciplinary proceedings against members who commit misconduct. These misconducts include criminal cases such as corruption (Rajin, 2017). The other provision that is critical in the fight against corruption in SAPS is section 43 of the SAPS Act 68 of 1995 which provides for suspension mechanisms for officers who are arrested and detained for criminal offences. It is important to note that the SAPS Act 68 of 1995 was amended by the Independent Police Investigation Directorate Act (IPID) 1 of 2011.

The Prevention and Combating of Corrupt Activities Act (PCCA Act) 12 of 2004 is the general legal framework that was enacted to fight corruption in South Africa. The PCCA Act codified corruption. In other words, the common law crimes of corruption, extortion, and bribery were elevated to statutory law crimes. Rajin (2017) argues that

the inception of PCCA Act 12 of 2004 introduced several new approaches to the fight against the crime of corruption. These approaches included that police officers who commit corruption were no longer charged under the common law regime, rather were charged based on the statutory regime. Further that the meaning of corruption drastically changed to include corrupt activities, i.e., related to witness, peddling of evidence, contracts, and auctions.

SAPS Code of Conduct provide for rules and guidelines on the conduct of police officers. The code of conduct prescribes what should police officers do or not do. These prescriptions include ethical conduct, respect for human rights, professional policing standards, serving with integrity, and respect for rule of law.

Independent Police Investigation Directorate Act (IPID Act) 1 of 2011 provided for an independent mechanism to the investigation against police officers. This advocates for an objective and transparent manner of dealing with complaints against the police. The IPID Act 1 of 2011 amended the SAPS Act 68 of 1995, for example by replacing the Independent Complaint Directorate that was contemplated in terms of chapter 10 of the SAPS Act 68 of 1995.

In nutshell, in South Africa police corruption is proscribed and prohibited. The condemnation may take the form of prevention, prosecution, and punishment.

### 3.5.2 Botswana perspective

The principal legislation that deals with matters related to the conduct of police officers in Botswana is the Police Act 29 of 1978. This legislation establishes the Botswana Police Service as contemplated in section 3 thereof. In terms of section 6 of the Police Act 29 of 1978 it provides for the function of the Botswana Police Service which include



protection of life and property, prevent, and detect crime, provision of internal security, order and enforce law.

Accountability in rank and file of members of the Botswana Police Service can be effectuated through criminal or disciplinary measures. Section 23 of the Police Act 29 of 1978 provides for disciplinary offences against members of the police service. This provision proscribes police corruption as contemplated in section 23(h) which includes solicitation or receipt of unauthorised gifts. This legislation further provides for punishment as contemplated in section 27. The forms of punishment include reprimand, fines, confinement, and reduction in rank. It is important to note that disciplinary proceedings may result in dismissal when a member is convicted for corruption as contemplated in section 28 of the Police Act 29 of 1978.

In terms of the Laws of Botswana Chapter 08:01 of the Penal Code section 384 proscribes corruption. This may be corrupt practices committed through accepting or giving bribes. In addition, section 387 of the Penal Code creates a presumption when receipt or offer of a gift is proved: the gift is deemed as having been received or offered as inducement.

Police officers in Botswana are public officials and therefore form part of the public bodies. The effect of this classification is that the Botswana Police Service is subject to the provision of Chapter 08:05, the Corruption and Economic Crime Act 1994. Section 6(a) of the Corruption and Economic Crime Act 1994 as amended provides that the Directorate on Corruption and Economic Crime has the powers to receive and investigate complaints against all public bodies in Botswana.

Omotoye (2019) argue that there are various ways to fight against corruption in Botswana, include, through prosecution, punishment, and forfeiture of proceeds of corruption.

### 3.5.3 Zimbabwe perspective

The Constitution of Zimbabwe Amendment Act (CZA Act) 20 of 2013 is the supreme law. It establishes the Police Service and its functions as contemplated in section 219 of CZA Act 2013. The function includes crime investigation, maintenance of law and order, and internal security. It is interesting to note that section 207(1)(b) of the CZA Act 20 of 2013 incorporate the police service into security services. This incorporation is relevant to the question of police corruption because complaints against the security services are handled through an independent complaint mechanism that is contemplated in section 210 of the CZA Act 2013. This external oversight provision promotes accountability and transparency in the security sector, of which the police service is not an exception.

The CZA Act 20 of 2013 further, in the fight against corruption, establishes the Anti-Corruption Commission of Zimbabwe with the powers to investigate corruption and related offences, including offences committed by members of the police service. The Anti-Corruption Commission of Zimbabwe may direct the Commissioner General of Police to investigate any corrupt practice and provide report thereto as contemplated in section 255(1)(e) of the CZA Act 2013.

The Police Act 2 of 1995 serve as the principal legislation that governs the conduct of police officers. Part V of the Police Act 1995 provide for disciplinary measures against police officers. Under the disciplinary measures, police officers may be disciplined for misconduct that include commission of offences such as corruption. The punishment

may include prosecution and incarceration, suspension, or discharge from the police service. To deter corruption in the police service, the Zimbabwe Republic Police adopted instruments such as police code of conduct that promote ethics and integrity and to condition the behaviour of the police officers.

### **3.6 Conclusion**

The chapter critically analysed the strategies that may be applied reactively (directly) and proactively (indirectly) when dealing with systemic corruption. These strategies have potential to combat systemic corruption. However, it is important to note that there is no one strategy that can purport to resolve all the challenges that is wrought by systemic corruption. Thus, a combination of strategies may be desirable. In the next chapter, the study unpacks the research methodology which the study adopted, namely qualitative research methodology and design.

## CHAPTER 4

### RESEARCH METHODOLOGY

#### 4.1 Introduction

The concept of research methodology when used in the context of research entails the principle that underpins the research approach (Fleming & Zegwaard, 2018:207). In this context, methodology is distinguished from methods in that methodology informs the methods that may be adopted. The outer layer of methodology being the accumulative and inclusion of different facets of research, among others: the type of the study, guideline of the study, the manner of conducting research or a comprehensive plan on how the research may be carried out in addressing the research questions (Astalin, 2013:118; Hesse-Biber & Leavy, 2011:31). In this vein, research methodology includes, design, approach, strategy adopted, methods and the justification thereof (Fleming & Zegwaard, 2018:209).

This study adopted an overarching research framework which is a combination of constructivism and pragmatism. Constructivism was selected based on its properties, namely it construes knowledge to be a by-product of experience and ideas. This element is very crucial to this study premised on the reasons, among others, that the study extracted experiences and ideas on systemic police corruption from information rich participants. Further factor that makes the chosen framework to be suitable is its theoretical assumption. Jaleel and Verghis (2015:10) argue that constructivism considers participants to be capable of constructing knowledge, and dispels the idea that knowledge is laying somewhere requiring to be discovered.

Furthermore, the constructivism theory rejects the assumption that personal and subjective views or interpretation proffered by participants are biased. This rejection is practically important as it opens and presents the opportunity to the participants to, in their natural setting, provide in-depth content about the subject under investigation based on the participants' experiences and ideology (Tavakoli, 2012:100). It cannot be emphasised enough that one of the greatest innovative notions of constructivism is its reliance on understanding (Dennick, 2016:203; Tavakoli, 2012:100).

In the context of pragmatism, the object is to identify what works? (Tavakoli, 2012). This study beseeched on actionable strategies to combat and prevent systemic corruption. Therefore, the pragmatism approach is relevant for this study. It is important to state that the approaches and the methods adopted in this study are provided for, in this chapter, as per the sections below.

## **4.2 Research paradigm, approach, and design**

In this section, this research provides a detailed account of the selected approach, design, and methods adopted by the researcher and their justification.

### **4.2.1 Research paradigm or approach – qualitative study**

A researcher may elect or adopt among the three approaches to research. These approaches are quantitative, qualitative, and mixed (Creswell, 2014). Qualitative approach seeks to discover or understand issues (subject under investigation) from the participants' perspective. This study followed a qualitative research approach. The adoption of qualitative approach was premised on the attributes, among others, that this approach affords the researcher to obtain in-depth opinions, knowledge, or intellect of the informants (Creswell, 2014:11). In-depth and detailed perspectives,

from information rich participants, is vital for purposes of determining the effective methods or solutions which may be required to address systemic corruption or the realisation of the research objectives. Under qualitative approach the assumption is that the research seeks to extract in-depth understanding of systemic corruption from the information rich participants in their natural setting.

#### 4.2.2 Research design and type

The study adopted empirical research design (study based on participants experiences rather than theory or pure logic) that was explorative in nature. In qualitative research there are various categories of designs, namely: interactive and non-interactive research design (Khaldi, 2017:16-19). Under interactive category, the researcher may select research designs, among others, ethnographic, case study or grounded theory (Khaldi, 2017:18). Wherefore, under non-interactive research design the researcher has the option of carrying out the content analysis, and historical analysis (Bengtsson, 2016:9-11; Almalki, 2016:291-292).

This study followed a hybrid of interactive and non-interactive research design. In the context of interactive design, the research adopted a case study format. The choice of case study was informed on the premise that this study was concerned with a specific institution, namely the Namibian Police Force. The specific cases were Erongo, Khomas, and Zambezi regions respectively. A case study was suitable for this study as it systematically investigated specified components of the Namibian Police Force (Heale & Twycross, 2018:7). The assumption underlying the adoption of a case study included the researcher's understanding that a case study involves a process of inquiry (Hasse-Biber & Leavy, 2011:256). In addition, the other unique characteristic

of case study, as explained by Hasse-Biber and Leavy (2011:256) is that it has the potential to situate a research problem in its social context.

In relation to non-interactive design, the research carried out content analysis at two levels. Firstly, content analysis was applied when conducting review of literature of this study. Secondly, the application of content analysis was apparent at the data analysis level. The intricacies of content analysis at data analysis level were elaborated and explained in detail under the data analysis section 4.5 below.

There are various types of studies, depending on the nature of the study, from which a researcher may choose from, namely, descriptive, exploratory, or participatory study (Creswell, 2014; Saunders, Lewis, & Thornhill, 2016:167). In this study, exploratory research was followed. This was because the phenomenon of systemic corruption was under researched in the context of the Namibian Police Force. The exploratory research possesses properties that helped to uncover data on systemic corruption in a more effective way than when compared to other designs (Creswell, 2014; Astalin, 2013:120). The other reason for adopting exploratory research was technical, that is, it helped to discover the strategies that were deployed to detect, prevent, and combat systemic police corruption.

#### 4.2.3 Research setting

The concept of research setting entails the geographical location or place where the research data is collected (Ritchie & Lewis, 2012:49). This study adopted Khomas, Erongo and Zambezi region, respectively as the study setting. The motivation for selecting these respective regions included that Khomas region, where the capital city of Namibia is found, was perceived as the most corrupt region. Of which Erongo regions was perceived as moderate, and Zambezi region as one of the least corrupt

regions. These perceptions are depicted in section 1.3 and figure 3 above. Therefore, the researcher found it necessary that to fully comprehend the menace of systemic corruption in the Namibian Police Force, a combination of police regions that include the highly perceived, moderate, and lowly perceived region should form part of the sample. In this manner, the researcher had an opportunity to crosscut and appreciate different approaches and strategies that were applied by these regions with the object to develop an effective and responsive approach to systemic corruption.

### **4.3 Research population and sample**

Research population is a crucial element of study. Study population refers, as it is discussed below, to an individual or group that provided valuable data. In relation to population, this study, expounded the theoretical assumptions that underpins population and target populations as provided in section 4.3.1 below.

#### **4.3.1 Population of the study**

In this study, the population encompassed the members of the Namibian Police Force, experts in the field of policy development and experts in the field of corruption. The Namibian Police Force members were estimated at 15689 staff compliments (Namibian Police Force Strategic Plan, (NPFSP) 2018-2022). Whilst the number of experts in field of policy development and anti-corruption is not known. In addition, participants were drawn from the ACC.

A study population can be classified in two or more categories, for example: a parent population and supplementary parent population. Parent population, according to Ritchie and Lewis (2012:86) refers to the objects or subjects from which a sample is drawn. In the context of this study, the parent population refers to the members of the



Namibian Police Force. Wherefore, the supplementary parent population refers to the objects or subjects that are external to the parent population. However, supplementary group by virtue of its characteristics, i.e., experience, etc, may provide valuable and rich information. This valuable information could be confirmatory or contrast to information provided by the parent population (Ritchie & Lewis, 2012:87). In this study, the supplementary population included the participants from the ACC who were experts in the field of investigation of corruption.

Asiamah, Mensah, and Oteng-Abayie (2017:1611) proffers that “the study population is characteristically crude in the sense that it often contains participants whose inclusion in the study would violate the research goal, assumptions, and/or context.” It therefore, follows that a study population, descriptively, is construed as the largest group who possess certain qualities or basic criteria.

In the process of identifying the study population for this study, a two-stage process was adopted. That is, to provide specifications (characteristics or criteria) of the collective group, on one end, and other end to specify the individuals who may participate (Ritchie & Lewis, 2012:87).

#### 4.3.2 Study Sample and sampling technique

In this study, the sample was 40 participants with at least three (3) years' experience in leadership position. A sample is a number or portion of the study population that participated in the study and that was drawn from the study population (Asiamah et al., 2017:1612). The researcher was much concerned with obtaining in-depth knowledge and understanding of strategy to combat systemic corruption. This researcher's approach was consistent with qualitative research as articulated by (Hesse-Biber & Leavy, 2011:46; Ritchie & Lewis, 2012:83; Charmz, 2014:214). It,

therefore, follows that ideally a sample of 40 participant was enough to effectively extract deep understanding about anti-systemic corruption strategies or a phenomenon under investigation (Corbin & Strauss, 2015: 140; Gentles, Charles, Ploeg, & McKibbon, 2015:1782).

The rationale for receipt of a sample size of 40 participant was technical: that is, a response was only to be entered once in the data set for such response to be construed as receivable data (Sim, Saunders, Waterfield, & Kingstone, 2018:618). The other reason that has been prominently cited by scholars to justify a small sample size in qualitative studies is the avoidance of data redundancy (Malterud, Siersma, & Guassora, 2016:1754). This is because data saturation may be reached at the instance of the first entry and as such rendering the subsequent similar entries less valuable (Ritchie & Lewis, 2012:83).

There are various assumptions that influenced the selection of the sample for this study. These theoretical assumptions include central interest theory, and central population theory. The *central interest theory*, this theory expound that a population is of central interest, if such “population will, by virtue of their *proximity to the research question*, be able to provide the *richest and most relevant information*” (Ritchie & Lewis 2012:87). In this study the central interest theory was applied at two level, namely:

- a) the sample population was located or situated within the proximity of the research question. This implies and contemplate to include persons in a place or institution which is the subject of investigation. In this research the sample population included, by virtue of their proximity to research questions, the police officers who were employed in the rank and file of the Namibian Police Force. The participants provided rich data in this study.

b) the sample population provided rich information about the phenomenon of systemic corruption under investigation. This requirement contemplates on transcending beyond the nuclear of proximity, and included participants who were situated outside the proximity continuum. By explication, this class of participants included persons who provided most rich information. In this study, this was effectuated by the inclusion of experts from the ACC.

In regard to the *central population theory*, this is an exclusionist theory. It presupposes that notwithstanding the fact that a sample is of central interest, there are circumstances that may be taken into consideration which may exclude a possible participant (Ritchie & Lewis, 2012:87). These include ethical issues which may render such a participant to be excluded, i.e., age, vulnerability, and etcetera.

The study adopted a nonprobability sample method utilising purposive sampling technique. The nonprobability sample method falls under the qualitative research approach (Ritchie & Lewis, 2012:78). Under, the nonprobability sample method the case or unit or sample were deliberately chosen within the study population, specifically, the sample population. The nonprobability sampling method, in this study, comprised of various sampling techniques, namely: purposive sampling and theoretical sampling as discussed in this section bullet point 1 and 2 below.

- Purposive sampling

The study utilised the sampling techniques which were based on nonprobability standards. This included a combination of the purposive sampling technique and theoretical sampling technique. By explication, purposive sampling technique entails that the units/ cases were selected based on certain pre-determined criteria (Creswell, 2014). The pre-determined criteria were set in congruence or aligned to the research

topic. This study explored the strategies that may be adopted to combat systemic police corruption. Therefore, the distinctive feature was that the unit had substantial practical or theoretical knowledge in anti-corruption policies and investigation of corrupt practices.

Purposive sampling, specifically the critical case technique was suited for this study because of its richness, considering the unique characteristics and similarities of the units or participants (Ritchie & Lewis, 2012:77). The sampled participants shared features and similarities, namely: expert in the field of policing, research related to anti-corruption, investigation of corrupt practices, and policy formulation. These attributes and characteristics of the participants distinguished them and greatly enabled comprehensive exploration on the strategy to combat police corruption.

- Theoretical sampling

This study adopted theoretical sampling that was aligned with data collection method, namely the Delphi technique which equally enounces the iterative data collection process until consensus was reached. The assumption that justified the adoption of this technique was that a case or unit contribute to the research based on purpose and relevance (Ritchie & Lewis 2012:80; Creswell, 2014).

#### 4.3.3 Sample frame

In this study, a list that served as sample frame was obtained from the human resources, at the regional level, through the respective Regional Commanders. Equally, the list of participants was received from the Human Resource manager at the ACC. Thus, the researcher obtained the particulars of participants through the stated lists. A sample frame is a guide that informs the selection of a sample (Ritchie & Lewis, 2012:88). The important question that needed to be addressed to ensure

effective sample frame was to determine whether, the sample frame provided information that was necessary and comprehensive. In a nutshell, the sample frame was used to determine the eligibility of the participants. This can, if not readily determined, be construed from administrative records, published lists, and survey samples (Ritchie & Lewis, 2012:88).

#### **4.4 Data collection: instrument and technique**

The study adopted telephone interview to collect data from 35 participants. In addition, data from 5 participants was collected through email. From the onset, it is important to note that this study, took cognisance of the Covid-19 regulations which prescribed social distance factor as a mechanism to fight against Covid-19.

The data collection techniques, that was adopted in this study, were equally excellent methods of data collection as they have the necessary qualities to help in obtaining data, whilst been compliant with the Covid-19 regulations (Taherdoost, 2021:13). The email and telephone interview have been tested and found to be resilient and effective means of communication during the Covid-19 pandemic.

Data refers to facts, information, statistics, figures, symbols, characters, known and assumed things that may provide a basis for logical conclusion, reasoning and calculation (Burnham, 2012:2; Ritchie & Lewis, 2012). From a practical standpoint, Burnham (2012:2) state that in research, data is information collected and processed to generate findings, meanings, and assumptions.

##### **4.4.1 Methods of data collection**

It is important to juxtapose how the researcher was compliant with the Covid-19 pandemic regulations when collecting data during the subsistence of the Covid-19.

The Covid-19 national regulations as well as the University of South Africa's regulations on covid 19 included proscription on gathering, and close contact (social distancing). The motivation behind these Covid-19 regulations was to curb the spread of the deadly pandemic. Since the outbreak of Covid-19 pandemic there was fluctuation on various regulations relating to how people may interact. Thus, in this study, to avoid placing the participants or the researcher at risk of contracting Covid-19, the study adopted, the email and telephone interview methods of data collection.

Burnham (2012:4) identifies data collection methods such as through observations, experiments, interviews, simulations, and canonical. Interactive data can be collected through interviews and observations, of which content analysis may be used to collect non-interactive data.

Therefore, it follows that in this study, research primary data was collected using interviews, and email. Wherefore, secondary data was collected through library, and desktop internet searches.

- Interview

This study adopted telephone interview to collect data. It is worth noting that there are different techniques of obtaining interview data, *inter alia*, through: physical face to face interviews, virtual (real time), email interview, telephone interview, and focus group interview (Creswell, 2014:190).

Interview is construed as a conversation between the interviewer and interviewee over a subject or object under investigation (Taherdoost, 2021:17; Creswell, 2014). The object, just like of other methods, is to obtain data or information from the interviewee. The assumption, in the context of qualitative research, is that the interviewee is the knower. This assumption, partly, solidifies and justifies as to why the information is

obtained from the information rich interviewee. The result is that interview can produce *contextual, linguistic, or narrative* knowledge. On this score, Hasse-Biber and Leavy (2011:94) posits that interview is a “process of meaning-making endeavour embarked by interviewee and interviewer.”

Interviews can broadly be classified into three categories, namely: semi-structured, unstructured, and structured. In this semi-structured and structured interview were used.

#### a) Structured interview

In this study a structured interview was used. Interview questions were drawn in a rigid manner and were emailed to 5 different participants individually. All the 5 participants replied to the standardised set of questions and emailed their individual replies to the researcher. It is important to note that the structured interview questions were drafted and had the following characteristics:

- were open ended.
- Relatively short.
- A single question per item. This was to avoid confusion.
- Clear statements were used in each question.
- Appropriate word selection was done to increase reliability.

Structured interview is a form of interview which is also known as standardised interview (Hasse-Biber & Leavy 2011; Taherdoost, 2021; Creswell, 2014). In terms of this form of interview the researcher compiles a rigid and controlled interview guide or questions which the participant replies thereto (Jamshed, 2014:87). In practice, the researcher follows these guidelines to the letter. Thus, there is no flexibility afforded to the researcher.

## b) Semi-structured interview

The study, through telephone interview, adopted a semi-structure technique. There were 35 participants who used telephone interview based on semi-structured interview technique. The telephone interviews, on average, lasted for about 45-50 minutes, except for participant 1 whose interview lasted for about one hour and fifteen minutes.

Semi-structured interview as a tool or method for data collection refers to an iterative process of interview that is sufficiently flexible where the participant replies to a pre-set open-ended set of questions that incorporates prompts or follow up questions (Jamshed, 2014:88). The interview schedule (pre-set questions) assists in guiding the interview process. Essentially, semi-structured interview may be applied through different modalities, *inter alia*: virtual, face to face, focus group, telephone, or email. Generally, the researcher develops the interview schedule or guide. This method was adopted as it was the most suitable method for this study.

The telephone interviews were audio recorded using an audio recorder. Audio recording is one of the effective methods of handling data (Archibald, Ambagtsheer, Casey & Lawless, 2019:3). Further that the researcher took notes to complement the recording. Notes in interviews were important because the researcher had an opportunity to describe communications expressions. The voice over audio recorded data was transcribed by the researcher to produce printable texts. Qualitative data transcription may be done in different ways using different techniques, among others, including, gisted, multimodal, and verbatim transcription technique (Moore & Llompert, 2017: 110). The study adopted a verbatim transcript technique which contemplate to capture all words, phrases, and statements made by the participants. The captured



words, phrases, utterances, or statements served as a correct reflection and accurate record of the telephone interviews.

#### 4.4.2 Incorporation of interview and Delphi method

To enhance the iterative effect of interview, this study adopted a Delphi technique to collect data from participant. Delphi technique entails the design of schedules of questions, in iterative manner, and use of several rounds of interviews which were put to information rich participants or experts (Hirschhorn, 2018:312). The essence was to obtain participants consensus on the phenomenon on anti-systemic corruption strategies. By explication, under the Delphi technique, when the first round of questions was answered, from such data, the researcher summarised the data and further questions were developed (follow-up). These subsequent questions were again put to participants to obtain further and deeper knowledge of the strategies to combat systemic corruption. This is known as the *emergent design* of the Delphi technique (Hirschhorn, 2018). In sum, the study utilised telephone interview, whose qualities were closely similar with the face-to-face interviews (Chaisson & Ashton, 2021:5).

The second approach was to administer the structured interview schedule to 5 participants and obtain data through email. Administering interview schedules through email is not foreign to qualitative research and it is an important technique of data collection. It afforded the participants, at their convenience, to participate in the research (Chaisson & Ashton, 2021). Further, that the use of email technique was highly relevant in times when humanity was faced with the deadly pandemic of Covid-19. Therefore, collecting data through email and telephone interview does not only

provide an opportunity to access remote participants to participate in the research, instead, it also saves the costs related to travelling to and from the remote (far) areas.

#### 4.4.3 Data collection challenges

In this study, the telephone interviewees were less complex to manage and presented minor challenges such as the lengthy interview period. For example, participant 1's interviewee lasted for over one hour. However, in terms of email interviewees (structured), the challenges included lack of flexibility, rigidity, lack of prompts on the replies, and delays in receiving feedbacks. To mitigate against delayed feedback, the researcher had to send reminders to the participants with request for feedback. To counter lack of flexibility, the researcher used open ended questions, short questions, and one question per item approach. These shortcomings were not unique to this study, however, they form part of the challenges that are associated with email interviews (Stuckey, 2013).

#### 4.4.4 Data sources (primary and secondary)

Data sources can be grouped in various categories, this includes the primary, and secondary sources (Lowry, 2015:18). Primary data denotes information or material which the researcher obtains for specific purpose or research (Ajayi, 2017:5; Martins, Cunha, & Serra, 2018). In this study the primary data included interview records, Constitution, reports on corruption, policies, legislations, and case dockets. In contradistinction, secondary data mainly refers to data sets or information that was obtained by another person for a different purpose, however, such information or data is utilised by the researcher (Martins et al., 2018). In this study, secondary data was extracted or sourced from textbooks, dictionaries, journals, articles, websites, and publications, and newspapers.

