

AFFIRMATIVE ACTION:

Some International Experiences and Lessons for Namibia¹

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The term "affirmative action" (but not the practice) originated in the United States where it was associated with a turbulent history. The policy was subjected to an extensive legal and moral debate (See Sachs 1992a:101; Smith 1992:234). Justifying the policy in 1965 US President Lyndon Johnson said:

Imagine a hundred yard dash in which one of the two runners has his legs shackled together. He has progressed 10 yards, while the unshackled runner has gone 50 yards. How do they rectify the situation? Do they merely remove the shackles and allow the race to proceed? Then they could say that 'equal opportunity' now prevailed. But one of the runners would still be forty yards ahead of the other. Would it not be the better part of justice to allow the previously shackled runner to make-up the forty yard gap; or to start the race all over again? That would be affirmative action towards equality (Fullinwider 1980:94-95).

Johnson's Executive Order No. 11246 of 1965 prescribed affirmative action in employment and promotion for all Federal contractors, while the Equal Opportunity Employment Commission established quotas for certain minority groups in the early 1970's (Weiner 1993:9). Employers had to ensure that the composition of their workforce reflected the composition of the population. For example if 10% of the population was Black, then at least 10% of the workforce had to be Black giving them a "proportionate share" in the workforce.

Although the term "affirmative action" originated in the USA, the American experience is of less relevance to the Namibian situation than those of some Asian and African countries. Far from being a tool of transformation, affirmative action in the USA was essentially designed to integrate minority groups, and later women, into the mainstream of American life. According to Maphai:

It was essentially a conservative notion designed and driven by the ruling class for Blacks who largely shared the same sets of socio-economic values with Whites. It was never intended to be a tool of egalitarianism, let alone transformation (Maphai 1993:6).

¹ This paper is based on the author's book 'Affirmative Action in Namibia: Redressing the imbalances of the past?', published by New Namibia Books, Windhoek, 1998.

The policy benefited mainly the Black middle class as it was designed to help members of minority groups who met minimal job qualifications (Days 1993:75). While contributing to the enlargement of the Black middle class, affirmative action remained meaningless for the poorest sections of Black Americans (Kennedy 1993:75). The policy was instrumental in narrowing the gap between groups in American society but it also contributed to an increasing gap within groups. Greater equality was only achieved in the sense that various racial groups were fairly represented in the privileged classes. In other words, affirmative action shifted the emphasis from racial inequality to class inequalities. It was merely concerned with making institutions more representative in their ethnic composition but it did not challenge institutional cultures, let alone become an instrument of redistribution. Affirmative action "the American way" would fail to meet Namibian expectations.

There are, however, other countries whose experiences provide relevant lessons for Namibia. In Sri Lanka and Malaysia affirmative action was implemented to benefit the majority ethnic groups while Zimbabwe introduced the policy under conditions similar to those in Namibia. In all these countries, affirmative action was implemented in societies that were, like Namibia, ethnically heterogeneous. This paper looks at some of their experiences and also evaluates Namibia's affirmative action policies so far.

AFFIRMATIVE ACTION IN SRI LANKA

Historical background

Sri Lanka is a multi-ethnic and multi-religious society. The 17,3 million inhabitants consist of 74% Sinhalese, 18% Tamils, 7% Muslims and 1% other small minority groups. Sinhalese and Tamils are separated by language and religion, the former being 95% Buddhist and the latter being 90% Hindu. The Tamils are subdivided into "Sri Lanka Tamils" (ca. two thirds), and "Indian or Plantation Tamils" (ca. one third) who came to the island in the 19th and early 20th Centuries as plantation workers. Most Muslims speak Tamil but consider themselves to be a separate ethnic group on the basis of their religious beliefs. The population is further divided along geographical lines as almost 90% of Sinhalese live in the southern and central parts of the island while over 70% of the Tamils live in the Northeast which they consider as traditional Tamil homeland. The Tamils form over 90% of the population in the northern province (De A. Samarasinghe 1993: 42).

