

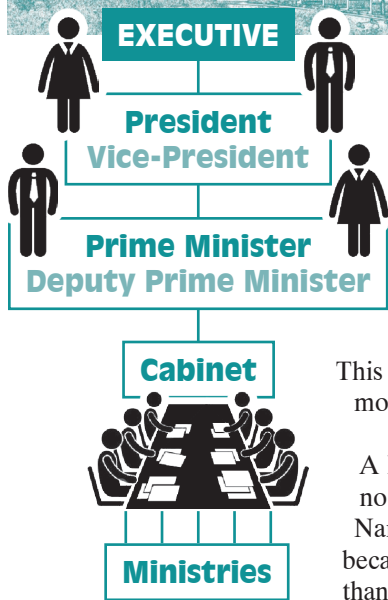


MyDemocracyTree
Namibia



Executive Branch:

PRESIDENT, VICE-PRESIDENT, PRIME MINISTER, DEPUTY PRIME MINISTER, CABINET, MINISTRIES AND PUBLIC SERVICE



The executive branch is one of Namibia's three branches of government. Its primary task is to put laws into action. The executive branch consists mainly of the President, Vice-President, Prime Minister, Deputy Prime Minister and Cabinet. The executive branch does its work with the help of members of the public service.

President

The President is the Head of State, which means that he or she is in charge of the executive branch. The President is also the Commander-in-Chief of the Namibian Defence Force.

Any man or woman who is at least 35 years old and who was born in Namibia or has a Namibian parent can stand for election as President. The President is elected directly by the citizens of the country. This means that citizens vote, not for a political party, but for the particular individual they want as President. A candidate must receive more than half of the votes cast for President in order to be elected.

This means that there could be a run-off between the top two candidates if no candidate got more than half of the votes.

A President serves for a term of 5 years. The Namibian Constitution originally said that no person could be President for more than two terms. It was amended in 1998 to allow Namibia's first President, Sam Nujoma, to serve for three terms instead of only two. This is because President Nujoma was elected for his first term by the Constituent Assembly rather than being elected directly by the people. All other Presidents can serve only two terms of office.

If a President dies, resigns or is removed from office in terms of the Namibian Constitution, the course of action depends on the length of the unexpired term. If the next regularly-scheduled election is in a year or less, the Vice President will serve as President for the remainder of the term. If the next regularly-scheduled election is more than a year away, then a new Presidential election must be held within 90 days, with the Vice President serving as President until a new President is elected. If the Vice-President is not available, the Prime Minister or the Deputy Prime Minister will step into the President's shoes in the same way.

The National Assembly can remove a President from office if the President disobeys the Constitution or is guilty of a serious violation of any other law, or because of gross misconduct or ineptitude. Two-thirds of the members of the National Assembly must decide that the President should be removed. This power to remove the President is one of the ways that the legislative branch keeps a check on the power of the executive branch.

The President chooses the Prime Minister and many other important government officials. The President also appoints judges and the Ombudsman. Experts must advise the President on what people have the right skills for some positions. The President sets up different ministries to take care of the business of the government, and chooses people to be in charge of each of these ministries. All Ministers and Deputy Ministers must be members of the National Assembly. The President also has other powers and duties, such as welcoming ambassadors from other countries, signing international agreements and giving special awards to people who have served Namibia well.

The President must generally carry out his or her duties in consultation with the Cabinet.

Any action taken by the President can be reviewed and changed by the National Assembly, if two-thirds of the National Assembly members think that this is necessary. This is another part of the balance of power between the executive branch and the legislative branch. ►

THE PRESIDENCY



The President and the Vice-President together are known as "the Presidency". They are assisted by Ministers, Special Advisers and other persons appointed by the President, as well as staff members from the public service who are appointed for this purpose.

Vice-President

The President chooses a Vice-President from the elected members of the National Assembly. In appointing a Vice-President, the President is charged by the Namibian Constitution to have “due regard for the need to obtain a balanced reflection of the national character of the people of Namibia”.

The Vice-President serves at the pleasure of the President, meaning that the President can dismiss the Vice-President at will. The Vice-President assists and advises the President, and deputises for the President in the President’s absence. The Vice-President may not be a member of the National Assembly or hold any other government office while serving as Vice-President. If the person who is elected as President is unable to assume office due to death, incapacity or some other reason, then the Vice-President who was appointed by the outgoing President will act as the President until a new election can be held.



The President, Vice-President, Prime Minister, Deputy Prime Minister, Ministers and Deputy Ministers must all take an oath to uphold, protect and defend the Namibian Constitution, and to obey, execute and administer the laws of the Republic of Namibia.

Prime Minister and Deputy Prime Minister

The Prime Minister works very closely with the President. The Prime Minister co-ordinates the work of Cabinet and is the leader of government business in Parliament. The President may assign other duties to the Prime Minister.

The President may appoint a Deputy Prime Minister to carry out any functions assigned to him or her by the President, the Vice-President or the Prime Minister. The Constitution does not require that there be a Deputy Prime Minister. It is up to the President to decide if it will be necessary or useful to appoint someone to this position.

Cabinet

Cabinet is a group of government officials who advise the President. The members of the Cabinet are the President, the Vice-President, the Prime Minister, the Deputy Prime Minister and the Ministers appointed by the President.

If more than half of the members of the National Assembly vote that they have no confidence in one of the people whom the President has chosen for Cabinet, then the President must remove that person. This is an example of the balance of power between the executive branch and the legislative branch.

Some of the duties of the Cabinet are:

- to advise the President
- to supervise the work of all government departments
- to make a budget for the government each year
- to make plans for the development of Namibia’s economy
- to make decisions about the political and economic relationships between Namibia and other countries
- to introduce draft laws (“bills”) in the National Assembly for consideration.

The Constitution says that Cabinet must make sure that apartheid, tribalism and colonialism never return to Namibia, and decide how to help people who suffered from these wrongs in the past.

Cabinet members cannot hold any other jobs. This is to prevent “conflicts of interest”. Cabinet members must think about what is best for Namibia, not about what might help their private businesses. They are not allowed to use their positions to make money in any way. These rules help to prevent corruption in government.

Ministers and Deputy Ministers

The President appoints a Minister and a Deputy Minister for each government ministry. There is no set number of ministries. The President has the power to establish and dissolve ministries at will.

All of the Ministers and Deputy Ministers must be members of the National Assembly. The President has the power to appoint eight non-voting members to the National Assembly on the basis of their special expertise, status, skill or experience – which allows the President some flexibility in choosing Ministers and Deputy Ministers. This rule that Ministers and Deputy Ministers must be members of the National Assembly means that many of the most important government officials will be people who also serve as the representatives of the people. This rule also means that there is a big overlap between the executive branch and the legislative branch.

Each ministry has a Permanent Secretary, who is responsible for organising the ministry’s day-to-day business. Correspondence to a ministry normally goes to the Permanent Secretary, who will channel it to the appropriate person.

Public service

Government employees are called “public servants”, because their job is to serve the public. When we talk about all of these employees as a group, we call them the “public service”.

The employees of government ministries and agencies are selected by the Public Service Commission. The members of this Commission are nominated by the President and appointed by the National Assembly.

The Constitution says that the Public Service Commission must pay special attention to the balanced structuring of the public service. This means that the Commission must ensure that the public service is a mixture of men and women, and people of all races and ethnic groups in Namibia. ■