This study was empirical in nature. Thus, enough data was collected from participant (primary data) and from the existing body of literature on the subject (secondary data) to sustain the study. In the context of secondary data sources, there were both electronic and in print format: books, journal articles, previous studies, position papers, policies and etcetera which were readily available to enrich the literature review and discussions of the study.

#### **4.5 Data analysis, and processing**

Data analysis involves a process which includes coding, identification of categories and extraction of themes from the data, and exacting patterns or trends (Hilal & Alabri, 2013:181). It is an iterative and practically non-linear process through which data was broken down into relatively smaller chunks, paragraphs or groups. The object of data analysis, among others, was to effectuate inferences, assign meaning to the data, and it was used to discover, or uncover anti-systemic corruption strategies in the Namibian Police Force.

Qualitative data is mainly text centred or it is data that is found in text format. Thus, in order to effectively conduct an analysis on a text-based data, the researcher may utilise different analytical techniques, among others, including content analysis, thematic analysis, discourse analysis, narrative analysis, or grounded analysis (Busetho, Wick & Gumbinger, 2020:5). These analytical techniques possess properties which can be distinguished.

This study espoused thematic data analysis technique to conduct the analysis of the data that was collected for purposes of this study. The suitability of thematic analysis, to this study, cannot be overstated, namely that it afforded the analytical flexibility, and provided an opportunity for establishing findings based on data. Lester, Cho, and

Lockmiller (2020:96) argue that thematic analysis is sufficiently flexible and can help in distilling similar phrases in data.

Thematic analysis is a systematic technique, as such, it subscribes to a process or steps that should be judiciously followed. In their broad sense, these steps include preparation of data; data transcription; data corpus familiarisation; data memoing; coding and production of categories and themes. The first four steps are infused, built, and spread over various aspects of research methodology. For example, data preparation and familiarisations are infused in data collections. Equally, data transcription is articulated as forming a section under data collection. The remainder of the steps, namely: data coding, and production of categories and themes are equally and highly important in qualitative data analysis and are discussed in detail in this section.

A code is a label, encryption, or tag that is assigned on a thing, statement, or phrase to give such a statement or phrase a unique identification. Lester, et al., (2020: 94) describe a code with reference to a word that describe an object or thing and it can assign a unique meaning to data. Data coding entails a process where the data is grouped and collated based on a set of pre-determined rules or defined criterion (Saldana, 2016). Qualitative data coding encompasses a procedure of tagging, assigning a descriptive name, or labelling a word, phrase, sentence, statement, or paragraph (Lester et al., 2020: 94).

In this study, thematic coding was applied. The application of thematic coding occurred in three phases. In the *first phase*: the complete data set was assigned specific codes. The efforts were, among others, to ease the multiplexity nature of the qualitative data set, the reduction of data size, and the induction of low intensity inferences. In addition,

the first data coding phase was used to sort, sift, and identify critical words, phrases and statements which were linked to the thesis of this study.

In the *second phase*: the researcher reviewed the data set, statements or phrases and re-assigned further codes. The object of the second phase was to ascribe inferences of a high value than the intensity of inferences noted in the first phase. In so doing, the researcher elevated from mere assignment of codes to words and began with making reflections on ideas and concepts that were linked to the study. At this stage, the researcher made connections between words identified in the first phase with the ideas and concepts coded in this second phase. The gist of this stage, as Lester et al (2020:105) proffered is to make necessary connection between the participants' expressions and problem under investigation. Under the second phase of coding, categorisation of data set was done through the aggregations (not numerical) of individually assigned codes which depicts relationships, either conceptually or analytically. This signified a transition from codes to categories of data set.

The *third phase* in the coding process, the coding technique realised its apex inference level. The researcher revisited the complete data set that was initially coded and categorised and explicitly made unambiguous links of the theoretical ideas of the study. Real connections between codes and categories, reflections, or statements and experiences were made. To achieve this, the researcher evaluated and reviewed all the categories of the complete data set. In so doing, the researcher identified and marked explicit relationships connections, viz through resemblances and disparities that were recognised throughout the categories of the data set. The purpose of identifying these disparities and similarities was for the researcher to designate specific statements or themes to the categories of data set which was developed in

*second phase* of data coding. The process of designating themes to developed categories was a clear manifestation of theme production which was the ultimatum of the thematic coding technique (Nowell, Norris, White, Moules, 2017:10).

The culmination of thematic data coding was processed qualitative information that was made ready for presentation. To this effect, processed data of this study was presented in the succeeding chapter.

#### **4.6 Credibility, transferability, dependability, and confirmability principle**

This section outlines the issues related to trustworthiness. Trustworthiness encompasses elements such as credibility, transferability, dependability, and confirmability (Chowdhury, 2015).

##### **4.6.1 Credibility**

Central to the question of credibility in qualitative research is the stability of data collected from participants (Haradhan, 2017:10). The objective of the principle of credibility is to curtail biasness or subjectivity (Chakrabartty, 2013). In this study to ensure credibility of the data, the researcher used multiple methods:

- **Prolonged engagement**

In this study, prior to data collection, the researcher shared the interview schedule through email with participants. This allowed participants an opportunity to review the interview schedule in advance as part of engagement. It is important to note that the telephone interviews lasted over 45 minutes per participants. During the interviews, prompts and follow up questions were asked to ensure clarification of all information. This allowed the ventilation of questions and responses in details, and it helped to

extract or obtain in-depth and rich data from participants. Prolonged interactive engagement with participants is one of the critical indicators of credibility (Chowdhury, 2015). In addition, the codes and themes that were developed, were shared with participants for their further input.

- **Peer briefing**

The researcher engaged with peers on round table discussions during the Namibia University of Science and Technology, Faculty of Commerce, Human Sciences and Education's research week held in September 2022 where a presentation was made feedback on the research was obtained that enriched this thesis. In addition, constant consultation with the promoter were made to ensure that a critical review of the thesis, methods, and tools were made that enriched this study. Furthermore, the themes and codes were shared with selected participants and their inputs were used to enrich the data analysis.

- **Triangulation**

In this study, multiple data collection methods such as telephone, email interview methods and interview notes were used. The structured open ended interview questions were used for email interview. In contrast, a semi-structured interview schedule was adopted for telephone interview. In addition, a triangulation of data source was done: the primary data source included members of the Namibian Police Force, as well as members of the ACC. The members of the ACC were external to the Namibian Police Force; therefore, they provided rich data that enhanced the credibility. It is also important to note that apart from the utilisation of the primary data, this study used the secondary data as well. This strategy enhanced the credibility and stability of data (Chowdhury, 2015, Yarnold, 2014).

#### 4.6.2 Transferability

The principle of transferability presupposes the applicability of the research findings to another study setting and the potential to obtain similar findings or effect (Chowdhury, 2015). In this study the contextual background is different from other study settings. However, the prospect of transferability of the findings in this study is relatively high.

- **Multiplicity of study settings**

In this study the main aim was to assess the anti-systemic corruption strategies that were applied in multiple regions. Thus, this study was not limited to one study setting, but rather included three different study settings, namely, Erongo, Khomas, and Zambezi region. The adoption of multiplicity of study setting criteria is crucial in advancing transferability of the findings of this study because notwithstanding the fact that these study settings were contextually different, the responses, codes, and themes generated from the data across these study settings were greatly similar.

- **Data collection instruments**

Same data collection instruments, namely structured, and semi-structured interview schedule were used in the three different study settings, yet the responses, codes, and themes across these regions were consistent and similar.

#### 4.6.3 Dependability

Stahl and King (2020) argue that dependability involve stability of data and ability to establish audits. Noble and Smith (2015) argue that it is difficult to deal with the question of dependability in qualitative research, however, proxy for dependability may include accurate record of data, theme development by different person, role of participant, research instruments, and methods.



- **Accurate record of data**

In this study to ensure data stability, the researcher audio recorded the interviews. The recorded data reflects the accurate record of the data set. In addition, the researcher used verbatim quoted texts from the transcribed data to ensure data stability. The adoption of this strategy was aligned with dependability principle (Yarnold, 2014).

- **Theme development**

In this study, the development of the codes and themes was done by an independent third party (interrater). This helped to avoid the researcher's bias and enhanced objectivity in the findings. The codes and themes were shared with participants for vetting and consistency (Stahl and King, 2020).

- **Participants**

The participants play a critical role when determining whether the research data is dependable (Stahl and King, 2020). The participants in this study included police officers and expert in the field of anti-corruption. Among the criteria that was used to recruit the participants was their experience in the field of corruption, policy development and executions. In this manner, the participants had the necessary expertise to provide not only thick and rich data but dependable data.

#### 4.6.4 Confirmability

Confirmability principle require that the findings that emerges from the research data are distilled from the predisposition of the researcher (Haradhan, 2017:74). In this study, as was explained in section 4.6.1 above, data collection triangulation was executed. Furthermore, the use of independent third party to develop the codes and

themes was done as was explained in 4.63 above. These strategies helped to distil the researcher's predisposition in this study (Coleman, 2022). This implies that there were appropriate data collection instruments, compliance with the research methods in the process of data collection, interpretation, and analysis (Pallant, 2011).

It is important to reiterate that, this study adopted a structured and semi-structured interview as a form of data collection method. This method was sufficiently flexible to afford the researcher an opportunity to ask all possible questions (including probing questions) that could be asked to ensure that the requisite content was obtained from the participants. Further, this study adopted the Delphi data collection methods. The great value presented by the Delphi method laid in the number of two rounds that were made, and which contemplated to continue or to be repeated until such a time that the valid contents was obtained.

#### **4.7 Ethical consideration**

To conduct research be it desktop or empirical require the researcher to adhere to a high level of ethical standards (Hesse-Biber & Leavy, 2011:59). The postulation that underpins this presumption include both the factual and legal principles, namely that: the researcher in one way or another is bound to interact with the research participants, the consumer of the research data and findings and those who are impacted by the research outcomes. The fact that there is this interaction the participants' rights require to be respected, upheld, and protected. In this context and in this study, the following steps were adopted to promote ethical research:

#### 4.7.1 Respect for participants (persons)

Each participant was treated with honour and dignity as contemplated in article 8 of the Namibian Constitution as well as article 13 thereof, the latter dealing with right to privacy. To effectuate and uphold these constitutional tenets, the researcher adopted the prior informed consent principle. This requirement is consistent with the principle of respect for persons as provided for in the Belmont Report that requires to treat participant as autonomous agents (Belmont Report, 1979). That is, the participants' consent was first obtained before such a participant were interviewed, including interview by electronic means (email). The participants were required to sign the consent form which shall lay as proof of such consent.

#### 4.7.2 Principle of informed consent

Manti and Licari (2018) argue that informed consent should be reduced into writing so as it reflects as proof of participants' willingness to participate in research. The participants were informed of their right to be informed and provision of consent. In this study, participants were informed about the title of the study, the objectives of the study, and that the participants' participation was solely to contribute information that enriched the thesis. Further the participants were informed that the data collection methods included interviews, namely: telephone and email interview. To ensure accurate records of interviews, participants were further informed that such telephone interviews were audio recorded and such records were verbatim transcribed. Furthermore, participants were informed that during the interview, the researcher would make notes on participants' expressions and that these notes will be used to enrich the thesis. The participants were required to expressly give consent for their

participation in the study. In so doing the principle of informed consent was consistent with the requirement laid down in the Belmont Report of 1979.

#### 4.7.3 Principle of anonymity and confidentiality

The principle of anonymity presupposes non-revelation of the participants' identification (Badampudi, Fotrousi, Cartaxo, & Usman, 2022; Manti & Licari 2018). This principle was applied in this study as follows. The researcher drew an index register in which the participants were assigned a specified numeric identification, i.e., participant 1, 2, etc. Thus, in the dissertation reference were only made to the participant number as opposed to the participant's name. The register of index was safely uploaded and stored on the researcher's cloud account and only the research has access to the cloud account password. That is, the data was recorded in a manner that information would not be linked to the participant/subject who supplied it. Equally, in relation to confidentiality the data recorded was stored on cloud account to ensure that such data was not disclosed to the third party or easily linked to the participants who supplied it. This is consistent with section 4 of the Unisa Policy on Research Ethics of 2016 which provides for confidentiality, anonymity and privacy in research.

#### 4.7.4 Freedom of participation

The participants were informed of their rights, including the right to voluntarily participate into the study and express themselves as contemplated in the provision of article 21 of the Namibian Constitution. In addition, the participants were informed that they reserved the right to withdraw their participation at any stage without prejudice. The freedom to participate in research include participants' capacity to partake in the research (Mathews, 2023:6). In this study, the participant age category was between

the age of 18 to 60. The participants who fall under this age category are construed as majority, as contemplated in section 10(1) of the Child Care Protection Act 3 of 2015 in Namibia and as such possess the necessary capacity to be able to freely participate in research. Mathews (2023:6) argue that the question of capacity cannot be separated from the freedom to participate, since capacity is a prerequisite element to the freedom of expression and participation.

#### 4.7.5 Principle of beneficence and nonmaleficence

The principle of beneficence and nonmaleficence obligates a researcher to take into consideration and prioritise the welfare of the participants (Barrow, Brannan, & Khandhar, 2022). Thus, in this study: prior, during and post research activities did not expose the participants to harm, the consumer of the information or outcomes of the research. The researcher undertook to, among others, guard against intellectual exploitation of the vulnerable and indigenous persons. The study excluded participants who were 18 years old and younger; the elderly persons who were above the age of 60 years; as well as persons with mental disability. This exclusion helped to guard against the vulnerable class of persons. This was done consistent with the Belmont Report 1979 that prescribe the principle of beneficence and places a positive duty on researchers to ensure that the participants are not harmed by any process that is connected to research.

#### 4.7.6 Ethical clearance procedure

The researcher was bound by the University of South Africa institutional rules on ethical clearance through which an ethical clearance application was launched, and that the researcher only conducted data collection after approval has been granted by

the relevant authorised institutions. Permission to conduct research was requested from the Namibian Police Force as gate keeper, and the permission was granted. UNISA provided the ethical clearance. Further, the researcher complied with the provisions section 20, 21 and 22 of the National Council Research, Science and Technology Act of 2004 which requires registration of research projects in Namibia and issuance of the certificate to conduct research in Namibia. Further, the researcher obtained the permission from the ACC to collect data. The researcher did not commence with the process of data collection without first obtaining these jurisdictional ethical clearances. The findings of the study, post examination of the thesis will be communicated to the Namibian Police Force and ACC by sharing a copy of the thesis.

#### 4.7.7 Principle on data retention

In this study, the data collected, namely the interview audio records, transcriptions and interview notes were uploaded on the cloud account protected with password that is only known to the researcher. The records shall be stored on cloud account for the prescribed period of 05 years and shall be deleted effectively by emptying the cloud account at the expiration of the retention period. Avuglah and Underwood (2019) argue that it is imperative to store research data. Stored data serve as the record of the raw information of the research that can be reviewed to ascertain the accuracy of the final analysis. Bangani and Moyo (2019) argue that the stored research data should meet the requirement of protection of confidentiality, privacy, and anonymity. This implies that the data retention process and facilities should be made in a manner that is effectively secure and to guarantee that confidentiality principle is sustained.

## **4.8 Conclusion**

The chapter explicated, in detail, the methodology that was adopted by this study – depicting on the qualitative approach and providing the justifications for the adopted methods and techniques. Further, the chapter pondered on the question of reliability and validity of the methods and data collection instruments. Finally, the chapter espoused on the ethical considerations. In the succeeding chapter the findings of the study and discussion thereof is made.

## CHAPTER 5

### DATA PRESENTATION, FINDINGS, INTERPRETATIONS AND DISCUSSIONS

#### 5.1 Introduction

This chapter is devoted at presenting the findings of this study, the concise interpretation of the findings, and discussions thereof. Data presentation can be conducted in several ways, among others, through text, tabular, or graphic. These methods of data presentation, equally apply in qualitative studies (Ningi, 2022). There are several options which a researcher may choose from, when conducting data presentation, namely, a researcher may opt to (a) present the data without interpretations and discussion thereof. (b) present the data, and to include the interpretation of the findings as well as discussing such findings (Anderson, 2010).

In this study, data presentation was done in two parts, namely, on the demographical findings of the study. The demographical section includes, (i) the rate of responses, (ii) gender and age category of the participants, (iii) rank structure of the participants, (iv) area of specialisation, qualification, and experience, as well as (v) reflections on the study setting.

Further, the findings of this study is presented in the following manner: (a) findings on research question 8 which enlisted the meaning of strategy in the context of the criminal justice system. (b) findings on question 9 which was central to the definition of systemic corruption. (c) findings on question 10 that was concerned with the strategies which were adopted by the Namibian Police Force to combat systemic corruption in the Namibian Police Force. (d) findings on questions 11 that solicited



recommendations on the strategies to combat systemic corruption. Finally, the chapter makes provision for concluding remarks.

## 5.2 Demographical data of the participants

Participant Number	Rank	Sex	Highest Qualification	Place/ Region	Employer/ Division	Years of Experience	Age Category
P1	Commissioner	Male	Bachelor in Business Administration	Zambezi	NAMPOL/ Administration	23	51-60
P2	Deputy Commissioner	Female	Grade 12	Zambezi	NAMPOL/ Administration	28	41-50
P3	Deputy Commissioner	Male	Diploma in Police Science	Zambezi	NAMPOL/ Operations	26	51-60
P4	Chief Inspector	Male	National Certificate	Zambezi	NAMPOL/ Criminal Investigation	32	51-60
P5	Deputy Commissioner	Male	Grade 12	Zambezi	NAMPOL/ Criminal Investigation	27	51-60
P6	Inspector	Male	Certificate	Zambezi	NAMPOL/ Community Affairs	22	41-50
P7	Inspector	Male	Diploma in Police Science	Zambezi	NAMPOL/ Internal Investigation	20	41-50
P8	Chief Inspector	Male	Grade 11	Zambezi	NAMPOL/ Operations	23	51-60
P9	Inspector	Female	Certificate	Zambezi	NAMPOL/ Traffic Department	26	51-60
P10	Chief Inspector	Female	Bachelor in Public Administration	Zambezi	NAMPOL/ Special Branch	20	31-40
P11	Inspector	Male	Bachelor in Policing Practice	Zambezi	NAMPOL/ Criminal Investigation	27	41-50
P12	Commissioner	Male	Master of Arts in Peace and Conflict Resolution	Khomas	NAMPOL/ Legal Services	09	31-40
P13	Deputy Commissioner	Male	Master of Arts in Sociology	Khomas	NAMPOL/ Training and Development	21	41-50
P14	Chief Inspector	Male	Bachelor (Honours) in Public Management	Khomas	NAMPOL/ Criminal Investigation	26	51-60
P15	Chief Inspector	Female	Bachelor in Business Administration	Khomas	NAMPOL/ Criminal Investigation	20	31-40
P16	Inspector	Male	Master of Arts in Security Studies	Khomas	NAMPOL/ Training and Development	12	31-40
P17	Inspector	Female	Master of Arts in Security Studies	Khomas	NAMPOL/ Force Policy	14	31-40
P18	Inspector	Male	Bachelor of Law	Khomas	NAMPOL/ Legal Services	11	31-40
P19	Chief Inspector	Female	Master of Business Administration	Khomas	NAMPOL/ Administration	22	41-50
P20	Deputy Commissioner	Female	Master of Business Administration	Khomas	NAMPOL/ Administration	24	41-50

P21	Deputy Commissioner	Male	Grade 12	Khomas	NAMPOL/ Criminal Investigation	32	51-60
P22	Deputy Commissioner	Male	Bachelor of Policing Practice	Khomas	NAMPOL/ Criminal Investigation	28	51-60
P23	Commissioner	Male	Standard 8	Khomas	NAMPOL/ Administration	27	51-60
P24	Chief Inspector	Male	Grade 12	Khomas	NAMPOL/ Internal Investigation	19	31-40
P25	Inspector	Male	Bachelor in Policing Practice	Erongo	NAMPOL/ Community Affairs	15	31-40
P26	Deputy Commissioner	Male	Diploma in Police Science	Erongo	NAMPOL/ Internal Investigation	32	51-60
P27	Chief Inspector	Female	Bachelor of Law	Erongo	NAMPOL/ Legal Services	5	31-40
P28	Chief Inspector	Male	Grade 12	Erongo	NAMPOL/ Forensic	21	41-50
P29	Commissioner	Male	Diploma Police Management	Erongo	NAMPOL/ Administration	29	51-60
P30	Deputy Commissioner	Female	Diploma Police Science	Erongo	NAMPOL/ Administration	30	51-60
P31	Inspector	Female	Diploma Public Transport	Erongo	NAMPOL/ Traffic	22	41-50
P32	Chief Inspector	Male	Bachelor in Theology	Erongo	NAMPOL/ Administration	27	51-60
P33	Deputy Commissioner	Male	Grade 12	Erongo	NAMPOL/ Operations	33	51-60
P34	Inspector	Female	Bachelor Criminal Justice	Erongo	NAMPOL/ Criminal Investigation	21	41-50
P35	Chief Inspector	Male	Master of Business Administration	Khomas	NAMPOL/ Operations	14	31-40
P36	Investigation Officer	Male	Bachelor Police Science	Khomas	ACC/ Investigation and Prosecution	5	31-40
P37	Chief Investigation Officer	Male	Master of Business Administration	Khomas	ACC/ Investigation and Prosecution	7	41-50
P38	Senior Investigation Officer	Male	Bachelor in Police Science	Khomas	ACC/ Investigation and Prosecution	12	51-60
P39	Deputy Commissioner	Female	Master of Business Administration	Khomas	NAMPOL/ Operations	14	41-50
P40	Deputy Commissioner	Female	Master of Business Administration	Khomas	NAMPOL/ Criminal Investigation	20	51-60

Table 1: *Participant Demographical Data*

Source: *Researcher's extraction from data*

### 5.2.1 Rate of responses

In this study the research sample was 40 participants that comprised of: 37 police officers (from three police regions, namely: Zambezi region with 11 participants, Khomas region with 16 participants, and Erongo region with 10 participants), 3 investigators from the ACC in Khomas region,

Initially, a sample of 50 was projected for this study. However, 40 participants participated in this research. In this manner, this research achieved a response rate of 80 percent. Wherefore, 20 percent of the projected sample did not participate.

A critical reflection on the rate of response above, presupposes that the perfect scenario is to achieve a 100 percent response rate (Wu, Zhao, & Fils-Aime, 2022:1). The advantages of achieving a high response rate include but not limited to serving as a non-response bias reduction factor and increase the validity and reliability of the findings of the study (Wu et al, 2022:10, Fosnacht, Sarraf, Howe, & Peck, 2017). There is a sharp contrast to these claims as postulated by Morton, Bandara, Robinson, and Carr (2012:107) who argue that high response rates are important, however, “on their own are not proxies for validity of a study.”

There are other factors, for example a thorough explanation on participant recruitment criteria, and pre-contacts, limitations due to pandemics, that may affect and influence the response rates. In addition, the response rate, may typically be an issue in quantitative studies which is concerned with frequencies, and may not have equal impact on qualitative studies (Morton et al, 2012). It is important to note that qualitative studies are subject to saturation. Wherefore, the responses (data) were only received once (entered once into data set), (Sim et al, 2018:618). Further that any subsequent receipts thereof were of no value (Hennink, & Kaiser, 2022; Malterud et al.,

2016:1754). Premised on the principle of saturation, Dworkin (2012) argues that when using in-depth qualitative interviews, an estimate of 25-30 responses represents an acceptable rate of response in qualitative studies. Considering Dworkin's argument it is submitted that this study exceeded the acceptable responses to sustain reliability, and validity of the study.

### 5.2.2 Sex of the participants and age category.

The sex distribution of the participants was as follows: there were 13 female participants constituting 32 percent. Whereas there were 27 male participants constituting 68 percent.

In terms of age category, the participants' distribution was as follows: Eleven (11) participants were between the ages 31 to 40, which represented 27.5 percent. Thirteen (13) participants were between the ages 41 to 50 years old, representing 32.5 percent. Whilst 16 participants fall under the age category of 51 to 60 years of age representing 40 percent. The age category of the participant is of great importance, from an ethics point of view, as it guards against including vulnerable groups such as elderly people above the age of 60 years, and equally, young people below the age of 18.

### 5.2.3 Rank structure of the participants

In terms of the rank structure of the participants: there were 10 participants with the rank of Inspector representing 25 percent of the participants. Eleven (11) participants were of the rank of Chief Inspector that represented 27.5 percent of the participants. Twelve (12) participants were of the rank of Deputy Commissioner representing 30 percent of the participants. Four participants were of the rank of Commissioner representing 10 percent of the participants. Further, there were three other participants

who fall in the rank category of “Others” representing 7.5 percent of the participants. It is important to note that the category of “Others” was designed to account for participants who are not falling within the rank and file of the Namibian Police Force rank structure.

One of the purposive selection criteria of the participant in this study, was that a participant should be in the ranks from Inspector to Commissioner (i.e., Inspector; Chief Inspector; Deputy Commissioner, and Commissioner). The Inspector, and Chief Inspector ranks are considered as middle managers whilst, Deputy Commissioner and Commissioner ranks falls within the top management (management cadre positions). The mix of these ranks was important for this study, as this study aims at assessing the strategies which are adopted by Namibian Police Force in combating systemic corruption. The members in these ranks were at the forefront in initiating, formulating, and implementing the policies. In addition, members in these ranks oversee or supervise strategy execution, provide guidance to employees, and strive to covert strategies into actions to realise the set goals (Lescano-Duncan, 2018:30).