At the time of independence in 1948 the professions and jobs sought after in the administrative service were open to all persons on the basis of qualifications. Over 90% of the population, however, lacked an education in English and were therefore denied access to the power and privileges which laid in the hands of the small minority of English-speaking families. Due to the many former mission schools in the North, the Tamil community had better access to education and

consequently was better represented in the professions and the administration. The Sinhalese argued that they were discriminated against under foreign occupation while Tamils were privileged. They resented the Tamils' disproportionate share in education and employment and their higher standard of living. Consequently the Sinhalese called for affirmative action to correct historical injustices (De A. Samarasinghe 1993:44; Goonesekere 1992:27-28).

Since 1948 Sri Lanka was ruled by either the United National Party (UNP) or the Sri Lanka Freedom Party (SLFP) which were both under Sinhalese leadership. The Tamils did not trust these parties and formed their own ethnic political parties in the Northeast, namely the Tamils Congress and the Federal Party.

The ethnic conflict between Tamils and Sinhalese started in the 1940's over the ethnic composition of Parliament and has intensified since then (De A. Samarasinghe 1993:44).

Implementation

The first ruling party after independence, the UNP, was originally an ethnically inclusive party, but the 1951 breakaway group, SLFP, advocated policies favourable to Sinhalese Buddhists and promoted Sinhalese Buddhist nationalism. When the SLFP came to power in 1956 as the main party of a coalition government, the People's United Front, it replaced English with the Sinhalese language, Sinhala, as the official language despite opposition from the Tamils. This move increased the ethnic division as it symbolised the triumph of Sinhalese nationalism. On the other hand, the new language policy also empowered many common people who were unable to communicate in English. It opened the door to government jobs for many Sinhalese. The Tamils were required to pass a Sinhalese language examination if they wanted to stay in the public service. Consequently, they saw the language policy as blatant discrimination (*ibid*:46-47).

Within a decade the Tamils' share in the civil service was reduced from 50% to 15% (Weiner 1993:8). Recruitment of Tamils to the general clerical service of the central government dropped from 41% in 1949 to 7% in 1963, accompanied by an increase of Sinhalese recruits from 54% in 1949 to 92% in 1963. Although this cannot be attributed to the language policy alone, this policy was seen by Tamils as an affirmative action programme in favour of the Sinhalese and against themselves (De A. Samarasinghe 1993:47).

The second major area of Sri Lanka's affirmative action was education, especially at university level. Until 1960, university education was conducted in English which restricted university education largely to the urban middle class. As Sinhala and Tamil were introduced, the universities were open to more groups. The number of applicants increased dramatically but, due to fiscal constraints, there was no corresponding increase in places available. As a result the rate of admission of applicants dropped from over 50% in the early 1960's, to

33% in the late 1960's, and to 20% in the late 1970's. This shifted the focus on the ethnic distribution of the available university places (*ibid*: 47-48).

Until 1970 university entrance was determined by the Open National Competition Examination. Sinhalese interest groups claimed that they did not get their fair share under this system as the Tamils were advantaged through better facilities in secondary schools, especially in the field of science. The admission system was then modified by raising the qualifying mark for Tamil medium students above that of the Sinhala-medium students. The marks were "standardised" to achieve pass rates in proportion to the share of the total population (*ibid*:49, Weiner 1993:8). Furthermore, district quotas were introduced to allocate places in proportion to the population of each district. This resulted in a drop of Tamil enrolment in medicine and engineering by 20%, while Sinhalese enrolment increased by 10%. De A. Samarasinghe noted:

In 1973 ... the Tamils took only 24% of the Engineering places and 37% of the Medical places whereas the Sinhalese took 73% and 59%, respectively (1993:49).

Other changes in the field of education included the elimination of privileged education at private schools. These schools were taken over by the State. Schools were segregated according to medium of instruction (Sinhala and Tamil) and efforts were made to reduce the disparities between rural and urban schools. This was done by improving the facilities and by increasing the number of schools in rural areas (Goonesekere 1992:29).