It is interesting to note that there was fair distribution of the participants, for example, 30 percent of the participants were from the rank of Deputy Commissioner, and slightly below was 27.5 percent representing participants in the rank of Chief Inspector, as well as 25 percent representing the Inspector rank. With this distribution of participants, by explication, presupposes balanced views and opinions which weight in favour of enriched and quality data, and inspiring credibility and dependability of findings (Korstjens & Moser, 2018:121).

#### 5.2.4 Area of specialisation, qualifications, and experience

As it is reflected in table 1, the area of specialisation of the participants depicts a mixture of several specialisations, including investigations, administration, legal affairs, community policing, and operations, and is distributed as follows: Eighteen (18) participants were specialised in investigation, which represented 37.5 percent of the participants. Eight participants specialised in police administration, and they constituted 20 percent of the participants. Four participants were from legal affairs, representing 10 percent of participants. Whereas those specialising in operations were five representing 12.5 percent of the participants.

In terms of the qualifications of the participants, as it is evident in table 1, there were Eleven (11) participants who had Grade 12 certificate and below representing 27.5 percent of the participants. Six participants were diploma holders representing 15 percent of the participants. There were nine participants with degree, representing 22.5 percent of the participants. Further there were five participants with honours degree, that represented 12.5 percent of the participants. Furthermore, there were nine participants with master's degree representing 22.5 percent of the participants.

The other variable of great importance to this study, was the experience of the participants. In terms of experience, which formed part of the purposive selection criteria of this study, was that the participants should have three (03) years and above of experience in a leadership position. With this selection criteria as a factor, the participants for this study were as follows: Four participants fall under the category of 05 to 10 years of experience, that represented 10 percent of the participants. Six participants were between 11 to 15 years of experience and representing 15 percent of the participants. Those with 16 to 20 years of experience were four as such

representing 10 percent of the participants. Nineteen (19) participants were between 21 to 25 years of experience that represented 47.5 percent of the participants. Eleven (11) participants were between 26 to 30 years of experience constituting 27.5 percent of the participants, and finally, four participants had 31 years of experience and above, representing 10 percent of the participants.

To reflect on these requirements, the area of specialisation, of the participants, was a critical criterion for this study the object was to ensure that data was collected from diversified sources, sections, and departments within the Namibian Police Force, and other institutions which were actively engaged in the fight against corruption. In this manner, the exposure of these participants to the fight against corruption affords them to be knowledgeable and better placed to provide enriched data on the strategies to combat systemic corruption. It is interesting to note that 37.5 percent of the participants were specialised in investigation. This demonstrates that these participants are information rich participants. In addition, most of the participants, accounting for 47.5 percent possessed exceptional work experience of about 21 to 25 years, with good mixture of qualifications. Where, 22.5 percent of the participants had achieved master's degree level in their areas of specialisation. These factors (area of specialisation, experience, and qualifications) were highly important for this study since the study enlisted and collected data from experts for purposes of assessing strategies to combat systemic corruption. To ensure reliability of findings in highly contested fields or studies or research there is a need to invite experts to participate (Ivlev, Kneppo, Barták, 2015:59; Iriste, & Katane, 2018). Therefore, to realise the overall objective of this study a highly qualified cohort (group of experts) of participants was required (Döringer, 2021). The common requirements for experts, include qualifications in specialised fields, or the years of experience in a specified trade or

field, to state a few (Iriste, & Katane, 2018). The participants in this study, meets these requirements of experts, therefore, their responses were construed to be of high quality and value.

### 5.2.5 Study setting

The study setting for this research was influenced by two variables, namely, a) geographical areas of the research participants, and b) affiliations of the research participants. In terms of the geographical mapping of the participants, this research was conducted in three regions, namely Zambezi, Erongo, and Khomas regions, respectively. There were 10 participants that participated from Erongo region and 11 participants from Zambezi region. Whilst 19 participants were from Khomas region. In terms of affiliation, the participants were drawn from the Namibian Police Force with the rank of Inspector to Commissioner. The participants who were affiliated with the Namibian Police Force were 37 that represented 92.5 percent of the participants. Whilst participants affiliated with other institutions were 03 representing 7.5 percent of the participants.

### 5.3 Codes, categories, and themes of the study

The codes, categories, and themes in table 2 below were extracted from this study's primary data with the assistance of an interrater. An interrater was used to increase objectivity, and to avoid researcher's predisposition.

<b>Code</b>	<b>Category</b>	<b>Thematic Area</b>
Plan of action	Plan Measure	<b>Concept of Strategy</b>
Method of dealing with		
Comprehensive plan		
Specific intervention to achieve		
Grand theft/ embezzlement		
Bribery of public official		
Giving gratification		



Accepting gratification	Elements of systemic corruption	<b>Description of systemic corruption</b>
Personal/third part gratification		
Acquisition of property		
Weak system	Enabler of systemic corruption	
Weak policies		
Weak structure		
Weak procedures		
Loopholes in legal framework		
Tolerated/ condoned practice		
Ineffective supervision/management		
Gross abuse of power	Conduct of systemic corruption	
Individual/syndicate		
Common purpose		
Intentional complicity		
Repetitive corrupt practices		
For own/ third party		
Calculated/ planned		
Abuse of resources		
Conspire		
Concealment		
Reassignment of duties	Transfer/ rotation of police officers	<b>Direct anti systemic strategies applied</b>
Unit to unit level transfer		
To other ministries/ offices		
Subject to lack of manpower		
Subject to lack of resources		
Due process		
Region to region level transfer		
Departmental proceedings	Prosecution/ Punishment of corruption	
Criminal proceedings		
Civil proceedings		
Payment of fine		
Arrest of police officers		
Detention/ imprisonment		
Suspension from work		
Discharge from work		
Liability exemption		
Confiscation of property		
Forfeiture of proceeds of crime		
Reduction in discretion		
Monitoring of police conduct		
Evaluation of police behaviour		

Operations – informer based	Management/ supervision	
Operations – surveillance based		
Regular visit		
Visibility of senior officers		
Performance system		
Leadership		
Appraisal of police officers		
Subsidised utilities	Provision of incentives	
Promotion of officers		
Recognition/ medals		
Salary increase		
Budget issues		
Regular inspections	Inspections/ audits	
Monthly inspections		
Biannual inspections		
Annual inspections		
Surprise inspection		
Operational audit		
Compliance audit		
Financial audit		
Internal audit		
External audit		
Expansion of force	Structural reform	
Appointments in senior position		
External oversights		
Regulatory reform		
Internal investigation		
Coverups		
Lack objectivity		
Lack transparency		
Collusive conduct		
Professional courses	Training/ education	
Integration of ethics curricula		
Credit bearing		
Cooperative education		
Short courses on ethics		
Increase productivity		
Increase compliance		
Increase discipline		
Resist corruption		
Increase integrity		

Digitalisation of data (case dockets)	Integration of technology	<b>Indirect systemic corruption strategies applied</b> <b>anti</b>
Computing		
Big data		
Artificial intelligence		
Internet of Things		
Cloud services		
Data analytics		
Reduction of human interface		
Reduction in physical documents		
Interconnectedness		
Lack of expertise		
Outdated technology		
Centralised system		
With security sector	Collaboration/ stakeholder engagement	
With judiciary		
With community		
With media		
With non-governmental organisations		
Civil society		
With private sector		
Role modelling	Ethics/integrity checks	
Training in ethics		
Practice ethics		
Code of conduct		
Vetting on promotion		
Vetting on assignment		
Vetting on recruitment		
Lifestyle audits		
Increase transparency	Access to information	
Challenges – censorship		
Methods – hotlines, informants, suggestion boxes		
Increases good governance		
Weak legislation	Legislative reform	
Proscription of gifts		
Equality before the law		
Codification of corruption		
Weak policies/manuals		
Establishment of bodies/entities		

Table 2: Extracts of *codes and themes*  
Source: *Researcher's extraction from data*

#### **5.4 Conceptual meaning of strategy, in the context of criminal justice**

This study included an objective that contemplated to examine the concept of strategy in the context of criminal justice. The justification for the inclusion of this objective was not necessarily to regurgitate the definition of strategy, rather, it was, among others, (a) to measure the participant's understanding and comprehension of the concept of strategy as applied by participants in practice and industry. (b) further, was to unlock other research objectives and questions. For example, if a participant is unable to explain what a strategy is: the researcher's belief would increase exponentially towards a presupposition that it would be relatively possible that such a participant may not be able to address or provide enriched data. Specifically, on subsequent questions such as what strategies are applied in the Namibian Police Force (which was research question 10), and what strategy were to be recommended (research question 11). In this context soliciting the participants' construction and understanding of the concept of strategy was imperative as it served as guide to ensure that enriched, reliable and valid data was obtained from participants.

It is important to note that all the 40 participants responded to this question. This translates that 100 percent of the responses covered this question. In response to this research question, the participants, notably, shared similar views. The selected participants' definitions of strategy are reflected below:

*"Is a plan of action aimed at achieving a set goal"* (Interview Participant 1).

*"Policing philosophy and method of dealing with crime"* (Interview Participant 18).

*"It is a comprehensive plan, outlining implementation of all actions or activities of a specific intervention to achieve the set goal, it can be a short, medium, or long-term strategy"* (Interview Participant 17).

*“Broadly entails a technique, plan, or collection of actions or manoeuvres used to achieve a certain objective or outcome, it encompasses such plan of action that the officials of the criminal justice system devise in order to secure a high number of convictions as far as the criminal cases are concerned. This is means that all bureaucratic processes and all administrative support functions are properly exhausted leaving no room for technicalities that are likely to capitalised upon by the accused persons” (Interview Participant 35).*

The responses on the conceptual meaning of strategy illuminated several concepts or terminologies such as action plan, detailed plan, core function, level of strategy, nature of strategy, and performance measurement. The analysis on strategy is depicted in figure 4 below.

It is interesting note from Figure 4 below that the participants proffered that a strategy should be linked to the achievement of goals. In addition, a strategy may be time based and aligned to either short-, medium- and long-term goals. To buttress this link, Participant 16 described strategy with reference to “a well thought action compiled to direct the overall short-, medium-, and long-term goals.” This observation was similar to that of Participant 17, Participant 16 and Participants 6, respectively.

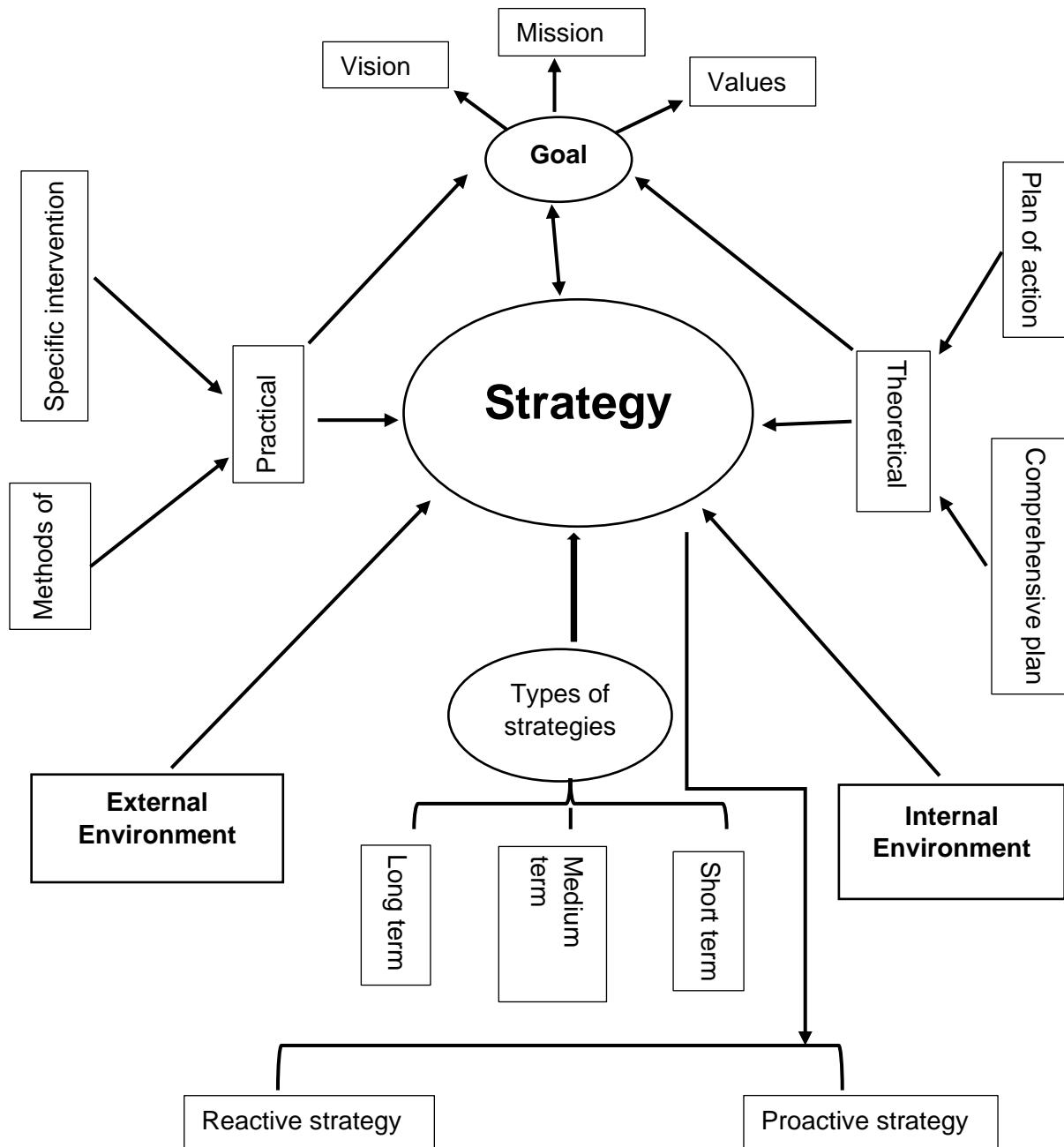


Figure 4: Analysis on the concept of strategy

Source: Researcher's extraction from data

In this study, the findings on the meaning of strategy, as described by the participants was consistent with the definition that was proffered by Cooper (2012), and Nickols (2016) as reflected in chapter 1 of this study. It is important to note that Nickols (2016) makes a link between strategy and goal attainment. For Nickols, to effectively attain a goal one needs an effective strategy. Implicitly, to apply Nickols approach, it entails that to combat systemic corruption (as the goal), the Namibian Police Force would require to deliberately develop anti-systemic corruption strategies. Participant 18 expanded on this line of thought and describe strategy with reference to “policing activity which embark on philosophies and methods of dealing with crime, crime prevention, usage of police resources, and strengthening the criminal justice system.” The expanded description proffered by Participant 18 makes an inter-link between theory, practice, and resources deployment to enhance the role of the Namibian Police Force in the fight against systemic corruption.

On further prompt, Participant 2 elucidated that a strategy could either be theoretical or practical. In terms of practical value of strategy, Participant 2 noted that a strategy should be implemented or executed as opposite to having a strategy that is not implemented. Participant 2 further pointed out that currently, the Namibian Police Force applied a central based approach to adopting strategic plans. In general, the effect is that the centrally adopted strategic plan is then cascaded to the regions for implementation. This approach is consistent with the highly criticised top-down decision-making style of management.

It is thought-provoking, as it is established in this research, to note that a strategy could be classified as reactive or proactive in nature. Participant 11 when describing strategy, noted that it is “an action or approach put in place to have control over

something that is affecting the administration of justice”. This definition classifies strategy as a reactive tool since it is concerned with the effect of past events (systemic corruption). In contrast to reactive nature of strategy, Participant 2 posited on proactive nature of strategy and described strategy as “a plan of how you are going to do certain things, planning for the future in an organisation.” The description by Participant 2 is future oriented.

The other notable theme that emerged from the analysed data on the definition of strategy, was the construction of strategy as policy that provides for the vision of Namibian Police Force. According to Participant 22, a strategy is “a document that provides the vision and goal of an organisation over a period of time.” Similar to Participant 22’s definition lays the definition by Participant 21 who stated that strategy “entails a policy that set out the focus area of policing that are prioritised and setting out strategic objectives to be reached in a specific timeframe.” The outstanding features of these two compared definitions include that they relate and link a strategy to the vision of the institution, mission, and goals or objectives. In the context of the Namibian Police Force, the vision is outlined as “excellent policing for a safe Namibia” (Government Republic of Namibia, 2022).

The implication of these definitions is that excellent policing, construed together with the police functions such as crime prevention, and investigation of crimes as provided for in section 13 of the Police Act 19 of 1990, contemplate to combat crimes, including systemic corruption. Interpreted critically, these two definitions encapsulate and ascribe a wider meaning of strategy that may include, among others, legislations, statute, and conventions that provides for the direction and functions of the Namibian Police Force, i.e., Police Act 19 of 1990 as amended, the Anti-Corruption Act 8 of



2003, and the Namibian Constitution. In chapter 2 of this thesis, that dealt with the theoretical and legal framework of this study, it was clearly identified that as part of the national strategy to combat systemic corruption, government may adopt legislations or Act of Parliament, as a tool or strategy to wage the fight against systemic corruption (Pillay, Pikie, & Kesavan, 2021; Thompson, 2013). In addition, the adoption of legislative measures as strategy to combat all forms of corruption is highly encouraged in terms of article 7(2) of the United Nation Convention against Corruption.

Furthermore, another interesting finding of this study, on the conceptual meaning of strategy, was the equivocation of strategy with performance or service delivery. In this respect, Participant 34 constructed the concept of strategy with reference to “an instrument [...] that help the organisation perform better.” The ascription of strategy to performance was also noted in the definition that was proffered by Participant 37 who stated that “[...] strategies will only become effective, if matters are finalised in time and perpetrators punished without delays.” The link between strategy and performance observed in the definitions proffered by Participants 34 and 37, respectively was consistent with the argument that was raised by Anwar, Shah, and Hasnu (2016). Anwar et al, (2016) argue that an effectively implemented strategy has potential to improve organisational performance, service delivery, or output.

In the succeeding section, the data concept of systemic corruption is analysed, presented, interpreted, and discussed in detail.

### 5.5 Analysis on the concept of systemic corruption

Construed from section 1.7.2 of this study, one of the objectives was to analyse the intellectual meaning of systemic corruption. To enlist participants responses on this objective, a question and subsequent prompts on the question were posed to

participants, the question was: in the context of the Namibian Police Force, what does the concept of systemic corruption entail? This question was of great importance for this study, for various reasons, among others, that if a problem is not properly defined, it is difficult to devise strategy to curb such a problem. Otherwise stated, if a problem can be defined, then devising strategies becomes relatively plainer and linear. Premised on these reasons, it was befitting to obtain participants' enriched opinions on the concept of systemic police corruption.

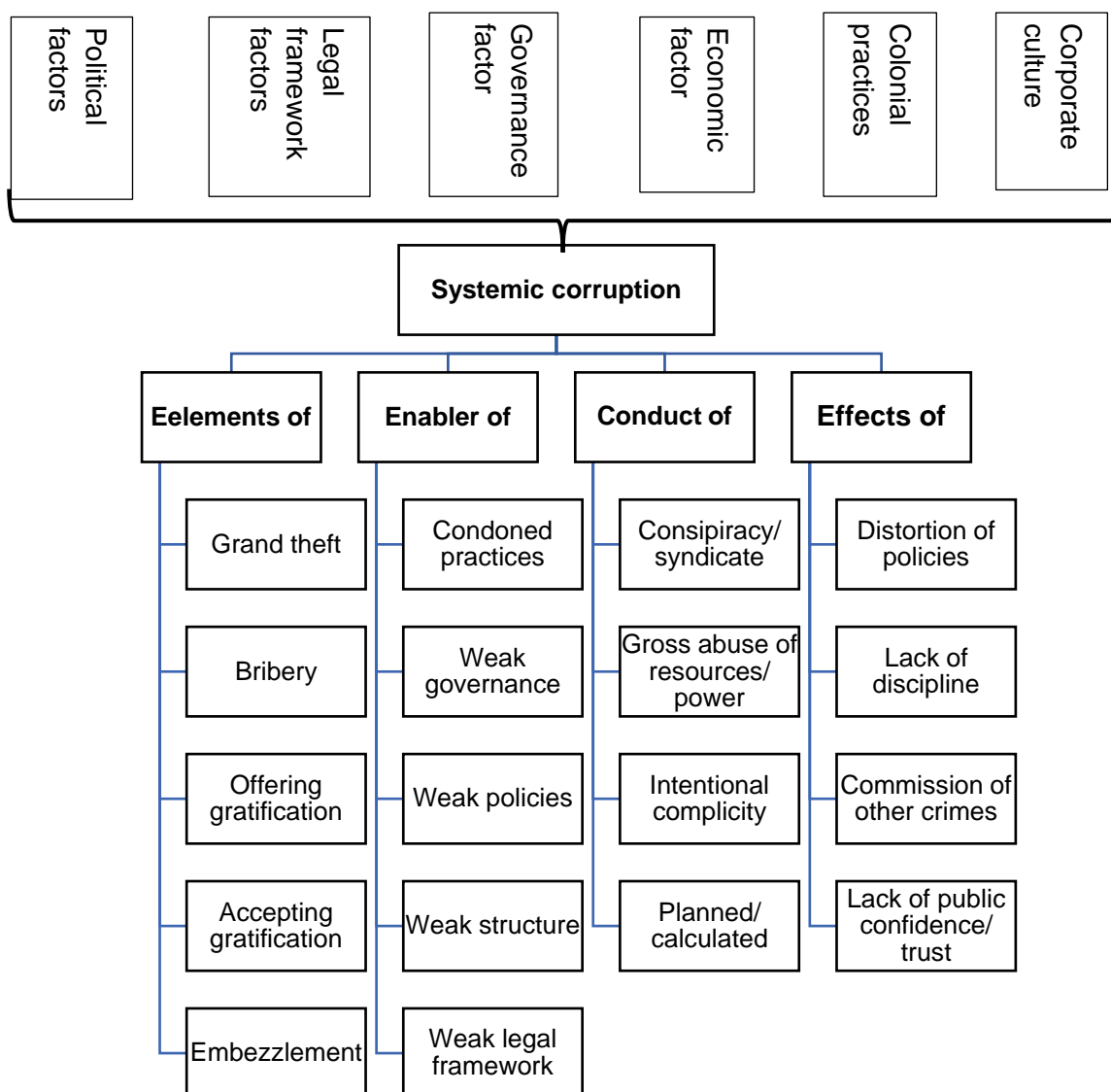


Figure 5: Analysis on the concept of systemic corruption  
 Source: Researcher's extraction from data

From Figure 5 it is interesting to note that several themes related to systemic corruption were discovered, among others, include, elements of systemic corruption; the enabler of systemic corruption, and conduct of systemic corruption. These thematic areas of systemic corruption are discussed below.

- Elements of systemic corruption

The selected definitions, on systemic corruption, quoted verbatim above possess similar nuance to the general definitions that are observed in anti-corruption literature. In this context, systemic corruption, as defined by the participants in this study, identified and revealed key elements that fundamentally forms the foundation of systemic corruption. These elements, among others, grand theft, embezzlement, bribery of public officials, offering gratification, accepting gratification, illegal acquisition of proceed of crimes for personal or third-party gain.

The findings on the concept of systemic corruption include that systemic corruption admits to multiple definitions and meanings. In this study, each participant had a different opinion as to what constitute systemic corruption. However, there were great similarities in the proffered definitions. The definitions proffered by participants, include the selected definitions below:

Participant 12 defined systemic corruption with to:

*“the form of corruption brought about as a result of weak organisational policies and processes and this can be as a result of outdated policies and processes that guide members in the execution of their duties. It can be loosely termed as that form of corruption which is encouraged by the organisation or system in itself” (Interview Participant 12).*

According to Participant 17, systemic corruption, in law enforcement, can be described with reference to when:

*“law enforcement officials are consistently involved in one or more corrupt acts, and this could be manifested and enabled by the system. There are loopholes that allow persistency and growth of corruption, and this can range from all forms of corruption, bribery, extortion, nepotisms, and embezzlement among others. These practices become systemic as it gets embedded in daily operations and to some extent other members starts getting corrupt”* (Interview Participant 17)

According to Participant 19, systemic corruption:

*“entails or occurs because of weakness in the organisation’s structure or its procedures, practices, or methods. This is contrast to reactions of individual officials in petty fraud complaints – especial in the investigation department”* (Interview Participant 19).

Participant 36 described systemic corruption stating that –

*“it is the type of corruption that is deeply rooted in the system that it is not only committed by individual but by a group of corrupt individuals which is difficult to penetrate and it is nicely calculated to remain hidden”* (Interview Participant 36)

- Enabler of systemic corruption

weakness in policies, weakness in structure, weakness in procedure and process, repetitive corrupt conduct, loopholes in the system, endemic, corrupt enabling environment, tolerated, or condoned corrupt practices, ineffective supervision mechanisms, attributes of colonial legacies, ineffective legal system, outdated policies, and undermining the legitimacy of the institution. The identified deficiencies or enablers of systemic corruption are consistent with the proposition proffered by

Batalla (2020:158) who state that the deficiencies in structure, policies, and legal framework exacerbates corrupt practices. Further, the finding, on the enabler of systemic corruption was that the weakness of an organizational structure, policies, and regulatory framework was linked to the colonial era and outdated anti-corruption policies. Participant 27 elucidate further and questions the efficacy of nonresponsive legislations, such as the Protection of Information Act 84 of 1982 to “whether it is effective in the fight against corruption?” This question is relevant to this study since the Protection of Information Act 84 of 1982 places a limitation on access to information which is a crucial arsenal in anti-corruption efforts. The fact that the colonial legislation such as the Protection of Information Act 84 of 1982 is valid and still in force, with its negative effect on the fight against corruption, presents a serious call for concern for pro-anti-corruption school of thought.

- Conduct of systemic corruption

The conduct of systemic corrupt practices was distinguished from the isolated acts of an individual and was identified to include acts committed with common purpose, intentional complicity, syndicate in nature, carefully calculated/ planned, conspiracy, and concealments. In addition, the conduct of systemic corruption includes gross abuse of power, abuse of resources, and repetitive corrupt practices. It is interesting to note that this study found that the commission of systemic corruption may involve several people and it resembles a syndicate crime in nature. On this score, participant 36 was of the view that systemic corruption “is not only committed by an individual but by a group of corrupt individuals.” Similar observations, in the context of the police, were made by participant 11 who proffered that systemic corruption may be committed by “more than one police officer.” Participant 4 echoed these sentiments who stated

that “systemic corruption can be contrasted with individual official or agents’ who act corruptly within the system.” When prompted further, as to the contrast which participant 4 had envisaged the distinction or contrast included that for systemic corruption more people may act with common purpose, as opposed to individuals who may commit petty corruption.

The fact that systemic corruption is construed to be a crime that is committed by more than one person bring to the fore the presupposition, as observed by several participants that it is a crime that is calculated and thoroughly planned. To jetson on this point, in 2016, a high ranking official, with the rank of Commissioner, responsible for the directorate of human resources and three others, in the Namibian Police Force, were arrested by the Anti-Corruption Commission over recruitment corruption (Haidula, 2016). This case is a classic example of systemic corruption in the Namibian Police Force where the accused persons allegedly conspired to manipulate the recruitment processes. In addition, as it is resented and pointed out by several participants there were no clear guidelines on the recruitment: therefore, it created grey area for abuse of the system by officers responsible for recruitment. For instance, it was reported that the three officers decided, post advertisement of the vacancy and during selection, to lower the vacancy requirements. The sole purpose of lowering the requirements was to enable the brother in-law of the commissioner responsible for human resources to meet the vacancy requirements and be included in the shortlisting. It is arguable that if the recruitment guidelines were not weak the cited corruption case would have been effectively deterred. In a nutshell the weakness in recruitment guidelines, and processes enabled the three officers to conspire to commit the corrupt practice.

This study found that systemic corruption is a staggered notion. This presupposition is based on the premise that, the concept of systemic corruption acknowledges the involvement of corrupt actor(s), on one end, and on the other end, it recognises the role of ineffective regulatory framework as an enabler for systemic corruption. This staggered notion was proffered by several participants, for example, participant 27 believed and expounded that “police officials act corruptly within the system due to weakness in internal processes, practices, regulations and law.” Similar sentiments were shared by participant 35 who stated that “systematic police corruption is sustained by current and previous political, economic, internal control, and other insufficient anti-corruption efforts.”

### **5.6 Assessment on strategies applied to combat systemic corruption**

To effectively assess the strategies that were deployed by the Namibian Police Force in the fight against systemic corruption, data was enlisted from the participants. The responses addressed the research question, namely “what strategies are applied by the Namibian Police Force to detect, combat and prevent systemic corruption in the Namibian Police Force?” In response to this research question: all the 40 participants contributed to this question.

The study found that the Namibian Police Force applied several strategies, to detect and combat systemic corruption. The bulk of the strategies were found to be implemented in practice without been reduced into writing. However, suffice to mention that these identified strategies, were classified into two broad categories, namely, direct, and indirect anti-corruption strategies. The enunciation is that direct strategies refer to approaches that seek to re-dress systemic corruption in a reactive manner. These are depicted in figure 6 below. In addition to the observed categories, it is

demonstrated that these identified anti-corruption strategies are imbued with associated challenges, for example inconsistent application or implementation thereof, and the inherent weakness embedded in a specified strategy.

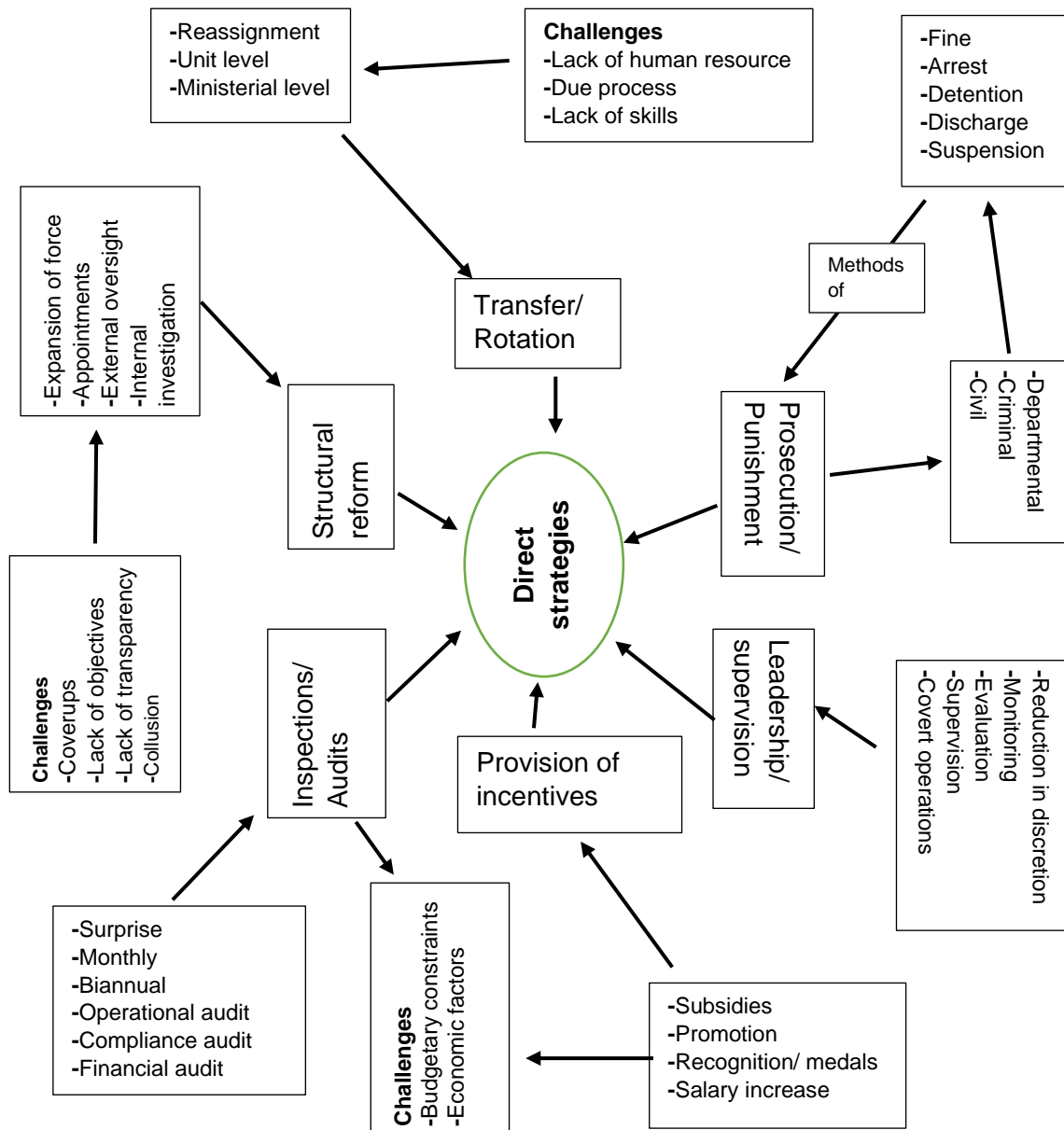


Figure 6: *Direct Anti systemic corruption strategies*  
 Source: *Researcher’s extraction from data*

### 5.6.1 Transfer/ rotation as an anti-corruption strategy

The study found that transfer, and or rotation of staff members is one of the anti-corruption strategies that was adopted by the Namibian Police Force. In relation to the



application of transfer or rotation of members, Participant 17 stated that “I have observed a reshuffling of members, especially commanders after a certain period of time.” Participant 1 in concurrence stated that “to curb corruption in the police, mechanisms such as rotation of members has been significant.” When prompted as under which circumstances do the Namibian Police Force apply the transfer/rotations strategy? Participant 1 indicated that “rotations come in where members are becoming ill disciplined.” With this qualification, it is apparent that transfer/rotation may be implemented even when the violations, in question, is of lesser gravity when compared to corruption.

It is interesting to note that the application of transfers or rotations as an anti-corruption strategy may be implemented differently. The methods of transfer or rotations, as adopted by the Namibian Police Force, include transfer from one unit to another unit, or from one region to another region, or re-assignment of responsibility/roles (including reduction of responsibilities), or transfer to other ministries/ government agencies.

The transfer or rotation strategy is supported and is provided for in the Namibian Police Force Manual, particularly the chapter 21 (NPFAM, 1990). The relevant and selected sections on transfers or rotation of members are reflected below:

*“C.3. The powers so given to transfer members are to be exercised in accordance with the principles of natural justice and fairness.*

*C.9. The Head of Human Resources shall make a submission to the Inspector General and provide reasons for the transfer and include the following: relative merit; efficiency and suitability of the member.*

*K.1. The Rotation of the Management Cadres of the Force to be 5 years, whereas 3 years for specialised Divisional Commanders or at any time at the discretion of the Inspector General of Police (IGP):” (NPFAM, 1990)*

In terms of section C3 of Chapter 21 of the NPFAM, it contemplates to provide and protect the rights of police officers who are subject to transfer or rotation. In this vein, police officers who are subject of transfer/ rotation premised on suspicion of committing corrupt practices are not an exception. The impact of this provision is to curtail the abuse of the authority to transfer members of the police. This is consistent with the ordained provisions of the Constitution, namely the right to be heard and article 18 of the Namibian Constitution that deals with the right to a fair administrative action.

It is interesting to note that, as policy, the Namibian Police Force encourages regular rotations of the senior command officers, thereby expressly providing that members of the management cadre may be rotated every five (5) years. Whereas those heading specialised divisions may be rotated every three (3) years. The rationale for effecting these rotations, deduced from section C9 of the NPFAM Chapter 21, among others, is for efficiency or relative merit. It is therefore arguable that relative merit could be interpreted to include suspicion of having committed corrupt practices.

It is compelling to note the practice and manner of implementing the transfers or rotations of members premised on suspicion of having committed an offence. The practice of transfer requires, ensuring the provision of due process or natural justice. When implementing a transfer, the members’ right to be heard prior to effecting or issuing a transfer is of paramount importance. The failure to adhere to the principles of natural justice by the transferring authority, may render the transfer null and void

and without effect. A classical case on transfer of police members inked with commission of crime, in the Namibian Police Force, contrary to the principles of natural justice, is the matter of *Nakanyala v Inspector-General of Namibia and Others* (APPEAL 148 of 2011) [2011] NAHC 190 (05 July 2011). In this matter, the applicant was transferred, effect immediate, from his position as head of the Very Important Persons Protection Directorate of the Namibian Police Force following allegations that applicant disseminated racially biased comments. The court held that the Inspector General of the Namibian Police Force failed to consult and provide applicant with the right of audience. The court, in setting aside the transfer of applicant, stated at paragraph 59 that:

*“The present circumstances relate to the failure to accord the applicant a hearing within the context of his transfer, particularly when it was triggered by an incident which called for the application of the right to be heard.”*

The *Nakanyala* case analysed above, followed the decision of the *Viljoen and Another v Inspector General of Namibian Police* 2004 NR 225 (HC) in which the court found that:

*“That prior consultation was required with reference to a decision to transfer officers of the Namibian Police, in cases where a transfer could adversely affect them, and that the failure to accord officers the right to be heard in that context would result in such a decision being set aside.”*

Considering the principles of natural justice, it is imperative, when implementing the transfer/rotation as an anti-corruption strategy, for the transferring authority, adhere to these principles. The impact of these natural justice principles, on the practice and implementation of the rotation/transfer strategy cannot be overstated, and include,

among others, rendering the transfer/rotation null and void. Thereby exponential defeating or weakening the veracity of transfer/rotation as an anti-corruption strategy adopted by the Namibian Police Force.

Seemingly, there are other factors that were found to hinder the effective implementation of the transfer/rotation strategy, namely lack of manpower and resources. Participant 1 highlighted that “regular rotations were always not possible due to lack resources including manpower.” These sentiments were equally proffered by Participant 28 who held an opinion that “regular transfers or rotations have serious resource implications.”

It is necessary to highlight, as provided by the transfer policy of the Namibian Police Force, that when a member is transferred at the instance of the Inspector-General, regardless of whether such a member is suspected of having committed an offence such member is entitled to be transferred at government cost. This includes logistical provisions such as housing, transportation, and disbursement for relocations expenses as provided for in Section E.1.a.1. of Chapter 21 of the NPFAM. Therefore, considering these logistical provisions, coupled with the legal requirements, the implementation of transfer/rotation as an anti-corruption strategy is often construed as a highly expensive/ costly exercise and thereby rendering it to be seldomly applied.

The benefits of rotations/transfers strategy, include, among others, cutting the ties between the suspected officer and the corruptor (Bayer, 2013; Zeng, 2017). Therefore, if it is well implemented it has the potential to significantly reduce the opportunities for corrupt practices.

### 5.6.2 Prosecution and punishment as an anti-corruption strategy

This study found that the Namibian Police Force, as part of its arsenal in combatting systemic corruption, may prosecute and punish police officers (including civilian members of the police) who are alleged to have committed corrupt practices. To effectively implement the prosecution and punishment strategy, the offending police officer, among others, may be subjected to departmental, criminal, or civil proceedings. On this score, Participant 29 explained that:

*“we as a management because corrupt activities are brought up constantly. If this corruption is of criminal nature, we make sure it is investigated successfully and prosecuted. If it is limited to administration nature, we make sure we use Regulation 15 to make sure it is dealt with accordingly”* (Interview Participant 29).

The adoption of prosecution and punishment as an anti-corruption strategy was further elucidated by several other participants, including Participant 32 who held a view that “corrupt police officers are identified, apprehended and prosecuted.” In the same vein, Participant 4 jetsoned that “when an officer is found guilty of corrupt practices, such an officer may be liable to pay a fine or direct imprisonment.” Equally, Participant 6 observed that:

*“the other strategy that I would say, is adopted by the police, is that police officers are not immune from being prosecuted. So, whenever they have done something against the policies or anything criminally, they will also be investigated and be charged or even be sent to prison”* (Interview Participant 6).

Participant 1, on the adoption of prosecution and punishment strategy, stated that:

*“If the member has committed misconduct obviously the appropriate remedies are taken and that person may be held accountable departmentally, or if it is a criminal offence*

*that has been committed and there is just cause, then that particular person may also be charged criminally” (Interview Participant 1).*

Three thematic areas can be deduced from the participants’ opinions on the prosecution and punishment, these include departmental, criminal, and civil proceedings, that may be brought against the officer who commits systemic corruption. These thematic areas are fully explored below.

- Departmental (disciplinary) proceedings

The investigation and conduct of departmental proceedings are entirely internal in nature. That is the decision to investigate, prosecute and punish misconduct resides within the authority and jurisdiction of the Namibian Police Force. Participant 1 proffered that where a member of the Namibian Police Force has committed misconduct such a member may be held accountable through departmental proceedings. This construction presupposes that the primary objective of the departmental proceedings (which is an internal mechanism) is to discipline the members of the force for contravening the police rules and regulations.

The Police Act 19 of 1990 (as amended) serve as the principal legislative instrument that provide for the foundation of the departmental proceedings. The instructive provision is section 18 (1) of the Police Act 19 Of 1990 which states that:

*“Notwithstanding the provisions of section 17, a member who is accused of misconduct may be charged with misconduct by the Inspector-General in the manner prescribed.”*

In addition, it is important to note that departmental proceeding, as a strategy to curb misconduct in the rank and file of the Namibian Police Force, is provided for in terms of chapter 16 of the NPFAM. It is interesting to note, in terms of section E.1.e. of

Chapter 16 of the NPFAM, that serious offences such as rape, corruption, murder, etcetera, are deemed as misconduct for purposes of the departmental proceedings. This provision, seemingly, bring to the fore, an understanding, that departmental proceedings are not limited to the prosecution of minor and administrative offences but rather may be used to prosecute and punish members of the police who commit schedule one (serious) offences.

An inbuilt mechanism of the departmental proceedings that renders it to stand out as a good instrument to combat systemic corruption, include that where a member has committed a crime or delict: the investigation, prosecution, and punishment of such an offending officer by a criminal or civil court has no significant influence on the outcome of the departmental proceeding. In other words, the conduct of departmental proceeding is independent of either the criminal or civil proceedings to which the offending officer may be subjected. This assumption is provided for in terms of section of E.2.a, and b. of Chapter 16 of the NPFAM, which states that: “(a). the investigation must be conducted independently of the criminal investigation, (b). the departmental investigation must not prejudice the criminal investigation.”

Interpretively, the significance of this provision, is that the departmental, criminal, and civil proceeding can run concurrently. Further that an acquittal or guilty in one of the proceedings has no bearing on the outcome of the other form of proceedings. Furthermore, departmental proceeding helps the police organisation to determine, post the commission of misconduct, the aptness of the members to continue serving as police officers. Regardless of whether such a member was convicted or acquitted in the criminal or civil proceedings. On this score, Participant 6 stated that the offending

officer may be subjected to “departmental hearing that will determine whether the person is still fit to remain in the force or not.”

Adopting departmental proceedings as an anti-corruption strategy, is imbued with challenges, among others, lack of objectivity, inconsistency, and coverups. On this score, Participant 2 stated that:

*“We are having the radios that we call Sepura that came in a couple of years back, those radios are useless. Currently we cannot use them, but that is the most expensive radio that you can get because two people sit and talk and paid each other under the table to buy those radios. Now, that person is no more in the force he is gone. Nobody reprimanded him and nobody did anything no investigations took place, but everybody there knows what happened” (Interview Participant 2).*

The sentiments presented by participants on challenges of adopting departmental proceedings, which are internal mechanisms, are consistent with the challenges identified by the literature. Lekgau *et al* (2021) cautions that internal mechanisms including departmental proceedings, adopted as strategy to combat corruption, are often riddled with coverups, and they generally lack transparency.

- Criminal proceedings

Criminal proceedings are mainly external measures to which an organisation may subscribe and or be adopted by an organisation to combat systemic corruption. In the context of the Namibian legal framework members of the Namibian Police Force are not immune from criminal prosecution and punishment. Instructive provision to this presumption is provided for in article 10 of the Namibian Constitution which encapsulate the right to equality before the law. The general rule is that a person’s status in society is not a sufficient cause, for such a person to be treated differently.



This includes members of the Namibian Police Force. On this score, Participant 6 elaborated that “police officers are not immune from criminal prosecution,” and in the event where they commit crimes they may be liable for prosecution and or punishment. Prosecuting offending police officers through criminal proceedings has been recorded as one of the most effective strategies to combat systemic corruption. In a media press statement, the Inspector General of the Namibian Police Force highlighted that about 84 members of the force were facing criminal charges related to corruption (Nampa, 2022).

The present study found that to ensure the successful application/implementation of the criminal proceedings as a strategy, the Namibian Police Force adopted a double-barrel method. That is, instituting criminal investigation against the offending members by a Namibian Police Force directorate of Internal Investigation (internal mechanism). In addition, referring, when necessary, the corruption and related reports to the Anti-Corruption Commission for investigation (external mechanism). In this regard, Participant 5 elaborated that:

*“we are having a strategy that whenever a corruption case is registered it must be reported to the Anti-Corruption Commission. The Anti-Corruption Commission will go through the case and if they can see that this is a minor matter that can be handled even within the police, then, the police internal investigation directorate may continue with the matter. However, if it is serious with public interest then the Anti-Corruption Commission may take over the case”* (Interview Participant 5).

When Participant 5 was prompted further on the standards that are applied to determine whether a matter should be investigated internally or referred to the Anti-Corruption Commission. Participant 5 indicated, among others, that there were no

guidelines to that effect, however, in the absence of clear guidelines, in practice the police have adopted the criteria such as the seriousness of the case, and public interest. In addition, Participant 5 explained that when a matter is retained and investigated by the internal investigation directorate, such investigation may be monitored by the Anti-Corruption Commission. The monitoring including police regular reports on the progress of the case, or that the Anti-Corruption Commission may peruse the docket and provide directives on how the investigation of the case docket should be conducted. It is arguable that the intervention by the Anti-Corruption Commission aids the legitimacy and objectivity in the conduct of police internal investigation as they have the potential to provide, albeit in limited manner, external oversight over internal mechanisms of the Namibian Police Force.

- Remarks on prosecution and punishment strategy

Inferred from the opinions of the participants related to the prosecution and punishment strategy: this study identified several sub-strategies that forms part of or compliment the prosecution and punishment strategy. These sub-strategies include but are not limited to the use of fines, arrest and detention, suspension from work, imprisonment, or discharge from the Namibian Police Force. These sub-strategies have the potential to effectively deter, directly or indirectly, the commission of corruption (Beade, 2021, Boly et al, 2017; Marson, 2015).

Notwithstanding the potential deterrence effect of prosecution and punishment strategy there were grey areas that were identified by this study, among others, the use of the payment of a fine. Payment of either an administrative or criminal fine is indeed one of the competent legal methods of punishment, as provided for in terms of

the section 276(1)(f) of the Criminal Procedure Act 51 of 1977. However, there were concerns raised, for example, Participant 7 elucidated these concerns as follows:

*“If you happen to check like these boys in Windhoek, a constable at Windhoek CID is driving M6 BMW, this boy's house is a double-storey, and he is a constable. They do not care about ethics, for them corruption pays and are interested in making money”*  
(Interview Participant 7).

These discovered concerns are consistent with the proposition that financial crimes, including corruption, are crimes of calculation. The offender may weigh the option of been caught and punished, on one end, and on the other end, the benefits of committing the crime, much so if the chances of been caught are lean (Zhu, 2012).

Another issue that is worth noting, is a comment on the general rule that informs the prosecution and punishment strategy, namely, equality before the law. By extension, police officers were not immune to prosecution and punishment. Against this general rule it is imperative to acknowledge that there is an exception thereof. The exception, among others, is provided for in terms of section 46 of Criminal Procedure Act 51 of 1977 which is similar to section 38 of the Police Act 19 of 1990 which states that:

*“A member who in good faith performs any act in accordance with or in the enforcement of any provision purporting to be an enactment of a competent legislative authority, shall, notwithstanding any irregularity in the enactment of or defect in such provision or want of jurisdiction on the part of such legislative authority, be exempt from liability in respect of the performance of that act to the same extent and subject to the same conditions as if such irregularity had not occurred or such defect or want of jurisdiction had not existed.”*

The provision contemplates to exempt police officers from been held liable for a crime or delictual claim that may arise whilst such police officers are on duty. The veracity of this non-liability clause include that it may be open for abuse. A member of the police may use the corporate veil as contemplated by the measure of the non-liability clause to commit misconduct or crimes including corrupt practices. In the matter of *Lazarus v Government of Republic of Namibia* (2954 of 2015) [2017] NAHCMD 348 (01 December 2017) the police officers, were found to have abused their powers when they assaulted, attempted to murder, arrested, and unlawfully detained a complainant in a robbery case. The offending police officers pleaded in terms of section 38 of the Police Act 19 of 1990 that their actions ought to have been exempted from liability. In this matter, the High Court of Namibia held that the non-liability clause does not apply where the members of the police wilfully caused the crime or delictual claim.

This study further found that one of the challenges that had a potential to reduce the veracity and effectiveness of the prosecution and punishment strategy, was an issue of delays in finalising the investigation of cases and protracted prosecution. Participant 2 noted that there are several factors that hampers the timely finalisation of cases, and cited “lack of access to legal services by accused, and forensic audit results, etcetera.” These factors may cause the cases to be postponed and for such cases to remain on court roll for an extended period. In this context the delays in the finalisation of cases have potential to obscure the effectiveness of the anti-corruption strategy.

With prosecution and punishment strategy, the deterrence effect is two-fold, namely, specific deterrence, one end, and on the end, general deterrence. Specific deterrence contemplates to deter the offender him/herself from committing corrupt practices, this could be achieved through imprisoning the offender (Tomlinson, 2016).