Results

Despite Sri Lanka's success in providing social services to the poor in the form of subsidised rice rations, as well as universal free education and health care systems, the Tamil minority felt increasingly threatened by the ever-increasing quota system (Weiner 1993:7-8). This system became a substitute for the provision of better facilities to the educationally deprived areas. While the affirmative action programmes led to increased Sinhalese enrolment at universities and also assisted them to obtain jobs in the government sector as well as the professional fields, the beneficiaries were predominantly those from affluent families who could afford to attend a good secondary school (De A. Samarasinghe 1993:50 –51).

According to de A. Samarasinghe, affirmative action in university enrolment led to a drop in academic standards. The failure rate rose sharply, partly because universities did not offer special support programmes to disadvantaged schools. Quotas in university admission were the most important factor in the alienation of the Tamil youth who saw these policies as proof that the Sinhalese abused their majority political power to discriminate against the Tamil minority. During the 1970s many frustrated Tamil youth joined the military wing of the Tamil United Liberation Front (TULF) to fight for an independent Tamil state in the North of the

country. When the Government established a university in Jaffna (in the North) in the mid - 1970's it was too late to appease the Tamil youth. The reforms in the admission system to universities in 1976 and the abolition of the 'standardisation' in 1978 as well as the declaration of English and Tamil as official languages in 1988 came too late to stop the violent ethnic conflict which became the biggest obstacle to development in the country (*ibid*:49-53).

Sri Lanka's ethnic conflict was exacerbated by a slow economic growth rate which led to extreme ethnic competition for jobs. As affirmative action programmes were imposed by the Sinhalese majority on the politically powerless Tamil minority, these programmes were seen as blatant discrimination by the non-beneficiaries. Affirmative action was no longer perceived as a justified mechanism for closing inequality gaps, but was increasingly perceived by some as a new form of discrimination. This undermined the chances for achieving a broad consensus among all ethnic groups on the need for affirmative action. The deterioration of a policy designed to overcome inequality into an instrument of discrimination lead to its failure. The continued identification of the intended beneficiaries on an ethnic basis exacerbated existing ethnic divisions even further. As affirmative action benefited Sinhalese even if their economic standing was better than those of Tamils, it could no longer be justified as a mechanism to overcome economic inequalities. The allocation of benefits on the basis of economic standing could have been a more acceptable policy as the beneficiaries would have been the poor of all ethnic groups. Such a programme could have been based on a broad consensus among the major ethnic groups preventing the more privileged from exploiting the policy as was the case with ethnic based programmes (*ibid*:52). This is one of the important lessons to be drawn from the Sri Lankan experience where the special opportunities for some, overruled the equal opportunities for all with disastrous consequences for the country (Weiner 1993:9).

AFFIRMATIVE ACTION IN MALAYSIA

Historical background

Another example of ethnic-based, albeit more successful, affirmative action is provided by Malaysia. Like in Sri Lanka the majority group was targeted as the direct beneficiaries. These were the Malay who constituted close to 50% of the population at the time of independence in 1957. They were regarded as the victims of historical discrimination which Puthucheary described as:

... consisting of structural constraints on Malay participation in the modern sectors of the economy rather than one of domination and exploitation of Malays by other groups (Puthucheary 1993:23).

At independence most Malays were engaged in subsistence agriculture and small-holding rubber cultivation. The second largest ethnic group at the time, the

Chinese, constituted approximately 40% of the population and were predominantly engaged in trading and business. As a group they were economically advantaged as they had been able to use existing economic opportunities during colonial rule (Puthucheary 1992:51-52 and 1993:23-24). Although Malaysia's colonial economy was largely controlled by foreign interests, the Chinese were regarded as privileged because they were concentrated in urban areas, enjoying a higher standard of living than the majority Malay who were settled in the rural areas (Puthucheary 1992:51).

The rest of the Malaysian population consisted of Indians, Ceylonese and other small ethnic groups. Many of them, especially English educated Indians and Ceylonese, were employed in the clerical and technical branches of the civil service.(ibid:51-52).