In contrast, general deterrence seeks to subject the offender to stiffer sentence (fine/imprisonment) so that other would-be offenders may learn from the mistake of the punished offender (Tomlinson, 2016). It is interesting to note that prosecution and punishment strategy is one of the recommended strategies by the UNCAC as per article 30(1). Further, it is consistent with article 2(1) of AUCPCC 2003. In terms of the Namibian Anti-Corruption Act 8 of 2003, in section 49, it provides that if a person is convicted for corrupt practices, such an offender may be liable to a fine in the amount of N\$ 500 000 or 25-years imprisonment, or to a combination of the fine and period of imprisonment. In practice, however, these stiffer punishments are always not followed. For example, in the case of *S v Hanse-Himarwa (2)* (CC 5 of 2018) [2019] NAHCMD 260 (31 July 2019), the High Court of Namibia found Ms Hanse-Himarwa guilty for corrupt practices. Upon conviction, Ms Hanse-Himarwa was sentenced to a fine of N\$50 000. Similarly, in the case of *Shalli v Attorney General and Another* (POCA 9 of 2011) [2013] NAHCMD 5 (16 January 2013). In this case, notwithstanding the allegation of corrupt practices, the State did not prosecute Mr Shali, rather his property which were subject of corruption investigation were seized. Derived from these cases, it appears that there was lenience in meting punishment against the persons who are convicted for corrupt practices.

### 5.6.3 Management and supervision

Corruption is an opportunistic crime. Therefore, there are increased chances to commit corrupt practices where there is lack of effective management, supervision, and monitoring mechanism (Newburn, 2015). This study found that one of the anti-corruption strategies that was adopted and applied by the Namibian Police Force was to manage, supervise and monitor subordinates. Participant 12 depicted that there were “clear guidelines on oversight and supervision of work done by members in the

field.” Participant 24 concurred that indeed the Namibian Police Force rigorously embarked on management and supervision as an anti-corruption strategy. In addition, Participant 24 pointed out that to supplement the supervisory strategy “the Namibian Police Force has undercover officers on the ground who are tasked to monitor and report corrupt practices committed by fellow police officers.” Participant 31 was of the view that to effectively manage and supervise requires strict compliance with the policies. On this score, Participant 31 stated:

*“At leadership level, we need to strictly enforce and apply the policies to ensure that we do effective supervision, regular visits to members to see how they behave and how they deal with the public. Regular monitoring of members and advise them and discourage them from getting involved in corruption”* (Interview Participant 31).

Inferred from the responses, the study found that there were several methods for ensuring effective implementation of the management and supervision strategy. These may include provision of directives, work appraisal system, performance management system, regular visit by commanders, the utilisation of undercover operations, and reduction of police discretion.

- Provision of directives and guidance

The study found that the provision of directives and guidance was one of the regularly practiced strategy in combating systemic corruption. Participant 1 stated that “as commanders we provide directives and guidance to our subordinates on how to avoid corrupt practices.” In the context of the Namibian Police Force, the supervisor is referred to as commander. The duty for commanders to provide guidance or assist the subordinates to be compliant with directives, is provided for in the Chapter 3, section G3(a)(4)(2) of the NPFAM which states that the commander should “give clear and

precise instructions to subordinates and be ready to advise and assist them.” Deduced from this provision, it can be inferred that in the Namibian Police Force, the relationship between the supervisor and subordinate is vertical in nature (Hampton, 2019).

The commander is bestowed with the responsibility to ensure effective supervision and management of his or her subordinates. In addition is to provide guidance or directives to enforce discipline of which combating systemic corruption is not an exception. Supervision and management duties are provided for in chapter 3, section G3(a)(1)(3)(3) NPFAM which provides, among others, for “Control and supervision of members, maintenance of law and order.” It is important to note that in practice, the subordinates rely on their supervisors to provide them with direction on the required level of conduct or police behaviour, and feedback related to police activities.

- Performance appraisal vs performance management system

This study found that to ensure effective supervision and management, the Namibian Police Force adopted a series of supplementary strategies, among others, the performance appraisal system, and performance management system. The practice of appraisal of employees includes assessment of employee’s behaviour, or trait through grading or objective evaluation (Van Dijk & Schodl, 2015). The disadvantage of the practice of appraisal system, included that the official who is appraised had little contribution. For example, the goals were set by supervisor, and that a supervisor could decide to appraise without predetermined appraisal criteria. Therefore, the performance appraisal system was found to be open to abuse. On this score, Participant 29 elaborated that:

*“In the system we had an appraisal system, in my point of view it was based on nothing. Just invite you and I am going to apprise you whilst you did not participate in setting the*

*goals or strategic objectives which you should be measured against to determine if you achieved or failed to achieve such objectives or goals. Therefore, from my own understanding it was easy to abuse” (Interview Participant 29).*

The traditional appraisal system, as practiced in the Namibian Police Force was found to be ineffective in as far as combating misconduct is concerned. Even though the appraisal system is provided for in the police manuals, its practice has been substituted with a more responsive and effective mechanism, namely the performance management system. Regarding the utilisation of performance management system, Participant 29 stated:

*“now we brought up in the entire new governance system, namely, the performance management system. Which is between a supervisor and subordinate. The parties enter into agreement that this is what I am going to do. Those are some of the strategies one can use to prevent and combat corruption” (Interview Participant 29).*

The performance management system is a good tool that can be used to combat systemic corruption. For example, in procurement: the procurement entity may be required to prepare its annual procurement plan and submit such a plan to a monitoring institution (Public Procurement Policy Unit) for approval. The implications, from a performance management system, include that the procurement entity may not procure services, goods, and works which were not included in the approved procurement plan (Wheatland, 2015:2). The impact of utilising performance management system includes that procuring outside the procurement plan, entails deviation from the set procurement strategic goals and this may result in adverse performance evaluation report (failure to meet goals). Further, it could be construed as an indicator (red flag) for corrupt practice.



- Regular visit and senior command visibility

The study found that regular visits and command visibility strategies were applied to deter corruption related to road traffic activities. Participant 1 explained that to deter road traffic related crimes, including corruption, it was necessary, on a regular basis to visit the traffic officers on duty. In concurrence, Participant 31 stated that:

*“from the leadership level we do supervision through regular visits to members to see how they behave and how they deal with the public. Regular monitoring of members and advise them and discourage them to been involved in corruption”* (Interview Participant 31).

Police visibility is one of the general strategies of crime prevention (Newburn, 2015). In practice, police visibility, especially in crime prone areas, may help to deter opportunistic commission of offences. It is interesting to note that the principle of police visibility *albeit* with necessary modification, has been applied by the Namibian Police Force as one of the strategies to combat systemic corrupt practices that may be committed within its rank and file. The modification includes that instead of using the method of police visibility through beat patrol, which is effective against street opportunistic crimes. Rather, regular visit and senior command visibility is utilised to deter corrupt officers, especially, traffic related corrupt practices.

The regular visit or visibility strategy suffers from certain limitations, namely, lack of manpower, and lack of resources (financial/physical) that are necessary to implement the strategy effectively and consistently. Participant 31 elucidated on these concerns and in relations to traffic officers, stated that:

*“However, you may find that due to lack of manpower, traffic officer may be alone on duty. The situation is sometimes out of our control, you may deploy one member in a vehicle. This is contrary to the policy” (Interview Participant 31).*

It is important to highlight that the study found that the lack of manpower cuts with two edges. The lack of manpower in relations to the subordinates who may be deployed, on one end, and on the other end, lack of supervisors. In terms of the Namibian Police Force Operational Manual (NPFOM) Chapter 9 it requires that traffic officers should not be deployed alone on the road. Otherwise stated, each traffic shift should be manned by more than one traffic officer. However, due to lack of manpower, this policy requirement has not been consistently complied with.

In regards with supervision, it became apparent that there was significant shortage of supervisor to effectively monitor all members of the police at the same time. In addition, Participant 1 explained that the question of lack of manpower traverses beyond mere presence or absence of the supervisor, to a level where critical questions should be asked. The critical questions, among others, include, do the supervisors understand their supervision roles? Are these supervisors free of corruption or do they aid corrupt practices? Participant 1’s argument was that some supervisors may “may fail to check on their subordinates,” on one end, on the other end, the very supervisor may be in collusive stead with the subordinates to commit corrupt practices. It is submitted that the consequences of collusive corrupt relationship include tolerance of corrupt practices, coverups, and unwillingness on the part of the supervisor to discipline the subordinate who may have committed corrupt practices.

- Undercover operations

This study determined that undercover operations and surveillance were conducted by the Namibia Police Force to collect intelligent information on crimes and criminality, of which systemic corruption was not an exception. The intelligent information gathered, through undercover operations was analysed by the relevant police department, to determine various factors, among others, the extent of corrupt practices and who may be involved. Participant 7 explained that the “police adopted surveillance approach to investigate police misconduct.” Upon further prompt, as to whether there was a dedicated department responsible to conduct the undercover operations? Participant 7 reflected that these undercover operations, may either be conducted by the Special Branch Directorate of the Namibian Police Force, or where necessary, the Namibia Central Intelligence Services may be requested to assist in obtaining intelligent information pertaining to any crime.

In addition to surveillance, the Namibian Police Force, as part of its undercover-operation strategy could utilise informant (informer) to supply critical intelligent information. The distinction between informer-based strategy and surveillance through specialised police department such as Special Branch or Namibia Central Intelligence Services include that informers may not necessarily be employees of either the Namibian Police Force, or Namibia Central Intelligence. Further that an informer may be compensated for the service rendered. On this score, Participant 37 noted that to enhance the undercover operations, informers should be remunerated well. Further Participant 37 stated that “fees paid to informers helps in the detection of systemic corruption.”

The legality of undercover operations presents an elephant in the room. An elephant in the room is a metaphor which depicts challenges. There are contrasting views: in

terms of the Namibian Police Force policy. Undercover operations are authorised for purposes of obtaining critical intelligence. This proposition is supported by sections 70 to 77 of the Communication Act 8 of 2009 which authorises interception of communications and prescribe the procedure thereof. In contradistinctions, the admissibility of evidence obtained through intrusive undercover operations hangs in the balance. This is, mainly, because undercover operations are often tainted with irregularities and illegalities. These include violation of constitutional rights of accused persons, and procedures. In *S v De Bruyn* 1999 NR 1 (HC) the Court held that:

*“any reasonable, fair-minded person would immediately recognise the intrinsic unfairness involved in a government official deliberately enticing or inducing someone, not otherwise predisposed to commit an offence, to commit one, and then, having done so, to turn round and instigate a prosecution against such person.”*

Deduced from the *S v De Bruyn* case, it is apparent that the evidence that may be gathered through undercover operations may not be admissible in court for purposes of proving an allegation including corrupt practices allegations. Notwithstanding this exclusionary rule as laid down in *S v De Bruyn*, undercover operations are still highly relevant for purposes of intelligent gathering and guided administrative decision making and action.

The study found that the whistle-blowers and informants play a critical role in combating systemic corruption. However, they were not appropriately protected. Participant 4 lamented on the vulnerability of whistle-blower and stated that:

*“some people have the information, but because they fear that if they were going to be known, their lives would be in danger, so instead of giving the information to the relevant offices, they decide just to keep quiet.”*

In its quest to ensure protection for whistle-blower, the Namibian parliament passed a legislation, called the Whistle-blower Protection Act 10 of 2017. This legislation, notwithstanding the fact that it was gazetted, it was not operationalised. Therefore, whistle-blowers and informants were still vulnerable.

- Reduction of police discretion

Unregulated police discretion has been cited, in a plethora of literature, as one of the causes of corruption (Yesufu, 2014; Nowacki et al, 2019; Flores et al, 2021). Therefore, to directly limit or regulate discretion have been construed as an effective anti-corruption strategy. In this study, the finding is not different. Participant 30 stated that “so far reduction of police discretion is one good method of preventing corruption, for example, on issues related to police bail, amount of traffic fines, and removal of spot fine.”

It is interesting to note that police bail in drunk and driving cases could be issued by any traffic officer, and such officer had the discretion to set the amount which ought to be paid as police bail. The fact that any traffic officer could set the amount of police bail in drunk and driving cases (exemplified wider police discretion) was construed as a catalyst for corrupt practices. Pursuant to police reform, the police discretion to prescribe the amount of police bail in respect with drunk and driving cases was abolished. The new directives were issued in terms Road Traffic and Transportation Act 22 of 1999 and the Road Traffic and Transportation Regulation 2001 (as amended). The new directives of 2019 incorporated the prescribed and standardised fees which may be paid when a person is found driving under the influence of alcohol or stupefying drugs.

This study found that another method of reduction of police discretion relates to procurement. Before the Public Procurement Act 15 of 2015 came into force procurement of services, works and goods were done based on the discretion of the Commissioner responsible for Stores. Participant 2 highlighted a concern on procurement and stated that:

*“we are having the radios that we call Sepura that came in a couple of years back, those radios are useless. Currently we cannot use them, but that is the most expensive radio that you can get because two people sit and talk and paid each other under the table to buy those radios”* (Interview Participant 2).

Regarding the concern raised by Participant 2, it is likely that it may have been detected if it was not for a wider police discretion on procurement. However, with the inception of the Public Procurement Act 15 of 2015 with its constitutive Public Procurement Regulations 2017, it makes it mandatory for the Procurement Management Unit of procurement entity to develop a procurement plan. Section 8(2)(d) of the Public Procurement Regulations of 2017 states that:

*“the procurement management unit must prepare an annual procurement plan that a public entity intend to carry out during the financial year which includes, among others, types and quantity of the goods, works or services to be procured by the public entity.”*

The said procurement plan is subject to approval by an independent body such as the Public Procurement Policy Unit. The essence of a procurement plan is to filter all suspicious procurement activities, and it ensure that a procurement entity cannot deviate from the procurement plan without proper justification. With this mechanism, the police procurement discretion is reduced significantly.

#### 5.6.4 Provision of incentives

The study found that to combat systemic corruption, the Namibian Police Force, adopted an adequate incentive strategy. The strategy to provide adequate incentives was executed in different ways, ranging from promotion, salary increase, letter or certificate of recognition of service, token of appreciation (gifts), or medals for outstanding work.

Literature suggest that lower ranking officers (non-commissioned officers) were poorly remunerated to an extent that the possibility to resist corrupt practices were significantly diminished (Masake, 2019b). To counter corrupt practices that may be enabled by inadequate incentives, Participant 28 stated that “when the budget was sufficient, the police use to increase salaries of police officers to ensure that they were well remunerated.” When prompted further, on whether there was a link between high salary and resisting corrupt practices, Participant 28 elucidated that adequate incentives or benefits has the potential to encourage the officers to avoid corrupt practices.

It is interesting to note that promotion and salary increase as a form of incentive was commonly practiced by the Namibian Police Force. However, this anti-corruption strategy was found to be depended on factors that were outside the control of the Namibian Police Force. For example, the full implementation of these forms of incentives required sufficient budget. Participant 1 indicated that “due to budgetary constraint, influenced by the economic hardship that Namibia has endured for the past years, the police have not considered an across-board general promotion.”

It is important to note that the remunerations and benefits of Namibian government employees, serve for the three (3) percent increase in 2022, for the past five (5) years,

were not reviewed nor adjusted (Dishena, 2022). Whereas the cost of living kept on increasing and reaching extreme high levels, thereby rendering the lower ranking officers to experience economic hardship. The implications include, among others, that the officers became demotivated, and other officers may indulge in corrupt practices to compensate the shortfalls.

A much critical implications include that promotion or salary increase as a strategy, may be implemented when there is sufficient budget received from central government. It is argued that the fact that adequate remuneration and promotion were depended on external factors has potential to weaken these strategies.

Notwithstanding the construed effectiveness of adequate incentives as a strategy to combat systemic corruption, there are contrasting opinions thereto. It is worth noting that the provision of adequate incentives, be it in the form of promotion or salary increment fails to explain why senior officers indulge in corrupt practices. On this score, Participant 17 elucidated that:

*“Hiking the salary will not help because even some of the people that are already having enough, that are paid enough they all involve themselves in corruption cases. Take for example the recent one that person is a chief inspector and chief inspector I will say is well paid, but he involved himself in this corruption, just to get 20 litres of petrol. So, it will not help”* (Interview Participant 17).

Participant 17’s observation is consistent with the argument that was raised by scholars such as Pollack and Reynolds (2015) and He (2020) stating that adequate remuneration alone is not enough to combat systemic corruption. It is therefore submitted that the argument against the effectiveness of the adequate incentive strategy has the potential to reduce its veracity. Implicitly, this reaffirms a proposition



that there is no single strategy, in the fight against systemic corruption, that is all embracing. Rather, to effectively combat systemic corruption requires a holistic approach (Newburn, 2015).

#### 5.6.5 Inspections as strategy

The study found inspections as one of the anti-systemic corruption strategies that was adopted by the Namibian Police Force. In this respect, Participant 30 proffered that the police “usually detect, combat and prevent systemic corruption by using inspections, and auditing process.” Equally, Participant 28 identified that “inspection is a vital tool, that has been adopted by the police, in monitoring corrupt practices.”

Inspection refers to a process of conducting an audit or risk assessment related to the work, finances, accounts, operations, and properties (Blanc, 2012:4). The NPFAM Chapter 14 section 14(2)(A)(A.1) describe inspection with reference to:

*“to the subject that deals with the inspection of personnel, material, work procedures and results, to identify conditions, situations and actions that may have a favourable or unfavourable effect in the Namibian Police.”*

Inspection as an anti-corruption strategy, was executed by the Namibian Police Force, through regular, monthly, quarterly, bi-annual, annual, and surprise inspections basis. The objectives of inspections, as contemplated in the Namibian Police Force Manual, include to determine the effectiveness of police programmes, adequacy of supervision, compliance with policies, professionalism, ethics, and regulatory framework. Considering these provisions, inspections appear to be a critical strategy that the police adopted, and it is flexible enough to an extent that it can be executed at different intervals.

The conduct of inspection, as practiced by the Namibia Police Force, include that there were inspections templates that were designed to track progress, performance, works, finances, and to develop an inspection report, etcetera. In addition, the study found that inspection strategy was supported by the policy, guidelines, and templates. The combination of these tools demonstrated the commitment of the Namibian Police Force towards upholding inspections as a critical strategy in combating misconduct and crime of which systemic corruption is not an exception.

The efficacy of inspection strategy was apparent especially in the process of handling police case dockets, since it was used not necessarily as punitive tool, but as a performance corrective tool. The practice of surprise inspections, as one of the types of inspection, was compelling and worth noting. Participant 30 elucidated that “surprise inspection can positively influence the officers to be on their toes and to do the right thing.” It is interesting to note that all other types of inspections may be preceded by a notice of audit or inspections. Alternatively in the absence of written notice of audit or inspection, the concerned department may either follow and conduct the calendar inspections model, that is monthly, quarterly, bi-annual, or annual. However, in respect with surprise inspection – there is no notice of audit or inspections required. The knowledge that subordinates may, at any time, be subjected to surprise inspections was found to be a persuasive factor for compliance, as was observed by Participant 30.

The study found that there were challenges that may hinder the implementation of the inspection strategy, among others, include the lack of resources, skills, and non-compliance with inspection standards. In terms of resource limitations: to successfully implement inspection/ audit strategy requires substantial amounts of resources, i.e.,

budget. The Namibian Police Force had endured budget reduction for the past three financial years such budgetary constraints negatively affected the execution of inspection strategy. Participant 1 underscored the budgetary constraints and stated that “due to lack of sufficient budget, the police for the past years was unable to conduct inspections regularly.” In a nutshell, the proposition that inspection is dependent on the sound nature of the economy may render the strategy ineffective.

#### 5.6.6 Institutional and structural reform strategy

This study found that one of the direct anti-systemic corruption strategies that was adopted by the Namibian Police Force was institutional and structural reform. This included the expansion of the police force, regular appointments of top leadership, transfer of cases to Anti-Corruption Commission, oversight by the Prosecutor General, and designating a dedicated department that was responsible for investigating police misconduct. On this score, Participant 6 stated that:

*“we have an internal investigation unit that solely deals with cases against police members. Further we can refer the case to the Prosecutor General, and Anti-Corruption Commission for guidance or investigation”* (Interview Participant 6).

The response from Participant 6 was similar to responses of other several participants, including Participant 14 who elaborated that:

*“there is a well-established structure responsible for investigating all cases against police officers. This structure is called Internal Investigation Directorate. They arrest any member of the force believed to have committed any crime including corruption related crimes”* (Interview Participant 14).

Deduced from these responses, it is apparent that the Namibia Police Force adopted a mix of internal and external structural mechanisms to combat systemic corruption.

These included establishing a directorate that investigates police misconduct, on one end, and on the other end, to collaborate with the Office of the Prosecutor General as well as the Anti-Corruption Commission.

To aid, as a measure of ensuring objectivity, on the conduct of internal investigation an external body, such as the Anti-Corruption Commission may be invited by the police to guide the investigation. Further that if the matter was serious in nature, then such a matter may be reported and subsequently transferred to the Anti-Corruption Commission for investigation. The practice of transferring cases from the Internal Investigation Directorate of the Namibian Police Force to the Anti-Corruption Commission was noted to be smeared with lack guidelines. There were no clear criteria as to which corrupt practices cases may be transferred. Participant 5 stated that minor corruption cases such as deviation of route may be investigated by the internal Investigation directorate. However, serious corrupt practices cases may be transferred. When Participant 5 was prompted further as to whether there was a policy document/ directive that sets the criteria for transfer of corruption cases to the Anti-Corruption Commission, Participant 5 noted that there were no clear guidelines however, the practice was that:

*“when the top cop like for example, the Deputy Commissioner or the Regional Commander is involved that one now the Anti-Corruption Commission will take over because it is for the public interest. If suspect is a lower rank, then the police internal investigation may proceed”* (Interview Participant 5).

Thus, the criteria on which a corruption case may be transferred from the Namibian Police Force to the Anti-Corruption Commission included the seriousness of the case, and public interest.

There are several challenges associated with the institutional and structural reform strategy as adopted by the Namibian Police Force, that may hinder its probity. It is common cause that the Namibian Police Force, as an organ of the executive branch of government, at independence in 1990 inherited rogue colonial form of administration, operations, regulations, and laws. This is apparent from the reading of article 140 and 141 of the Namibian Constitution which prescribes that the laws, practices, and structure of governance that were in force prior to the date of independence may continue to subsist until they were effectively amended, set aside, or repealed. Basically, these rogue colonial practices, laws and structure formed the foundation of the current policing culture, structure, or system (Bachmann, 2018).

It is uncontested that reform have been sought which resulted in regular change of top leadership, partially discarding the colonial laws, review of regulations, and efforts towards a professional police force were embarked upon. However, there were no substantive reforms in terms of institutional structure. For example, especially in the context of the fight against systemic corruption, during colonial era the police used internal structures to investigate misconduct and crimes committed by police officers. These forms of arrangements were also criticised for their potential to exacerbate coverups, lack of transparency, and hinderance of effective accountability (Lekgau, et al, 2021; Chetty & Pillay, 2017; Hsieh, 2017). It is disheartening to note that three decades post-independence, the Namibian Police Force still applied similar internal structure to investigate police misconduct, and the retention of colonial police manuals, and laws. The question of institutional or governance reform should not be rhetorical, rather it should be put in practice, including incorporating strategies in strategic plan. Participant 21 lamented on failure to include anti-corruption strategies in the strategic

plan, stating that: “the Namibian Police Force strategic plan 2017-2022 does not address the prevention of corruption in the force.”

This study found several indirect anti-systemic corruption strategies that were adopted by the Namibian Police Force. These indirect anti-corruption strategies are presented, interpreted, and discussed in detail in this section as depicted in figure 7 below.

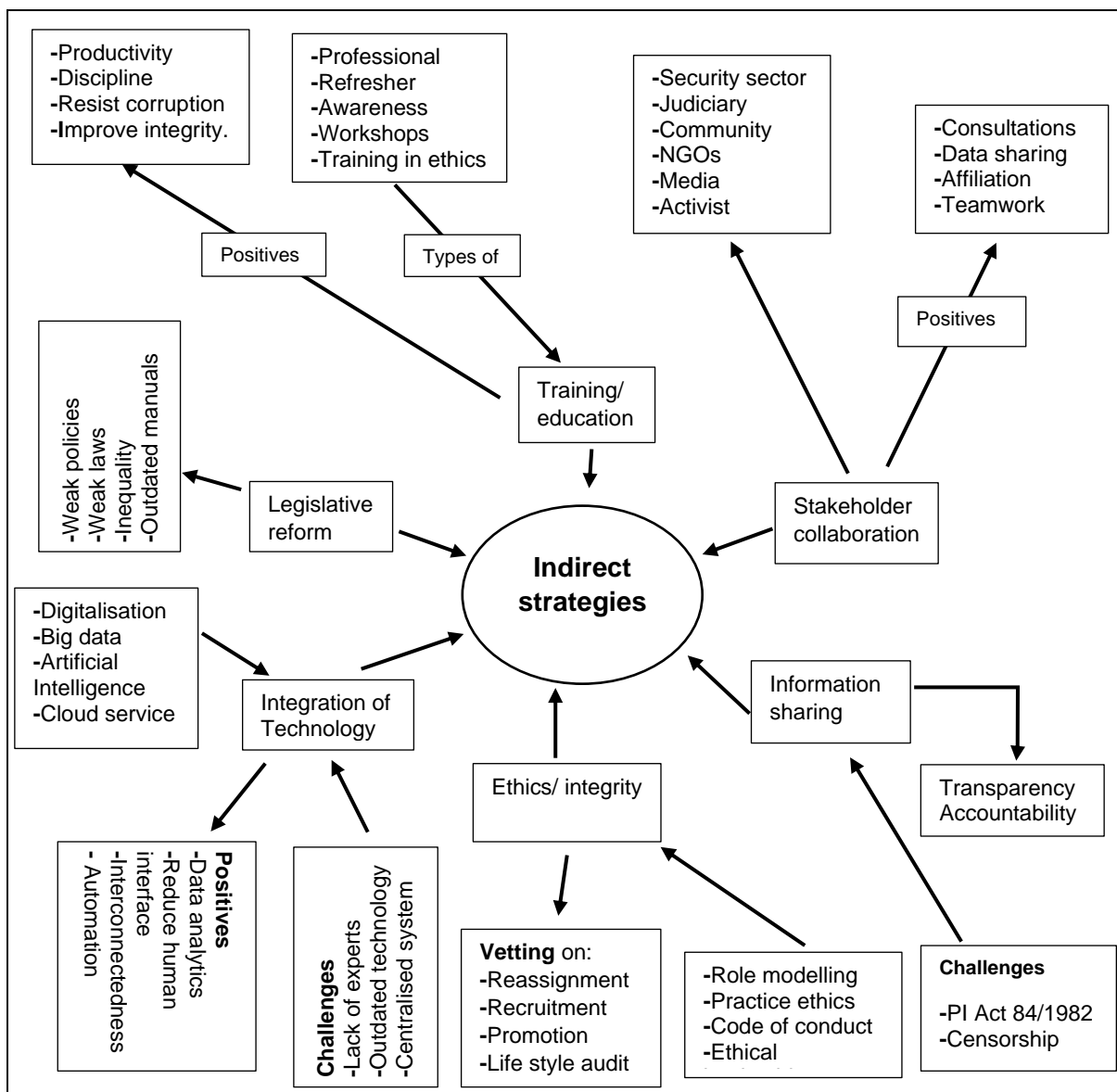


Figure 7: Indirect anti systemic corruption strategies  
Source: Researcher’s extraction from data

### 5.6.7 Training/ Education strategy

Training was found as one of the indirect strategies that was applied by the Namibian Police Force in its effort to detect and combat systemic corruption within its rank and file. The NPFAM Chapter 5 section A(A)(1) describe training as “any planned activity designed to help an individual or a group to learn to do different things correctly within the context of their current or future jobs.”

In respect to the adoption of training as a strategy to combat systemic corruption, Participant 17 stated that there are several education initiatives that were introduced by the Namibian Police Force. These include short courses, professional, and credit bearing programmes. Equally, Participant 7 noted that education was an important tool in changing the mind sets of police officers. The Namibian Police Force was found to highly recognise training strategy to an extent that it had executed or signed several memorandums of understanding, with various training/education providers (local and international) on the provision of training to members of the police force. On this score, Participant 25 cited that the Namibian Police Force had entered into training agreement with “the Namibia University of Science and Technology, University of Namibia, Interpol School of Excellence”. The objectives of these training initiatives, among others, including effective and efficient operation and management of the Namibian Police Force of which inculcating a sense of awareness on the negative effects of corrupt practices was not an exception.

Further, it was found, as part of the reform agenda that the Namibian Police Force, had incorporated a policy on training/education in its manuals. This was evident as it was provided for in the NPFAM Chapter 5 that deals with training and development. In addition to the incorporation of training in its policy, Participant 1 stated that “the

Namibian Police Force established a fully-fledged directorate that was responsible for training and development.” Participant 1’s views reveals that the Namibian Police Force was committed to ensuring that education/training strategy was implemented effectively.

It is interesting to note that training strategy was used interchangeable with education. Otherwise stated, there was no contradistinction between the two concepts as were applied by the Namibian Police Force. Training, therefore, was construed to include formal, professional, and less formal (informal) arrangement such as awareness campaigns, workshops, and refresher events. In addition, it was found that to ensure the optimisation of training strategy, various role players were involved, among others, the community liaison officers; field training officers; various police colleges (police-based training centres); and institutions of higher education. It is important to mention that the community liaison officers, and the field training officers comprised of internal police members who were appointed to champion internal training initiatives, and awareness campaign on various fields of training.

The value of training, in the fight against corruption, cannot be overstated. Here, Participant 17 noted that training strategy has potential to educate police members on refraining from acts including corrupt practices. The view that training has potential to change mind sets or be an effective tool in the fight against corruption, as found in this study, is consistent with the contemporary literature on corruption. A plethora of literature depicts the significancy of training in the fight against corruption and suggest, among others, to include the indispensability of training strategy (Rahayu, 2020); potential to encourage compliance (Muir, 2021); increases chances to resist corrupt



attempt (Hope, 2017); and that training creates personal worthiness and integrity (Kaffenberger, 2012).

It is submitted that adopting a training strategy is critical in the fight against systemic corruption for any organisation. However, there were limitations that were equally observed, among others, the lack of resources, the focus and nature of training, and the curricula issues. It was found that, about three decades has passed from the time when the Namibian Police Force directorate of training was established: however, till to date the directorate was yet to develop an accredited programmes or programmes that were recognised by the Namibia Qualifications Authority. In addition, it was apparent that training in anti-corruption contents was relegated to the peripheries, i.e., awareness campaigns as opposite to been included in the police mainstream curricula. The issue of lack of resources was found, as one of the major factors, that hindered the full realisation of training strategy. On the issue of lack of resources, Participant 25 explained that the intent of the police, on training, is clear, however, this is derailed by lack of finance. In a nutshell, without sufficient resources it is difficult to mount and sustain any training programme.

#### 5.6.8 Integration of technology strategy

The study found that in its strategic and policy effort to respond to the 21st century policing and crime prevention challenges, the Namibian Police Force, adopted a strategy that contemplated to integrate technology in policing. On this score, it is important to note that some of the adopted technologies included digitalisation, computing, big data analytics, artificial intelligence, cloud services, Internet of Things, and the utilisation of electronic government system such as: electronic policing, and electronic procurement services. A particular interest was noted on how the Namibian

Police Force was championing the utilisation of electronic policing to detect and combat any form crime including corrupt practices. Participant 5, on the adoption of electronic policing, stated:

*“e-policing, is assisting particularly in my division or directorate whereas you know when it comes to criminal investigation directorate they are dealing with dockets. Dockets can be sold, but if you are having this e-policing system, all the statements will be scanned and stored in the computer or cloud server. If you sell the dockets, we just go to retrieve the scanned or digitalised statements”* (Interview Participant 5).

The effects of adopting an electronic policing system were that the traditional methods of policing changed, among others, a) the physical case dockets were converted into electronic docket. The dockets which were opened before the adoption of electronic policing system, were scanned, captured, and uploaded on electronic policing system. b) reduction in tedious paperwork and time-consuming repetitive activities that were, in phased manner, substituted by electronic version of documents. c) reduction in physical human interface, on one end, and on the other end, increased installation of close circuit television for purposes of monitoring crime prone areas. d) efficient digital circulation of wanted persons, and information dissemination/sharing. e) use of big data analytics in crime analysis when profiling crimes, and suspects. In addition, Participant 25 noted that technology creates transparency, and access to information that is necessary to combat corruption.

Over and beyond the shift from traditional to contemporary approaches that were brought by electronic policing system, the electronic policing benefits included interconnectedness between government agencies and interoperability of electronic system. The integration of technology in policing, was found to be partly supported by

the NPFAM Chapter 18 that contemplated to deal with computerisation, and it outlined the objectives thereof to include, among others:

*“(a) to provide a linked network of computer workstations throughout the Namibian Police, by planned and phased introduction. (b) to plan, develop and introduce crime and management-information programmes, which assist the Namibian Police in carrying out its functions. Computerisation must assist in effective and efficient policing and management of the organisation.”*

Interpretively, there were several observations that were made on the computerisation policy, namely: (i) it was outdated (used computerisation as the climax of technology), since it contains the technology formulation of the early 1990s. The 4th industrial revolution led technologies goes beyond computerisation to big data, digitalisation, internet of things, artificial intelligence, cloud services, and robotics (Fuzlul-Hoque, 2019). In so doing, the computerisation policy may signify the early stages when the technology was adopted by the Namibian Police Force. (ii) the computerisation policy can be jettisoned as the fore runner of the current electronic policing system. It shaped and laid the foundation on which the electronic policing system was built. (iii) the computerisation policy, was not just outdated, but it was inconsistent and incompatible with the 4th and 5th industrial revolution technologies that places high premium beyond the reliance on computers but includes the convergency of various technologies and their interoperability (Kerber & Schweitzer, 2017). (iv) reference and utilisation of the computerisation policy, in the present era and in its current form may signify the potential for slow nature of reform that has been undertaken by the Namibian Police Force. This shortcoming is noticeable in the field of policy development that ought to be a necessary guide for integration of technology in policing.

Notwithstanding the foregoing, there were associated challenges that hampered the full utilisation of electronic policing strategy. Participant 2 stated that “e-policing that we are having now is only at ‘A’ Class Station level, and it is mostly used as an investigative tool.” This view was shared by several other participants. There were multiple inferences that were made from this view, including that: (i) electronic policing was not sufficiently decentralised to ‘B’ and ‘C’ Class Station level. The contributing factors to lack of full-scale decentralisation of electronic policing system, were found to include that these categories of police stations were in rural areas where there were no services such as electricity, network, and internet coverage. Consequently, without electricity, and network coverage the use of technology may be hindered (Silveira, 2016; Adam and Fazekas, 2021). (ii) Cybercrimes were found to be a critical threat to the adoption of technologies that deals with data. The gist of cybersecurity included the prevention of cybercrimes. This challenge transcends beyond the remits of the Namibian Police Force because there was a legal vacuum at national level, namely, the lack of legislative framework on cybersecurity and personal data protection (Asheela-Shikalepo, 2021; Masake & Libebe, 2021).

(iii) lack of expertise and skills to effectively utilise technologies. For example, there were few police officers who were trained to operate electronic policing system, and much less when it came to the use of complex software related to big data analytics, augmented reality, virtual, Internet of Things, and artificial intelligence. On this juncture, Participant 27, when asked on the use of technologies to combat systemic corruption, specifically, electronic policing, stated that “I am not so familiar with e-policing.” Participant 30 held a view that “e-policing, if it was rolled out after training, then it was going to be useful. However, the people are still in the process to be trained, therefore, it is not effective.” Further comments that depicted challenges on the

adoption of technology to combat systemic corruption, were proffered by Participant 25 who stated that “most people in decision making positions are not equipped with skills of technology which is a setback.”

These views were interesting because the participants to this study were in management or leadership positions as such were responsible to drive the necessary change and implement organisational strategies. Thus, the lack of familiarity of electronic policing that persisted a decade post the inception thereof, raises several critical questions. For example, if managers were not familiar with electronic policing how were they leading the transformation of electronic policing? How did they influence the shift from traditional approaches to contemporary approaches? When participants were prompted on these questions, it became apparent that the Namibian Police Force had embarked on rolling out electronic policing training, and that not everyone in strategic positions has had an opportunity to be trained.

#### 5.6.9 Inter-agency and stakeholder collaboration

This study found that, to combat systemic corruption, the Namibian Police Force, deployed the inter-agency and stakeholder collaborative strategy. This was evident in responses that were analysed. Participant 15 elucidated that one of the effective approaches to combating systemic corruption was the adoption of “inter-agency collaboration with stakeholders, such as Anti-Corruption Commission, judiciary, prosecutors, Ombudsman Office, and Non-Governmental Organisations.” With this strategy, the focus was to invite a collective and maximise the collective’s efforts towards combating corrupt practices. It is similar to the collective action theory, – that summons joint efforts from all parties (Jager, 2020). The collective action theory was fully discussed in chapter 2 of this study.

It is interesting to note that the Namibian Police Force do not limit the categories of partners who may participate in combating corruption in its rank and file. Participant 2 explained that to combat systemic corruption required concerted efforts, and to achieve that “sometimes we call in people and institutions that are having these skills to assist.” Further, Participant 26 reflected that “we also have the Anti-Corruption Commission who may be invited to come in to give an in-service training on how to detect corruption in the system.” Without overly stretching or emphasising the participants’ citations on inter-agency collaboration, it is worth to implore the comments from Participant 6 who elucidated that:

*“we have a strong bond with our communities they inform us of anything that happens whether regarding ordinary criminal cases or is regarding corruption. [...] you find information relating to the behaviour maybe of a particular police member who corruptly, either uses an official vehicle to do own private things or maybe an official who engages in receiving or soliciting things of value or money or cash from the members of the public, so we keep on receiving that information from communities.”*

At this juncture, it is notable that the Namibian Police Force created different platforms to ensure effective collection action response to combat corrupt practices. For example, the establishment of different departments, including but not limited to: (a) the public relations department that serve as the contact point between the police force and the public. With the public relation department, any person may approach the police and report any form of police misconduct. (b) community affairs department that championed the community policing of which data obtained from the community may include reports of police corruption. (c) the utilisation of suggestion boxes that were located at different localities within reach of the community members. (d) social media,

including Facebook, and WhatsApp. These platforms, enhances the swift communication between the Namibian Police Force, and the stakeholders.

The practice and implementation of the inter-agency strategy illuminates different operational strategies, among others, joint awareness campaign on corruption; regular meetings with community members, civil societies and other government agencies/offices to exchange data, information related to trends, and proposal on how to tackle corruption; affiliation with international institutions that were focused on corruption; execution of memorandum of agreement with stakeholders such as universities for the provision of training; and cooperation with media to ensure transparency.

The involvement of these various offices, agencies, and stakeholders, implicitly, reveals that the Namibian Police Force may be accommodative in its approach. However, there were critical issues that were found to be counterproductive against the collective action approach that was adopted by the Namibian Police Force. These critical issues include but not limited to, the principle of non-disclosure (lack of transparency) as contemplated by the Protection of Information Act 84 of 1982. This legislation presented the potential to create mistrust between the inter-agency or the collective (stakeholders). The mistrust may be because the police may censor what to disclose to its partners (the collective). The process of censoring or filtering information may deprive the other parties from comprehending the entire situation: since they may be exposed to limited and biased selected information. It is common knowledge that the information received by the police, was usually treated as classified information. Therefore, dissemination of such information may be criminalised. To this end censoring information becomes a better, but not ideal option when compared to

outright non-disclosure of information under the classified data principle (Mulligan, & Elsea, 2017).

#### 5.6.10 Ethics and integrity checks

The policing function demands conduct that is above reproach, as such it places high premium on ethical conduct (Rodwin, 2018; Kirya, 2020; Surbhi, 2021). The study revealed that as part of its arsenal against systemic corruption, the Namibian Police Force, adopted ethics and integrity vetting strategy. Participant 2 proffered that “we were taught ethics at the college, so everybody is supposed to know what ethics is all about. But field training office is there to refresh us every time.” Several other participants espoused and hailed the adoption of ethics strategy. Participant 11 claimed that “we continuously emphasise on elements of professionalism [...]” When prompted further, on elements of professionalism, Participant 11 indicated that “by professionalism I refer to police ethics and codes of conduct.”

It was evident that the Namibian Police Force encouraged ethical conduct. It then follows that, several postulations and inferences among others, (a) ethics was recognised as a critical tool for combating systemic corruption and reform by the Namibian Police Force, (b) ethics formed part of the curriculum of the programmes offered and taught at various police colleges, (c) beyond class room there was concerted effort by the police organisation to ensure continuous ethical conduct.

The study found that there were different methods through which ethical standards could be inculcated, namely, prescribing an ethics code of conduct, practice ethics, role modelling, training in ethics, or subscribe to ethics code of conduct as developed by other organisations such as Southern African Regional Police Chief Cooperation Organisation, and Interpol. In terms of prescription of code of conduct, the NPFAM



Chapter 11 was found to be instructive. This code of conduct laid down the desired ethical conduct of the members of the Namibian Police Force. In section G(1)(a) thereof provides that: “effective measures to combat police corruption will be established in the police organisation at all levels.”

Another instructive provision was Article 9 of the Southern African Regional Police Chief Cooperation Organisation’s (SARPCCO) code of conduct, on prohibition of police corrupt practices, which provided that “police officials shall not commit or attempt to commit any act of corruption or abuse power. They shall rigorously oppose and combat all such acts.” It is worth noting that the SARPCCO code of conduct was domesticated by the Namibian Police Force as per section I of the NPFAM Chapter 11. It is important to note that any contravention of the ethical code of conduct may attract disciplinary measures.

To complement ethical standards, the Namibian Police Force, adopted integrity/vetting system that informed activities such as recruitment, promotions, assignments, and secondments. Participant 40 explained that “when we recruit, we always conduct vetting or integrity checks.” In practice, the vetting process was found to be a continuous activity that included, for new recruits: taking fingerprints to determine previous convictions, the health and fitness (Ekwoaba et al, 2015; Razzente, 2019). Whereas for police officers who were already in the system who may be due for promotions, assignments, or secondment, it included lifestyle audit (Borges et al, 2017).

The consequences for a failed vetting or integrity checks, included that a recommendation for recruitment, promotion, assignment, or secondment, may, among

others, be rejected. Further that a detailed investigation may ensue, to determine if there was any violation and thereafter appropriate remedies may be adopted.

Ethics and integrity checks have the potential to inculcate appropriate organisational culture and values. Ethical values and culture were pre-requisite and necessary to combat systemic corruption. Hanna et al (2011) cautioned that without anti-corruption filters such as ethics, integrity checks, and accountability, organisations may be extremely vulnerable to misconduct, whereof, corrupt practice was not an exception.

The general legitimate expectation, held by society, is that the conduct of police officers should be above reproach (Rodwin, 2018). In addition, the nature of police work presupposes discipline and ethical conduct at all material times. Therefore, it is arguable that there is high premium placed on the police officers to conduct themselves in the manner that is acceptable. In this context ethical conduct plays a critical role in policing. This study discovered that to combat systemic corruption, in its rank and file, the Namibian Police Force adopted and subscribed to several codes of conduct as was demonstrated in chapter 3 of this study. It is notable from the analysed data that ethics and integrity checks were conducted in certain limited activities, such as recruitment, promotion, or secondment. This limited approach is referred, in this study, as classic approach. The classic approach presupposes that integrity check may not be conducted if it was not for recruitment, secondment, or promotion. This is problematic because not every police officer may be eligible for promotion or secondment. Therefore, what happens to the officers who were not eligible for promotion or secondment? The implication to this question is that police officers who were not eligible for recruitment, promotion or secondment would be excluded from

vetting or integrity checks. It then follows that integrity check strategy may be partly applied and as such it may be ineffective to combat systemic corruption.

#### 5.6.11 Access to information and transparency

The study found that coordinated access to information, as a strategy was adopted by the Namibian Police Force, and that it was perceived to have a positive effect on transparency. Participant 25 noted that not every police officer who was authorised to disseminate or disclose information held by the police. However, there were officers who were tasked with this function. The study further found that information could be accessed in different ways, among others, through police parades, print and digital media, informants, whistleblowing, suggestion boxes, hotlines, social media platforms such as Facebook and WhatsApp.

It is interesting to note that access to information, on corruption, followed a format of a two-way exchange of information. This included, from the Namibian Police Force to public, for example through media briefings, and whistleblowing, etcetera, on one end, and on the other end, from the public to the Namibian Police Force, for example through hotlines, suggestions boxes, and informants.

To ensure the effective implementation of access to information and transparency strategy, the Namibian Police Force, as part of the post-independence reform reconfigure its structure and established the public relations department. The public relations department's primary duty included the dissemination of information in a coordinated manner.

Inferred from the analysed data, it was apparent that there were a series of limitations that were hindering effective access to information and as a consequences casted doubt on transparency. The major impediment was raised with reference to the lack

of legislative reform, for example the Protection of Information Act 84 of 1982 limited the police from disclosing information to the public. Furthermore, in Namibia there were no legislations that guaranteed access to information (Nakuta & Mnubi-Mchombu, 2013). Another debilitating factor discovered was that internal members of the police who wished to blow the whistle on internal corrupt practices were not sufficiently protected, since there was no law on whistleblowing. It is important to mention that the Whistle-blower Protection Act 10 of 2017 was signed by President into law on 6 October 2017: however, this legislation was yet to be operationalised (Tjivikua, 2022).

It is worth noting that the Namibian Constitution do not expressly make provision for access to information. However, Namibia is a signatory to various international instruments that purports to provide for access to information, among others, was the African Charter of Human and People's Rights, specifically as elucidated in article 9 thereof. Interpretively, therefore, if a person intends to enforce the right to access to information, may have recourse as contemplated in terms of article 9 of the African Charter of Human and People's Rights. This provision may be directly applied in Namibia by virtue of article 144 of the Namibian Constitution. Article 144 of the Namibian Constitution enjoins international law to form part of the Namibian legal framework (Nakuta & Mnubi-Mchombu, 2013).

It is important to note that Namibia is a signatory to the United Nation Sustainable Development Goals (SDG) and that it periodically reports on the progress and milestones achieved towards the full realisation of these goals. The SDG 16 principle 10 places a duty on all members States to put in place facilities that affords access to information, in a timely manner, and information that is relevant. It then follows that the

right to information, as contemplated in SDG, places a positive obligation on a State to, among others, publish information, disclose, or declassify information. Construed from these SDGs, this study, furthermore, recommends that access to information should be a justiciable right. In this manner, the right to access to information should be incorporated in the Bill of Rights of the Namibian Constitution. The recommendation to incorporate access to information in the Bill of Right as a justiciable right is consistent with the practice observed in other jurisdictions, for example, South Africa. The South African Constitution Act 108 of 1996 section 32 provides for the right to access to information.

#### 5.6.12 Legislative and policy reform

The data that was analysed, in this study, revealed that legislative reform is one of the critical strategies, that was applied by the Namibian Police Force in combating systemic corruption. Several participants cited legislative reform strategy, among others, Participant 37 stated that “our enabling legislation, the Anti-Corruption Act 8 of 2003 places a duty in each citizen of this country through section 48 to report corruption.” Further Participant 40 noted that the principal legislation that guide the police in combating systemic corruption was the Police Act 19 of 1990, with its regulations. The other legislative reform that was identified included the police code of conduct. The pre-independence legislations were weak and ineffective at best, such laws enabled police officers to commit heinous crime, such as genocide, displacement, and theft of farmlands (Benyera, 2018). It is also notable that the notorious Protection of Information Act 84 of 1982 is a product of pre-independence era and this legislation was still enforced.

The legislative reform can be traced to the 1930s when the Police Act 19 of 1939 was promulgated under the South African colonial era. The Police Act of 1938, with its constitutive regulations and respective amendments thereto empowered the police officers to apply racial policing style. The effect was that crimes committed by police officers were condoned with impunity (Benyera, 2018). In 1958, the Police Act 7 of 1958 was passed and it repealed the Police Act of 1938. Several amendments were done on the Police Act 1958. The legislation with its amendments and regulations thereof exacerbated coverups, and the crimes committed by the police officers were significantly tolerated (Zollman, 2011). The other significant reform occurred in 1990, when a new police legislation was adopted that repealed the Police Act 7 of 1958 with its amendments. With the new Police Act 19 of 1990 the legislation incorporated various principles that had potential to combat systemic corruption. These principles include but not limited to, (a) regulation of gifts. Offering and acceptance of gifts by police officers is one of the enablers of corrupt practices. Thus, the new legislative reform contemplated to regulate as to how gifts may be offered or received (the discussion on gifts was expanded in chapter 3 of this study). (b) Post independence the police officers were not above the law. In terms of article 10 of the Namibian Constitution, everyone is equal before the law. Therefore, when a police officer commits corruption such a police officer was subject to the law. The regulations promulgated in terms of the Police Act 19 of 1990 envisages prosecution and punishment of corrupt practices committed by a member of the Namibian Police Force. For example, section G (1) of NPFAM chapter 11 of the Namibian Police Force, specifically prohibits members from indulging in corrupt practices.

Another milestone in the regulatory reform, include that in 1995 the Public Service Act 13 of 1995 was enacted. This legislation was highly significant to the conduct of police

officers on the basis that police officers, in Namibia, are construed as public servants. The Public Service Act 1995 delimits and defines the acceptable standard of conduct of public servants that include the prohibition of all forms of misconduct: of which corrupt practices are not an exception.

The attempts by the Namibian government in combating systemic corruption culminated in the enactment of the Anti-Corruption Act 8 of 2003. In terms of reform the Anti-Corruption Act 2003 codified the common law crime of bribery. In addition, a centralised entity responsible for investigating corrupt practices country wide was established. The establishment of the Anti-Corruption Commission witnessed the corrupt practices investigation authority been relocated from the Namibia Police Force and been vested with the Anti-Corruption Commission. The implication included that corrupt practices committed by police officers were subjected to investigation by the Anti-Corruption Commission.

## **5.7 Conclusion**

This chapter, at an expanded length, presented the data, interpreted, and provided a sanctity discussion on the findings that were revealed during data analysis. It is important to highlight that the chapter identified two broad categories of the strategies that were adopted by the Namibian Police Force in combating systemic corruption in its rank and file. These broad categories included, direct anti-systemic corruption strategies, on one end, and on the other end, the indirect anti-systemic corruption strategies. The direct category comprises the strategies which the Namibian Police Force adopted directly to respond to infringements. These were characterised as reactive policing models, such as structural adjustments, severe punishment mechanisms, provision of adequate incentives, enhanced supervision, management,

and monitoring mechanism. In terms of the indirect category, this was construed as a more proactive approach in combating systemic corruption. The effort with indirect approach was to ensure that the police officers were sufficiently prepared to resist corrupt practices. This included exposure to relevant training and level of education, the adoption of technologies, legislative reform, and inter-agency/ stakeholder engagement. The inherent risks associated with these strategies were identified and critically assessed. On this score, it is important to note that each strategy, no matter how effective it was found to be, had its unique risks. For example, the adoption of technology strategy was found to be associated with cybercrime risks, whereas the provision of adequate remuneration strategy could not explain as to why senior officers who were well remunerated were involved in corrupt practices. Against these startling findings, critical inferences were made including that there was not all-embracing strategy in combating systemic corrupt practices. Therefore, a clarion call and advocacy for a holistic approach was mooted. The succeeding chapter draws on recommendations, and it strongly advocates for a holistic approach in combating systemic corruption.