Implementation

The Alliance Party which came to power with independence in 1957 was a loose coalition of political parties representing the three main ethnic groups - the Malays, Chinese and Indians. It recognised the need for equal rights for all citizens as well as the imperative of affirmative action to correct the socio-economic differences between Malays and the other ethnic groups (Puthucheary 1993:24-25). Therefore, a special rights clause for Malays was incorporated into the federal constitution of Malaysia as Article 153. It made provision for the reservation of positions in the public service, for the reservations of scholarships and other educational privileges, and for preferential treatment with regard to the issuing of trade permits and licences for Malays. However, Subsection 1 of the same article imposed upon the Government a duty to safeguard the legitimate interests of other communities (Puthucheary 1992:61). Furthermore, Article 8 of the Constitution stated that all persons shall be equal before the law and that they shall be entitled to its equal protection. It specifically pointed out that:

A citizen may not be discriminated against on the grounds of religion, race, descent or place of birth in any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property, or the establishment or carrying on of any trade, business, profession, vocation or employment (ibid:55).

Thus, Articles 8 and 153 stood in direct contradiction to each other. This reflected Malaysia's attempts to advance the Malays while safeguarding the interests of the non-Malays. All parties represented in the Alliance Party accepted that the special provisions for Malays were a necessary interim measure. The non-Malays, however, opposed the special rights clause if it was meant to become a permanent feature (loc.cit.).

Affirmative action in Malaysia's public sector employment took the form of fixed recruitment quotas for higher posts in five Ministries. These quotas ranged from

3:1 to 4:1 prescribing the recruitment of three to four Malays for every non-Malay. Most of the federal public service, however, was not affected by the quota system and no affirmative action was applied in the areas of promotion and in-service training. Furthermore, the constitution guaranteed non-Malay public servants the right to keep their jobs and non-Malay holders of scholarships the right to retain this financial support until their training was completed. This was part of the Alliance Party's attempt to reconcile the contradictions in the Constitution in a fair and equitable manner (*ibid*:56). While efforts were made to advance the Malays, assurances were given to non-Malays that they would not lose what they already had.

Besides quotas in public service employment, the Malaysian Government introduced policies to improve the quality of life in rural areas whose residents were predominantly Malay. These policies included rural development projects, land settlement schemes, marketing facilities, credit facilities, and the provision of schools and clinics. The fast growing urban sector of the economy provided the necessary finance and Malays found increased employment in the expanding public service. However, the ethnic division of labour remained visible. Due to a lack of qualified Malays who could enter the professional and technical services, they were concentrated in the administrative and sub-professional jobs while non-Malays continued to dominate the professional and technical services (*loc. cit.*). Consequently, the Malays claimed that not enough was done to bring them on a par with non-Malays. The non-Malays on the other hand, felt increasingly discriminated against by the special provisions for Malays (Puthucheary 1992:55-56 and 1993:26-27).

After the 1969 elections the Malay political elite successfully rallied for changes in the Constitution to entrench the special provisions even further. They now became a permanent feature in the form of a constitutional clause which could not even be changed by a two-thirds majority in Parliament. This special provision became part of the New Economic Policy (NEP) which aimed to achieve an ethnic balance in all sectors of the economy and at all levels of employment. The NEP emphasised the redistributive objectives of national development and wanted to give Malays opportunities to move from agriculture to urban occupations. Preferential policies were extended to virtually all aspects of social and economic activities through a system of ethnic quotas in education, employment and the corporate sector. In addition, a certain proportion of new capital for investment had to be set aside for Malays.

Results

The NEP tried to achieve equality of result, that is the proportionate distribution of income, wealth and occupation among ethnic groups. It achieved a higher degree of ethnic balance and contributed to the establishment of a Malay business community. A more ethnically balanced urban community emerged and by 1980, 75% of students at local institutions of higher learning were Malay. Malays also increased their share in the wealth of the corporate sector from less

than two per cent in 1970 to 18 per cent in 1990. This was achieved mainly through the establishment of numerous public enterprises which were controlled by Malays (Puthucheary 1993:29).