## CHAPTER 6

### SUMMARY, RECOMMENDATIONS AND CONCLUSION

#### 6.1 Introduction

This chapter unpacks the summary, recommendations and conclusion that are anchored and derived from the participants' analysed responses, findings, a review of literature, and the legal and theoretical framework as contained in this study. The recommendations and conclusion are not postulated in a vacuum but are aligned to, among others but not limited, the objectives, and statement of the problem as juxtaposed in this study.

Therefore, it is worth noting that, in this chapter, after a critical assessment of the strategies that were applied by the Namibian Police Force to combat systemic corruption the study discovered the disjoint and non-coherence in the way the current strategies were applied. To close the identified gap, this study developed and a holistic approach (strategy) as an effective strategy to combat systemic corruption. Further, postulations were made on the efficacy of the holistic approach strategy. The recommendations are discussed in detail in section 6.3, 6.4, 6.5 and 6.7 below.

#### 6.2 Summary: salient reflections on the study

Systemic corruption is corrosive, pervasive, and is not victimless. It is also important to note that systemic corruption can be distinguished from other forms of corruption such as petty corruption. The contradistinction includes that systemic corruption is a highly organised form of crime that may be enabled by dysfunctional institutions, weak regulatory systems, weak democracies, and leakages or loopholes in systems of

governance and process. Considering the above substantiated claim, the main aim of the study was to conduct a critical assessment on the strategies that were adopted by the Namibian Police Force to combat and prevent systemic corruption in its rank and file.

The study was entrenched in the ideal behaviour of police officers. That is, by the nature of their work, police officers are expected to be law abiding citizens, conduct beyond reproach, professional and practice of ethical conduct. However, as was demonstrated in the background and chapter 1 of this study, the police behaviour fails to measure against the virtues of an expected behaviour. The reality, as expounded in the statement of the problem, section 1.5 of this study, include among others, prevalence of corrupt practices, suspensions, discharges, and arrests of police officers on account of corrupt practices. In this context, this study was necessitated by co-influence of various factors, among others, increased pervasive and prevalent corrupt practices committed by the members of the Namibian Police Force, and the failure of the system in effectively addressing the sage of corrupt practices.

It is important to note that this study was not conducted in a vacuum, rather, it was guided by the parameters that were set by a combination of theoretical and legal framework. The choice of engaging a number of frameworks, as demonstrated in chapter 2 of this study, was informed by the desired depth and breadth of this study, namely, theories such collective actions, agency, Becker's theory of economic crime, and rational actor theory were necessary to explain the deviation of behaviour from the expected (ideal) to dissonance.

In chapter 3, of this study, a review of literature was thoroughly conducted. Several strategies that were adopted in the fight against systemic corruption were identified

and discussed at great length. These strategies were grouped in two broad categories, that is, direct and indirect strategies. Direct strategies, as expounded in this study, presupposed actions that was taken to respond to a violation. Implicitly, these are reactive strategies that include prosecution, punishment, strict supervision, monitoring, arrest, provision of adequate remuneration, and asset recovery. Whereas indirect strategies presupposed proactive form of policing, to combat systemic corruption, that utilised elements such as training, ethical conduct, integration of technology, interagency collaboration, and protection of whistle blowers. It is submitted that a detailed discussion, which reflected on the strength and weakness of each strategy was provided in chapter 3 and chapter 5 of this study. Derived from these detailed discussions, a determination was made that there was not all-embracing strategy in addressing systemic corruption. Rather, a combination of strategies, as the circumstances may require, could be adopted. This literature-based finding was consistent with the finding construed from the enriched data that was analysed in chapter 5 of this study.

The chapter 4, of this study, provided the methodology that was adopted, namely, qualitative research methodology. In-depth knowledge about the subject matter (strategies to combat systemic corruption) was obtained from information rich participants in three police regions, Khomas, Zambezi, and Erongo region respectively. These participants were derived from various organisations, such as the ACC of Namibia, and the Namibian Police Force. It is interesting to note that about 40 participants participated in this study. The study used interviews to collect data. These interviews were by a combination of telephone and email. The semi structured interview utilising an interview schedule was used for telephone interview, whereas structured interview was used for email generated data. The email interview questions

were open-ended to allow participants to provide in-depth and rich data on anti-systemic corruption strategies. To ensure accurate record of the data, the telephone interviews were audio recorded. The recorded data was transcribed. From the data transcripts codes, themes and categories were generated. Thematic based analysis (content) was applied, and it informed the development of themes, and the theory. To ensure reliability, an independent person was sourced to generate the codes and themes this was, among others, to reduce bias. In addition, these generated themes were discussed with the promoter to ensure that they were consistent with the data. To ensure validity, the researcher used multiple data collections methods, through email interview, and telephone interview. In addition, upon development of themes, the researcher engaged selected participants to review the themes for accuracy.

In terms of ethical considerations, prior to data collection, the researcher obtained ethical clearance from the University of South Africa's Research Ethics Committee, the NCRST, as well as the gate keepers, namely, the Namibian Police Force, and ACC. It is also important to note that express consent was obtained from the participants for purposes of participating in this study. In addition, consent was obtained from the participants who were interviewed through telephone for the telephone interview to be audio recorded. It is further important to note that telephone/email interview was the highly commendable method of data collection that was compliant with research ethics guidelines that subsisted during the Covid-19 pandemic. The primary strategy to fight Covid-19 was to avoid physical contact, therefore the guidelines included social distancing. By adopting the telephone/ email interview, the researcher and participants were not exposed to any harm that may have occurred, if the interview involved physical contact such as face to face interviews.

The data that was collected, was analysed, and presented, as depicted in chapter 5 of this study. This included the illustration of findings, and critical discussion of these findings. It is interesting to note that some of the findings were consistent with the findings that were derived from a review of literature. In addition, there were peculiar findings that were discovered, for example, the requirements for rotation strategy, loopholes in appointment of top management, underutilised technology, recruitment strategies that relied on recommendations as opposite to merit based, traces of colonial influence, outdated police manuals, and need for legislative reform, to mention a few. Premised on these findings, and discussions, chapter 6 was dedicated to the provision of recommendations, on how to improve the anti-systemic corrupt practices strategies, as well as developing a holistic approach or strategy.

### **6.3 Recommendations on the definition of systemic corruption**

The study found that framing the concept of systemic corruption was critical in the fight against corruption. However, the responses that were analysed revealed that participants could not easily distinguish between ordinary corruption and systemic corruption. In other words, ordinary corruption and systemic corruption were framed and treated in the similar manner and were deemed as misconduct. Premised on the above noted non-distinction, it is recommended that framing systemic corruption should be based on factors such as weakness in governance system, weak regulatory system, and weak legal system. These deficiencies exacerbate the commission of systemic corruption. The essence of effective and appropriate framing of systemic corruption is to ensure that the necessary seriousness, gravity, or weight is attached to the concept. The premise for this recommendation is that the nature of weight that

is attached to a concept has strong influence in devising corresponding countermeasures.

#### **6.4 Recommendations on anti-systemic corruption strategies**

The study found two broad categories of strategies that may be applied to combat systemic corruption, namely, direct, and indirect category of strategies. This type of categorisation was relatively novel in the discourse of anti-corruption strategies and can be contrasted from the traditional approaches as evidenced in the anti-corruption studies in which strategies were generally discussed without been categorised. Key recommendations are highlighted in sections 6.4.1 to 6.4.12 below.

##### **6.4.1 Express incorporation of transfer/ rotation strategy**

In this study, transfer or rotation was found to be one of the strategies that was implicitly and inconsistently applied by the Namibian Police Force. In this manner it was open to abuse and subject to constraints such as manpower, skills shortage, and resources. This study recommend that transfer/ rotation to be expressly provided in the NPFAM as an anti-systemic corruption strategy. The effect is to expressly incorporate transfer as an anti-corruption strategy and curtail its abuse.

##### **6.4.2 Prosecution and punishment**

In this study, prosecution and punishment was one of the highly recommended strategies that was believed to have the necessary force to combat systemic corruption. This may include payment of fine, imprisonment, discharge from the police organisation, and suspension. Stiffer punishment is recommended to deter police officers from committing corrupt practices.

#### 6.4.3 Management and supervision

The shortcoming related to supervision and management strategy were articulated in chapter 5 section 5.6.3 above. The identified shortcomings, among others, include inconsistency in how the subordinates were supervised, ignorance by supervisor, supervisors condoning misconducts, and unregulated discretion exercised by the police officers. To counter these shortcomings, it is recommended that strict supervision is required to effectively combat systemic corruption. Supervision and management may include visiting police officers on duty, conducting surprise inspections and audits, and exemplary conduct by supervisors.

In addition, this study found that the challenges in combating systemic corruption were not limited to technical, but rather they included the paltry political will. Evidence for lack of political will can be deduced from different angles, among others, conduct of top management of the Namibian Police Force, politicians, and technocrats. For example, the Namibian Police Force developed a strategic plan for the financial year 2017 to 2022. A careful assessment of the Namibian Police Force strategic plan revealed that the strategic plan does not provide for measures against corruption. This study recommend that the Namibian Police Force should consider, incorporating an anti-corruption strategy in the next and subsequent strategic plans.

#### 6.4.4 Provision of incentives

In this study, poor remuneration and benefits structure were found as possible triggers of corrupt practices in the Namibian Police Force, much so at lower ranks that were lower than inspector rank. There was a counterargument against increasing remuneration as an effective anti-corruption strategy. For example, the question as to why senior officers with high ranks who were well remunerated were involved in

corrupt practices. Notwithstanding this counterargument, there was strong predisposition that improving remuneration may tilt the pendula towards prevention. The implication could, among others, include that if a police officer was bribed with an amount that was higher than his/her salary, with less risk of been caught, then, such officer may receive the bribe. With this example, increasing remuneration may not be an effective anti-corruption strategy.

However, this study recommends transcending beyond looking at salary alone, in isolation, as an incentive. Rather, it is recommended to include benefits such as subside on utility and weighing such benefits and salary against the cost of living and economic demands. Premised on balancing of these two forces it is recommended that improving the remunerations and benefits of lower ranking officers may be one of the incentives for dissuading corrupt practices.

#### 6.4.5 Inspections and audits

This study found that inspections and audits were not fully utilised as a mechanism to deter systemic corruption. When utilised, it was inconsistently used subject to availability of funds, experts and leadership will. The inspections and audits strategy were seldomly applied notwithstanding the fact that they are provided in the various police manuals. This study recommends the practice of regular utilisation of inspections and audits.

#### 6.4.6 Structural/ institutional reform

Structural reform, in this study, was found to be a strategy that falls under the broader category of direct strategies that may be used to combat systemic corruption. The study found that the Namibian Police Force, notwithstanding the establishment of the ACC by the Namibian government in 2006, adopted an internal mechanism to combat



systemic corruption within its rank and file. In so doing, the Namibian Police Force established an Internal Investigation Directorate that was tasked with the function of investigating all violations or crimes committed by the members of the police country wide.

In addition, other directorates and first divisions such as Special Branch Directorate, Training and Development, and Community Affairs we found to have played a significant role in combating systemic corruption. The details on how this strategy was applied by the Namibian Police Force was fully explored in chapter 5. Notably, these internal structural mechanisms operated in parallel with the ACC of Namibia. Notwithstanding the significant roles played by these internal structural mechanisms, there were severe limitations that were found within these internal structure strategies. The limitations, among others, included potential for coverups, lack of objectivity and lack of clear guidelines on the transfer of cases from internal investigation to the ACC of Namibia.

To circumvent these structural limitations, and equally, to effectively combat systemic corrupt practices, several recommendations that are proffered:

- (a) the ACC of Namibia should take over and investigate all the corrupt practice cases against the members of the Namibian Police Force, regardless of whether the corrupt practice committed was minor or serious. The implications would include that the Namibian Police Force's internal investigation directorate should be divested of its powers of investigating corrupt practices committed by the members of the Namibian Police Force. This recommendation is consistent with the provisions of section 3 of the Anti-Corruption Act 8 of 2003 that empowered the ACC of Namibia with the mandate to investigate all corrupt

practices committed in government or public sector. The fact that the ACC of Namibia, contrary to section 3 of the Anti-Corruption Act 8 of 2003, still allows the Namibian Police Force to investigate itself in as far as corrupt practices is concerned signifies a *de jure* and *de facto* impunity enjoyed by the members of the Namibian Police Force.

- (b) The Namibian government should adopt a strategy that contemplate to subject all misconduct, committed by the members of the Namibian Police Force, under an external civilian oversight. This recommendation is consistent with the practices from other jurisdictions such as South Africa. In South Africa, the Independent Police Investigation Directorate Act 1 of 2011 establishes an independent external oversight agency that is responsible for the investigation of all types of crimes committed by the members of the South African Police Service. The value of a special agency such as the Independent Police Investigation Directorate cannot be understated, and it includes increased transparency, gaining community trust, and accountability. These values are highly necessary in countering corrupt practices.
- (c) The current practice was that once appointed into office, the Inspector General of the Namibian Police Force, may remain in such a position until retirement. In terms of article 32(4)(c)(bb) of the Namibian Constitution, the President may appoint the Inspector General of the Namibian Police Force subject to the consultation with the Security Commission of Namibia. Startlingly, the removal of the Inspector General of the Police from office, as per article 120 of the Namibian Constitution, was found to be linked to public interest or good cause but not premised on the term of office served. This type of appointment was

found to be detrimental and counter effective in combating systemic corrupt practices. The challenge is exemplified by the agency theory that was fully explored under chapter 2 of this thesis. Where, one of the weaknesses of agency theory was that of assumed principled principal. Thereby taking for granted that the appointing authority was vested with the necessary skills to effectively monitor the appointee. Further disregarding the consequences that may arise under circumstances where the appointee works in cohort with the appointing authority to commit systemic corrupt practices? Therefore, this study recommends that the appointment of the Inspector General of the Namibian Police Force should be limited to a five (5) year term of office, subject to renewal to one additional term only where the performance is satisfactory. The recommended type of appointment is consistent with the reforms that were necessary to effectively combat systemic corruption. The practice of limiting the powers of the Inspector General as a strategy to curtail the abuse of power were not new and can be learned from other jurisdictions. In Kenya, for example, the Inspector General of the Kenya National Police Service's term of office is limited to four (04) years as provided section 18 of the National Police Service Act CAP 84 of 2012.

#### 6.4.7 Training and education

The study found that the Namibian Police Force had embarked, tremendously, on training and education, of which police officers were encouraged to undertake studies through the police colleges, local and international institution of higher learning. This effort, observably, was highly commendable. However, to foster and strengthen anti-corruption measures, more was required, namely, to train or educate police officers in field of anti-corruption. In other words, police officers at all levels and ranks should be

exposed to anti-corruption subject-contents. The methods of the envisaged exposure could encompass, on a regular basis: seminars, workshops, and professional courses. In addition, it is recommended that contents on anti-corrupt practices should be included in the curriculum for police basic training, and other advanced police courses that are offered by the Namibian Police Force colleges or training centres. This recommendation is premised, not only on the participants' responses that were analysed, but rather it is also derived from literature on systemic corruption.

#### 6.4.8 Integration of technology

This study found, as elucidated in chapter 5, that one of the strategies that was adopted by the Namibian Police Force in combating systemic corruption, and as a 21st century policing requirement, was integration of technology in its functions. However, there were loopholes that were identified, that ought to be closed to ensure that the adoption of electronic policing system, as a strategy, was fully effective. Against this backdrop, this study recommend the following:

- (a) the electronic policing system should not be limited to Class "A" station as the current practice revealed, but rather it should be fully decentralised to all levels of stations, including Class "B" and "C" stations country wide.
- (b) further training in cybersecurity is required, by members who are tasked with the functions of electronic policing system.
- (c) furthermore, there should be a link between the electronic policing system adopted by the Namibian Police Force and other systems that were adopted by other security agencies such as immigration agency for effective interoperability.

#### 6.4.9 Collaboration/ stakeholder engagement

This study found that inter-agency or collaborative effort from stakeholders is crucial to combat systemic corruption. This finding reinforced collective action theory. This study noted that the collaborative strategy was not clearly defined, rather it was executed on ad hoc basis. This study, therefore, recommend that the Namibian Police Force should develop a framework on stakeholder engagement that should serve as guiding instrument that delineate the roles of various stakeholders.

#### 6.4.10 Ethics and integrity checks

This study recommends that ethics and integrity vetting, on police officers, should be conducted regularly, and continuously regardless to whether the police officers were due for recruitment, promotion, or secondment. In addition, this study found that vetting mechanism as practiced in the Namibia Police Force excluded lifestyle audit. Against this discovery, this study recommend that the Namibian Police Force should develop and adopt a framework on lifestyle audit as an anti-systemic corruption strategy.

#### 6.4.11 Access to information and transparency

In the context of access to information and transparency, this study found that this strategy was not fully explored by the Namibian Police Force. The stumbling block to the full exploitation of access to information was the Protection of Information Act 84 of 1982 that prohibited disclosure of information. This study recommends that the Protection of Information Act 84 of 1982 should repealed in total and that a new law that promote access to information and transparency should be promulgated.

In addition, this study recommend the effective protection of whistle-blowers and informants. The protection of whistle blower could be effectively achieved by, among

others, (a) fast tracking the operationalisation of the adopted legislation. (b) make provision for hotlines through which informants can communicate any corrupt practices. Similar arrangement was not found with the internal investigation directorate of the Namibian Police Force that was responsible for investigating police corrupt practices. Therefore, in event that the function of investigating police corruption resided within the Namibian Police Force then it is recommended that specific hotline should be installed for purposes of communicating police corrupt practices.

#### 6.4.12 Legislative and policy reform

This study, found that the legislative framework, in as far as combating systemic corruption is concerned, was inadequate. Therefore, premised on this finding, this study recommend the following legislative reform:

- the repeal of the draconian Protection of Information Act 84 of 1982. The rationale for recommending the repeal of this legislation is that it prevent access to information, which is a critical arsenal in the fight against corruption.
- the introduction of cybersecurity legislation. Currently, there is no law proscribing cybercrime. Therefore, since the Namibian Police Force is increasingly integrating technology in its functions: it is necessary to adopt a policy or legislation on cybersecurity.
- the review of the police administrative, operational, store, and finance manual. These police manuals were found to be outdated. For example, the manuals still define technology in a narrow sense that is limited to computerisation. In the 21st century, technology transcends beyond computers, and may include cloud services, digitalisation, big data, and internet of things.

## **6.5 Introduction of holistic approach**

This study established that the anti-systemic corruption strategies, that were adopted by the Namibian Police Force, were applied inconsistently and in a fragmented manner. As a result, the adopted strategies were ineffective and not responsive against systemic corruption. In addition, construed from the review of literature and analysed data, in this study, it became apparent that no single strategy was all embracing. Therefore, a holistic approach in the fight against systemic corruption may be essential.

To effectively, combat systemic corruption, this study recommend that the Namibian Police Force, should consider the adoption of a holistic approach (strategy). The holistic approach presupposes an application of a combination of two or more strategies, as the circumstances may require, concurrently or simultaneously to combat systemic corruption. For example, when an accused for corrupt practices is criminally prosecuted and punished, on one end, on the other end, a civil proceeding in regards with the seizure and forfeiture of the proceeds of corrupt practices should equally be instituted. The other example is that when criminal charges are laid against an offending police officer, such pending criminal charges should not bar the institution of departmental proceedings against such a police officer. The figure 8 below embodies the holistic approach.

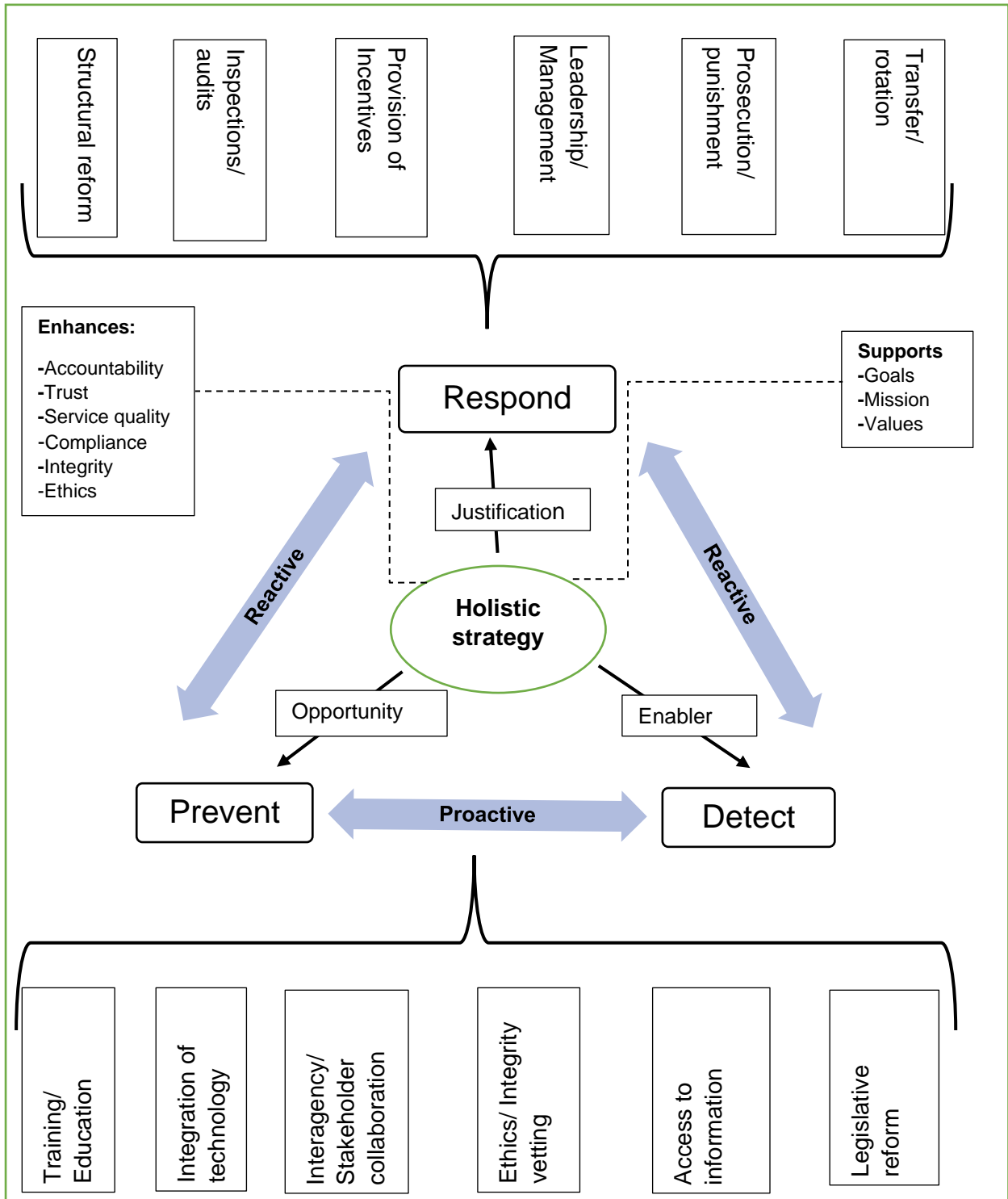


Figure 8: *Holistic Anti Systemic Corruption Strategy*  
 Source: *Researcher's extraction from data*



The holistic approach may take into consideration three basic elements, (a) detection of enabler of (disincentivise) corrupt practices, (b) prevent corrupt practices enablers (opportunities), and (c) respond (de-legitimise) or invalidate corrupt practices.

#### 6.5.1 Pillar 1: Detect enablers for corrupt practice

To detect corrupt practice, entail a process of identifying all possible contributing factors or enablers of corrupt practices that may negatively motivate or force a police officer to engage in corrupt practices or to commit any form of misconduct. After the identification of all these factors then, each factor should be treated or be converted into a positive factor. There are different contributing factors for corrupt practices, ranging from poor governance, irresponsive structure, peer pressure, poor living conditions, low remuneration, poor benefits, high cost of living, greed, and weak regulatory framework. In the negative, these factors have potential to cause a police officer to be involved in corrupt practices. The opposite, equally holds, that is, good governance, good living conditions, sound and responsive regulatory framework has the potential to positively motivate a police officer to avoid engaging in corrupt practices. An extreme example of disincentivising corrupt practices is to disband a corruption riddled unit or department and reconstitute a new unit or department. To effectively implement this strategy, require, among others, a deliberate political will and sufficient budget.

#### 6.5.2 Pillar 2: Prevent corrupt practice opportunities

Systemic corruption, in the context of opportunity, is not distinct from any other crimes, it is an opportunistic crime. That is, an opportunity must exist that allows the commission of corrupt practices. Therefore, when the opportunity is thwarted or prevented from occurring the prospect of committing corrupt practices may be

effectively reduced. The corrupt practices opportunities may arise in several ways, among other, lack of supervision, fragmented legal framework, ineffective monitoring and evaluation mechanisms, unlimited discretionary powers, and unregulated receipt of gifts. Therefore, to thwart the opportunity that has the potential to enable the commission of corrupt practices, may require to invoke proactive measures such as legislative reform, access to information, integration of technology, and education.

### 6.5.3 Pillar 3: Responsive mechanisms

The availability of opportunities and incentives, without justification, may not be sufficient for a person to commit corrupt practices. Justification refers to attaching reasons to an action or conduct. The primary purpose for attaching reasons is to render such action reasonable or correct. These reasons may include, everyone is doing it, there is no victim, and I am just doing my part. It follows that when a justification is found, and successfully attached to the action: a person may act inconsistently to the norm or may engage in corrupt practices. The justification element presupposes self-righteousness, and it blinds the sense of self-guilty by denying the negative consequences of the ensuing action.

To curb the element of justification, the Namibian Police Force may adopt strategies that deligitimises or condemn corrupt practices. These may include reactive measures such as punishment, transfer, increasing incentives, and audits. These strategies have the potential to influence behaviour, corporate culture, or cognitive rationalisation.

## **6.6 Reconceptualization of the holistic strategy**

The holistic approach is dynamic, and it has the potential to cut across a series of theories and strategies, simultaneously, in combating systemic corruption. In addition,

it recognises the critical roles played by theories such as the ethics theory, collective action, Becker's economic theory of crime, principal agent, and rational actor.

#### 6.6.1 Ethics theory vs Holistic strategy

The ethics theory is incorporated as one of the proactive and indirect strategy that forms part of the holistic anti systemic corruption strategy. The dynamics of the holistic approach include its adaptability, and this may occur through the concurrence utilisation of multiple strategies to combat corruption. In the context of holistic approach, the question of ethics transcends the mere adoption of codes of conducts, and incorporation of ethics curriculum in police training as it was demonstrated in section 2.4.1 above. It goes further, to advocate for role modelling, lifestyle audits, vetting that is not just limited to promotion, and recruitment but to treat vetting as a continuous process that instils accountability and discipline with potential to combat systemic corruption.

#### 6.6.2 Rational actor theory vs holistic strategy

The rational actor theory presupposes that offenders rationalise their actions and possess the ability to calculate the gain and pain that is associated with their conduct as was explained in section 2.4.2 above. The rational actor theory is incorporated into the holistic approach. The assumption that an offender can calculate and weight the pain against gain of a crime renders the offender to be sophisticated. The holistic approach can subdue this challenge through the adoption of the direct strategies such as prosecution, proportional punishment (i.e., forfeiture of proceeds of crimes), inspections/audits, and potentially effective management. In this manner, the rational actor's conduct is fully accounted for within the holistic approach.

### 6.6.3 Becker's economic theory of crime vs holistic strategy

Becker's economic theory of crime consists of pillars such as damages, cost, supply, punishment, and optimality as was elucidated in section 2.4.3 above. The holistic approach to large extent agrees with the Becker's economic theory of crime. Some of the compatible elements include an assumption that investigation of organised crime such as systemic corruption requires huge amounts of money, and human resources that translate into cost as enunciated by Becker. In addition, Becker's pillar of damage is supported. This is because the holistic approach presume that corruption is not victimless, and that it depletes state resources. However, the holistic approach contrast to Becker's supply, and punishment pillars, does not advocate for harsh punishment. Rather, the holistic approach advocate for proportionality of punishment that is consistent with the constitutional values entrenched in the Bill of Rights. In this manner, rehabilitative form of punishment such as plea bargaining, community service is advocated for. Reformatory punishment reduces the costs against the state coffers since the offender is required to work for the community at less cost. In addition, these reformatory punishment makes the offender integration into society flexible.

### 6.6.4 Collective action theory vs holistic strategy

The collective action theory is not at odds with the holistic approach. Rather they complement each other. However, the holistic approach goes further and addresses the weakness of free rider that is apparent in the collective action theory, as elucidated in section 2.4.5 above. The free rider problem is mitigated, from the holistic approach context, in several ways: it advocates for making concretized fight against corruption; building effective collaboration where each stakeholder is assigned with unique responsibility; advocacy for integration of technology with the emphasis of increasing data analytics and reduction of human interface to enhance objectivity; further, through

education with an object to make the fight against corruption meaningful and appreciated by the collective.

#### 6.6.5 Institutional theory vs holistic strategy

The institutional theory advocates for reforming ineffective institutions as was elucidated in section 2.5.7 above. The holistic strategy supports the institutional reform as it is noted as direct response to systemic corruption. In addition, the holistic strategy advocates for an independent department (external to the police) that should be established with function to investigate and prosecute complaints against the police. The effort is to increase transparency and accountability. Furthermore, the holistic strategy advocates for impactful leadership appointments where the Inspector General position should be limited to one term of four years, that may be renewed only once.

#### 6.6.6 Noble cause theory vs holistic strategy

The noble cause theory presupposes police officers involve in questionable conduct for the greater good, through overt operations with object, i.e., to penetrate an organised criminal syndicate. The holistic approach finds the noble cause theory to be repugnant to the constitutionally entrenched values such as fair trial. For reasons that in covert operations the offender is enticed by the police to commit a crime, and later to be arrested on the same crime. In this manner, the holistic approach construes noble cause as an exception to the general principles. Therefore, the usage of noble should be extremely limited and should be used under strictly controlled conditions.

### **6.7 Recommendations for further studies**

There were several critical areas that were identified, in this study, that required further research, among others:

- a) research on the overlap of powers and effectiveness of interagency in combating systemic corruption. The basis for suggesting this as an area for further study is premised on the fact that currently both the Namibian Police Force and the ACC retained the powers and authority to investigate corrupt practices that were committed by the members of the Namibian Police Force. The lack of effective separation of powers between these two agencies is a call for concern: since there could be issues that falls within the cracks and unconsciously leading to blame shifting and ineffectiveness.
- b) research on the feasibility of civilian oversight over misconduct (including corrupt practices) committed by the members of the Namibian Police Force. The crux of the issue is that currently, the Namibian Police Force investigates itself. This status quo presupposes coverup, lack of objectivity, is devoid of transparency. The objective could include the establishment of an independent institution that oversees investigations against members of the police.
- c) research on the tenure of office held by the top management of the Namibian Police Force. The suggested further study could establish whether it is feasible to limit the terms of office, to less than five (5) years, for critical positions such as that of the Inspector General of the Namibian Police Force. The rationale for limiting the tenure of office is to circumvent the weakness of the agency theory, specifically, the principled principal syndrome.
- d) research on the effect of police corruption on, among others, the management of the police organisation, discipline, service delivery, and economy of the country at large.

## 6.8 Conclusion

The primary focus of chapter 6 was to provide for the summary, recommendations and conclusion of the study as derived from the data presentation, interpretation, and discussion. In arriving at the recommendations, this chapter took cognisance of the research aim, objectives, and questions of this study, with specific focus on the strategies that were adopted by the Namibia Police Force in combating and preventing systemic corruption within its rank and file. Postulations were made on the efficacy of the currently applied strategies, that included a determination as to whether a specified strategy was responsive to counter the demands of systemic corruption. It is worth noting that, this study, found that notwithstanding the partial reform that was achieved by the Namibian Police Force, more reform was still desired. That is, the current anti-systemic corruption strategies were ineffective, riddled with weak practices, lack of political will, and disjointed regulatory framework. Several strategies, as depicted in chapter 5, were discovered. However, there were inconsistencies in how these strategies were applied. These identified deficiencies were critically assessed, and recommendations were made on how to effectively improve the status *quo*. To bolster the discussions and equally to set the parameters or contours, this study introduced a holistic strategy as an effective anti-systemic corruption strategy.

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## International Instruments

African Charter on Human and People's Rights.

African Union Convention on Preventing and Combating Corruption of 2003.

Independent Police Investigation Directorate Act 1 of 2011 (South Africa).

Kenya National Police Service Act Chapter 84.

Nigerian Constitution.

United Nation Convention against Corruption.

# APPENDIXES

## Appendix 1: Turn-it-in digital certificate

P H MASAKE User Info Messages Student English (International) Help Logout

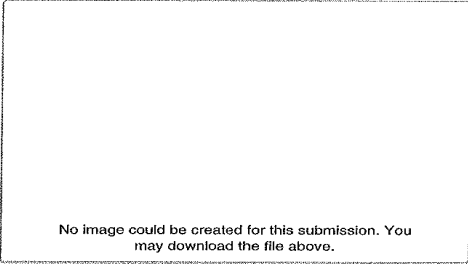
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### Submit: Single File Upload

STEP 000

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<p><b>Author:</b> P H MASAKE</p> <p><b>Assignment title:</b> Complete dissertation/thesis for examination</p> <p><b>Submission title:</b> V1 THESIS MASAKE PILISANO</p> <p><b>File name:</b> V1 THESIS MASAKE PILISANO.docx</p> <p><b>File size:</b> Unknown</p> <p><b>Submission date:</b> 14-Nov-2022 03:51PM (UTC+0200)</p> <p><b>Submission ID:</b> 1953621774</p>	
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## Appendix 2: Confirmation of editorial work



1948 Pelican Street, Hochland Park, Windhoek  
P.O Box 24250, Windhoek, Namibia  
Tel +264 61 26 3160, Fax +264 61 26 3169  
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"A Better World Through Comprehensive Trades"

### CERTIFICATE OF EDITORIAL WORK

Linked Investments Cc (CC/2016/00419)

05 November 2022

To whom it may concern,

This is to certify that the Ph.D. Criminal Justice, thesis titled: "**A critical assessment on strategies to detect and combat systemic corruption in the Namibian Police Force**", by Pilisano Harris Masake Student Number 3644-604-1 was language edited and copy-edited for spelling, grammar, layout, and compliance with the referencing style. The researcher was provided with the comments and suggestions for corrections in track changes.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lisho'.

Dr Lisho C. Mundia  
Executive & Creative Director  
**Linked Investments Cc**  
Mobile Number: +264-81 127 8670  
Email address: [lcmundia12@gmail.com](mailto:lcmundia12@gmail.com)  
Email address: [ourclients4us@gmail.com](mailto:ourclients4us@gmail.com)

## Appendix 3: Ethical clearance



### UNISA 2022 ETHICS REVIEW COMMITTEE

Date: 2022:03:08

ERC Reference No.: ST8-2022

Name: Mr MP Harris

Dear Masake Pilisano Harris

**Decision: Ethics Approval from  
2022:03:08 to 2025:03:08**

**Researcher:** Mr Masake Pilisano Harris

**Supervisor:** Dr Lekubu Bernard Khotso.

***A critical assessment on strategies to detect and combat systemic corruption in the  
Namibian police force***

**Qualification:** PhD (Criminal Justice)

Thank you for the application for research ethics clearance by the Unisa 2022 Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **medium risk application** was reviewed by the CLAW Ethics Review Committee on 08 March 2022 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.*

The proposed research may now commence with the provisions that:

- 1. The researcher will ensure that the research project adheres to the relevant guidelines set out in the Unisa Covid-19 position statement on research ethics attached.**
2. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
3. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
4. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.



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5. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
6. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
7. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
8. No field work activities may continue after the expiry date **2025:03:08**. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

*Note:*

*The reference number ST8-2022 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.*

Yours sincerely,



Prof L Fitz  
Chair of CLAW ERC  
**E-mail: [fitzlg@unisa.ac.za](mailto:fitzlg@unisa.ac.za)**  
**Tel: (012) 433-9504**



Prof OJ Kole  
Acting Executive Dean: CLAW  
**E-mail: [koleoj@unisa.ac.za](mailto:koleoj@unisa.ac.za)**  
**Tel: (012) 429-8305**

## Appendix 4: Namibian Police Force permission to conduct research



REPUBLIC OF NAMIBIA



POL 716\*\*

Namibian Police Force

### MINISTRY OF HOME AFFAIRS, IMMIGRATION, SAFETY AND SECURITY

Tel. No: (+264 61) 209 3111  
Fax: No: (+264 61) 220 621

**CONFIDENTIAL**

OFFICE OF THE INSPECTOR-GENERAL  
Namibian Police Force  
Private Bag 12024  
Ausspannplatz  
WINDHOEK  
Namibia

Enquiries: Comm Mafwila/ W/O (1) Ngesheya

Our Ref.: 8/3/1  
Your Ref.:

08 December 2021


Dr. P.H. Masake  
P.O. Box 70174  
WINDHOEK

#### RE: APPLICATION FOR PERMISSION/AUTHORISATION TO CONDUCT RESEARCH

1. The above mentioned subject matter has reference.
2. Your request to conduct academic research study in the Namibian Police Force titled: "*A critical assessment on strategies to detect and combat systemic corruption in the Namibian Police Force.*" is hereby **approved**.
3. You are urged to ensure that information that will be provided to you will be treated with higher level of confidentiality and will not be used for any other purpose except for only this academic research.
4. Your interest and willingness to carry out a research study within the Namibian Police Force is highly appreciated. Hence, this office would appreciate sharing the research findings with the Namibian Police Force.

Thanking you in anticipation.

Yours sincerely,

  
*[Signature]* : LT-GEN  
S.H. NDETUNGA, OMS  
INSPECTOR-GENERAL: NAMIBIAN POLICE FORCE

Cc The Regional Commander: Khomas Region for further information  
Cc The Regional Commander: Erongo Region for further information  
Cc The Regional Commander: Zambezi Region for further information

## Appendix 5: NCRST Authorisation to Conduct Research



### AUTHORIZATION OF RESEARCH PROJECTS

Authorization is hereby granted in terms of Section 21 of the RST Act No. 23 of 2004, to:

**Name:** Masake Pilisano Harris

**Address:** Theo van Wijk Building, Preller Street, Muckleneuk Ridge, City of Tshwane, South Africa

**Coworkers:** N/A

**Certificate Number (if applicable):** N/A

**Authorization No:** AN202101131

**Type of Research:**

Non-Commercial research and use of resources be limited to what is in the proposal.

**Title of Research Authorized:**

A critical assessment on strategies to detect and combat systemic corruption in the Namibia Police Force.

**Locality:**

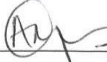
Khomas, Erongo, and Zambezi region.

**Duration:** 15 December 2021 - 31 December 2022

**Research / Sample Collection Conditions:**

N/A

Yours sincerely,

  
\_\_\_\_\_  
Ms. Albertina Ngurare  
Acting Chief Executive Officer  
P/Bag 13253  
Windhoek, Namibia



#### Head Office:

**A** Chr. Louis Raymond & Grant Webster Street  
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**P** Private Bag 13253 Windhoek **F** +264 61 266 531 **E** info@ncrst.na  
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#### Innovation Hub:

**A** Chr. Louis Raymond & Grant  
Webster Street Olympia  
Windhoek **T** +264 61 431 7000  
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## Appendix 6: Interview Schedule

### Interview schedule

#### A CRITICAL ASSESSMENT ON STRATEGIES TO DETECT AND COMBAT SYSTEMIC CORRUPTION IN THE NAMIBIAN POLICE FORCE

##### Part A

###### Biographical data.

1. What is your sex?

2. What is your salutation: title or rank?

3. State your profession/ area of specialisation

4. What is your highest academic qualification?

5. Where do you work, if any: state, i.e. Ministry of Youth (not physical address)?

6. For how long have you been employed with your current employer?

7. Indicate your age category

21 – 30	
31 – 40	
41 – 50	
51 – 60	
61 – 70	

##### Part B

8. In your opinion, what does the concept of strategy, in context of criminal justice, entails?

9. In the context of the Namibian Police Force, what does the concept of systemic police corruption entail?

10. In your views, what strategies, if any, are applied by the Namibian Police Force to detect, combat, and prevent systemic corruption in the Namibian Police Force?

11. If you were to recommend - what actionable strategies would you recommended for purposes of enhancing the detection and prevention of systemic corruption in the Namibian Police Force?

Best regards

## Appendix 7: Informed Consent



### PARTICIPANT INFORMATION SHEET

Ethics clearance reference number: ...ST8-2022

Research permission reference number: NCRST Authorization No. AN202101131

01 April 2022

Title: A CRITICAL ASSESSMENT ON STRATEGIES TO DETECT AND COMBAT SYSTEMIC CORRUPTION IN THE NAMIBIAN POLICE FORCE

**Dear Prospective Participant**

My name is Dr Masake Pilisano Harris and I am doing research with Dr Lekubu Bernard Khotso, a Senior Lecturer in the Department of Criminal Justice towards a PhD in Criminal Justice at the University of South Africa. We are inviting you to participate in a study entitled "A critical assessment on strategies to detect and combat systemic corruption in the Namibian Police Force".

#### WHAT IS THE PURPOSE OF THE STUDY?

I am conducting this research to critically assess the strategies to detect and combat systemic corruption in the Namibian Police Force and to develop actionable strategies that may be adopted and deployed as measures in the fight against systemic police corruption.

#### WHY AM I BEING INVITED TO PARTICIPATE?

You have been chosen since you work in the police and you may have rich information on the strategies that are applied in the police to combat corruption. The research has been approved and authorized by seal of the Inspector-General of the Namibian Police Force – as per the attached authorization letter. The data and information which you will provide shall be treated with utmost confidentiality.

#### WHAT IS THE NATURE OF MY PARTICIPATION IN THIS STUDY?



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Preller Street, Muckleneuk Ridge, City of Tshwane  
PO Box 392 UNISA 0003 South Africa  
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Your role as participants will be to attend the interviews and provide, where possible, information on the strategies or recommendations thereof related to anti-corruption strategies. The study involves *audio taping of the semi-structured telephone interviews*. Some of the questions that are expected to put to you, include but not limited to: a) In your opinion, what does the concept of strategy, in context of criminal justice, entails?; b) In the context of the Namibian Police Force, what does the concept of systemic police corruption entail?; c) In your views, what strategies, if any, are applied by the Namibian Police Force to detect, combat, and prevent systemic corruption in the Namibian Police Force?; d) If you were to recommend - what actionable strategies would you recommended for purposes of enhancing the detection and prevention of systemic corruption in the Namibian Police Force? It is anticipated that the interview may last for a period of 30-45 Minutes.

#### **CAN I WITHDRAW FROM THIS STUDY EVEN AFTER HAVING AGREED TO PARTICIPATE?**

Participating in this study is voluntary and you are under no obligation to consent to participation. If you do decide to take part, you will be given this information sheet to keep and be asked to sign a written consent form. You are free to withdraw at any time and without giving a reason. However, withdrawal may not be possible, where for example – that the recording of the interview has been analysed, or where the data collected has been anonymized (de-identified).

#### **WHAT ARE THE POTENTIAL BENEFITS OF TAKING PART IN THIS STUDY?**

The benefits include but not limited to: a) the recommendations therefrom will help the police to develop or redesign effective policies on how to regulate police conduct (behaviour) within the police. b) Further, it may help effectuating effective strategies to detect, monitor and prevent police corruption. Furthermore, it may help in reinvigorating the values of ethical conduct and standards. c) At individual level (subordinates) – the study may help with personal knowledge creation and enhance various strategies to combat corruption. d) Finally, this study has potential to immensely contribute to the body of literature in various discipline (criminal justice and governance), on the strategies to detect, prevent and combat police corruption.

#### **ARE THERE ANY NEGATIVE CONSEQUENCES FOR ME IF I PARTICIPATE IN THE RESEARCH PROJECT?**



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There are no negative consequences for participating in this study. However, the interview period may potentially inconvenience your schedule. Further The information supplied by yourself shall be treated confidential and de-identified to ensure that there is no link between the information provided and yourself.

**WILL THE INFORMATION THAT I CONVEY TO THE RESEARCHER AND MY IDENTITY BE KEPT CONFIDENTIAL?**

You have the right to indicate that your name should not be recorded anywhere and that no one, apart from the researcher and identified members of the research team, will know about your involvement in this research. In addition, you can elect to indicate that your name should not be recorded anywhere and no one should be able to connect you to the answers you give. Your answers will be given a code number or a pseudonym and you will be referred to in this way in the data, any publications, or other research reporting methods such as conference proceedings

Your answers may be reviewed by people responsible for making sure that research is done properly, including the transcriber, external coder, and members of the Research Ethics Review Committee. Otherwise, records that identify you will be available only to people working on the study, unless you give permission for other people to see the records.

**HOW WILL THE RESEARCHER(S) PROTECT THE SECURITY OF DATA?**

Hard copies of your answers will be stored by the researcher for a period of five years in a locked cupboard/filing cabinet for future research or academic purposes; electronic information will be stored on a password protected computer. Future use of the stored data will be subject to further Research Ethics Review and approval. After the expiration of 5 years, hard copies will be shredded and/or electronic copies will be permanently deleted from the hard drive of the computer through the use of a relevant software programme.

**WILL I RECEIVE PAYMENT OR ANY INCENTIVES FOR PARTICIPATING IN THIS STUDY?**

Participation in the study is purely voluntary – therefore, there is no incentive or payment of nature that will be received by yourself in your capacity as participant.

**HAS THE STUDY RECEIVED ETHICS APPROVAL**



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This study has received written approval from the Office of the Inspector General and National Commission on Research Science and Technology of Namibia. A copy of the approval letter can be obtained from the researcher if you so wish.

#### **HOW WILL I BE INFORMED OF THE FINDINGS/RESULTS OF THE RESEARCH?**

If you would like to be informed of the final research findings, please contact Dr Masake Pilisano Harris on 0814152645 or [harismasake@gmail.com](mailto:harismasake@gmail.com). Should you require any further information or want to contact the researcher about any aspect of this study, please contact the principal researcher as per the contact details set above.

Should you have concerns about the way in which the research has been conducted, you may contact Dr Lekubu Bernard at email [Lekububk@unisa.ac.za](mailto:Lekububk@unisa.ac.za) if you have any ethical concerns.

Thank you for taking time to read this information sheet and for participating in this study.

Thank you.



Dr Masake Pilisano Harris



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### CONSENT TO PARTICIPATE IN THIS STUDY

I, \_\_\_\_\_, confirm that the person asking my consent to take part in this research has told me about the nature, procedure, potential benefits and anticipated inconvenience of participation.

I have read (or had explained to me) and understood the study as explained in the information sheet.

I have had sufficient opportunity to ask questions and am prepared to participate in the study.

I understand that my participation is voluntary and that I am free to withdraw at any time without penalty.

I am aware that the findings of this study will be processed into a research report, journal publications and/or conference proceedings, but that my participation will be kept confidential unless otherwise specified.

I agree to the recording of the semi-structured interviews. Further, the semi structured telephone interview will be audio recorded for purposes of this study.

I have received a signed copy of the informed consent agreement.

Participant Name & Surname..... (please print)

Participant Signature.....Date.....

Researcher's Name & Surname.....(please print)

Researcher's signature.....Date.....



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## Appendix 8: Interrater Letter



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P.O Box 24250, Windhoek, Namibia  
Tel +264 61 26 3160, Fax +264 61 26 3169  
Mobile +264 81 127 8670

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### CONFIRMATION OF RESEARCH DATA CODING AND CREATING THEMES

Linked Investments Cc (CC/2016/00419)

28 November 2021

To whom it may concern,

This is to certify that the research data to be collected based on the proposal for the Ph.D. Criminal Justice, titled: "A critical assessment on strategies to detect and combat systemic corruption in the Namibian Police Force", to be carried out by Dr Pilisano Masake to the University of South Africa, Republic of South Africa, will be coded and thematized by Linked Investments CC, under the Division of Research Support Services.

The research support team herewith certify that, either the research content nor the author's intentions will be altered in any way during the computation process.

Linked Investments CC guarantees the quality of research data coding and creating themes for the stated study, provided our research team's suggested codes and themes will be accepted, checked and further made to the document by the author.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lisho'.

Dr Lisho C. Mundia  
Executive & Creative Director  
**Linked Investments Cc**  
Mobile Number: +264-81 127 8670  
Email address: [lcmundia12@gmail.com](mailto:lcmundia12@gmail.com)  
Email address: [ourclients4us@gmail.com](mailto:ourclients4us@gmail.com)

## Appendix 9: ACC Authorisation letter



REPUBLIC OF NAMIBIA

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### ANTI-CORRUPTION COMMISSION

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Tel. No. 061-4354045  
Fax No. 061-300952  
Ref: 11/5/1  
Enquiries: Mr. J.H.L. Johannes

P. O. Box 23137  
Windhoek  
Namibia

05 July 2022

Dr. Masake Pilisano  
P.O. Box 70174  
Windhoek

Dear Dr. Masake

#### REQUEST FOR A PERMISSION TO CONDUCT RESEARCH STUDY AT ANTI-CORRUPTION COMMISSION

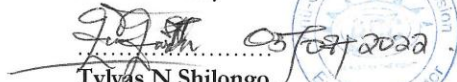
Your letter dated 01 December 2022, refers.

I write to inform you that after consideration of your request, the Commission has decided to grant you permission to conduct research on the topic: **“A critical assessment on strategies to detect and combat system corruption in the Namibian Police”**.

Please note that the information obtained through the research should be utilised solely for academic purposes.

I wish you success in your studies.

Yours sincerely

  
Tylvas N Shilongo  
Executive Director