Affirmative action in Malaysia was part of the overall economic development. The Government adopted a flexible approach in the implementation of the NEP, adjusting it to economic necessities. High economic growth rates of six to eight per cent per annum were the most important reason for the success of affirmative action because all ethnic groups benefited from increased incomes. While members of the Malay middle class were the main beneficiaries, the incidence of rural poverty also fell significantly from 68,3% of the population in 1970 to 46,1% in 1980 and to an estimated 21,8% in 1990 (Loc. cit.).

Unlike the Sri Lankan case, affirmative action in Malaysia was successful in reducing socio-economic inequalities between ethnic groups without imposing undue hardships on the non-beneficiary group. The Government avoided a situation where the special rights for the Malay would result in the erosion of the rights of non-Malays. Sachs pointed out that this approach was of crucial importance for the success of affirmative action programmes. Since affirmative action tried to overcome inequities in an equitable manner, both the foundation of the programmes and the way they were handled had to be equitable. Thus, not only the interest of discriminated groups were to be considered but also those of the formerly advantaged. In this way affirmative action should try to find solutions which were acceptable to all parties concerned (Sachs 1992b:36-37). This is one of the lessons to be learned from the Malaysian experience.

There were, however, certain problems that were not resolved by Malaysia's affirmative action programmes. Firstly, despite Malaysia's success in achieving a rise in the general standard of living, the potential for inter-ethnic conflicts was not reduced. Non-Malays perceived affirmative action as discrimination in favour of Malays. Political decisions were often influenced by ethnic considerations to the detriment of politically powerless ethnic minorities. In order to be re-elected the Malaysian Government had to secure the vote of the Malays, while it could sacrifice the support from other ethnic groups.

Secondly, the inequalities within each ethnic group widened as affirmative action concentrated on the eradication of inter-ethnic inequalities. In the process, the really poor members of all communities were neglected, resulting in a shift from inequalities on the basis of ethnicity to inequalities on the basis of class (Puthucheary 1992:60). This is an inherent feature of affirmative action programmes which concentrate on the eradication of imbalances on the basis of race, ethnicity or gender without giving consideration to class-based inequalities. Such programmes might achieve a greater balance in terms of ethnicity or gender but they need to be supplemented by other measures if all socio-economic inequalities are to be overcome.

AFFIRMATIVE ACTION IN SOUTHERN AFRICA

Affirmative action gained momentum in those countries of Southern Africa which inherited an economically powerful settler elite at independence. Both Zimbabwe in 1980 and Namibia in 1990 were confronted with the dilemma that despite the attainment of majority rule after many years of bitter struggle, economic power was concentrated in the hands of the White settler minority. The majority of the population who supported the liberation movements demanded concrete socio-economic changes and the new Governments were expected to facilitate this process. Once in power, both ZANU in Zimbabwe and SWAPO in Namibia abandoned socialist programmes and opted for "mixed economies" and a policy of reconciliation. No significant nationalisation of the means of production occurred and the properties of the White settlers remained largely untouched. This was ensured by the Lancaster House Agreement in Zimbabwe and the entrenched property protection clause of the Namibian Constitution.

Referring to South Africa, Sachs pointed out that members of the white minority enjoyed immense advantages compared to other South Africans. Apartheid laws combined with separate institutions of Government and unequal budgets established discrimination as a declared principle of public life and created deeply entrenched inequalities (Sachs 1992a:109). Eide noted that in South Africa:

there is a correlation between race and social class which is unsurpassed anywhere in the world, though social and economic inequality exists in many other places (1992:4).

Sachs warned that the exclusion of the Black majority was not only unjust, but that it also threatened the stability and progress of the nation (Sachs 1992a:109).

Against this background, it becomes obvious that the abolition of formal discrimination and the guarantee of equal rights alone, will not lead to fundamental change. Substantive equality of opportunity will remain a myth unless active steps are taken to redress the existing social and economic inequalities. One of these measures is affirmative action which aims to achieve fair equality of opportunity. Klug pointed out that:

The very notion of equality is the antithesis of oppression, and any guarantee of equality is obliged to address itself to the continuing effects of a history of oppression ... (1992:141).

Consequently, affirmative action has been described as imperative for South Africa, Namibia and Zimbabwe as it constitutes a commitment to the taking of firm, orderly and principled steps to overcome the enormous divisions of "life's-chances" created by the apartheid system (Maphai 1992:10). Against the background of systematic discrimination and dispossession suffered by the Black majority it can be argued that the State has a duty to repair the damage done. Constitutional provisions will have to be made to lay the foundation for the eradication of inequalities which were created by the apartheid system (Sachs

1992a:100). Although a variety of measures will be required to correct all apartheid legacies, affirmative action can play a meaningful role in this process as a tool to break up bastions of White domination.

Zimbabwean Experiences

Zimbabwe provides the most relevant experiences for Namibia, as many areas of its colonial legacy are similar to those of Namibia. At independence in 1980, Whites formed only three per cent of the population but occupied 63% of the skilled jobs in the economy, while almost all semi-skilled and unskilled jobs were performed by Blacks (Strachan 1993:142; Gatherer and Erickson 1993:151). Like Namibia, Zimbabwe inherited grossly unequal socio-economic structures: The three per cent Whites controlled nearly two-thirds of the national income; they controlled about half of the land, including two-thirds of the best land, as well as nearly all the capital in industry and mining (jointly with foreign companies). By contrast the lowest paid 40% of Zimbabwe's labour force received only 15% of total incomes. Most rural households had no cattle of their own and were forced to live on less than five hectares of land which was needed to provide for a family's minimum needs (Stoneman and Cliffe 1989:42 and 69).

Out of 40 000 civil servants which Zimbabwe inherited at independence, 29 000 were Black but almost all were teachers or clerical assistants, and no Blacks held positions above the senior administrative level (Herbst 1990:30). By contrast, some 5 000 White civil servants occupied over 90% of senior and middle level positions (Bennell and Strachan 1992:26). One of the first priorities of the new Zimbabwean Government was to replace the White civil servants with Black Zimbabweans. The Government decided to introduce preferential policies in favour of Black Zimbabweans, which resulted in the resignation of many Whites who went to the private sector or left the country. Between 1980 and 1984 over 90 000 of Zimbabwe's 230 000 Whites joined the exodus (Dumbutshena 1993:4-6).

The Zimbabwean Constitution empowered the President to give general policy objectives to the Public Service Commission (PSC) with the aim of achieving a representative public service and prison service. One month after independence, on 2 May 1980, a presidential directive was issued, instructing the PSC to:

- * recruit staff to all grades of the public service in such a manner as to bring about a balanced representation of the elements that make up Zimbabwe's population;
- * give more rapid advancement to suitably qualified Black Africans in appointments and promotions to senior positions in the public service;
- * in carrying out these directives to maintain efficiency and satisfy the career aspirations of existing public servants;
- * to make annual progress reports

In appointments to senior posts, preference was given to Black Zimbabweans

who had the necessary qualifications, but not necessarily the required experience (Bennell and Strachan 1992:26).

This Presidential Directive was the only legislation in Zimbabwe which dealt directly with the correction of racial imbalances in the field of labour. It was legally binding only to the Public Service Commission and no guidelines were provided for parastatals or the private sector. The Government made frequent calls for Black advancement in the private sector but did not pass any legislation for fear of adversely affecting the fragile economy (Strachan 1993:146; Gatherer and Erickson 1993:152). White Zimbabweans had an almost complete monopoly over managerial positions and the possibility of a sudden exodus to South Africa would have left Zimbabwe with a lack of managerial skills and experience. The Government was thus forced to implement affirmative action in the private sector at a much slower pace to allow for the training of a sufficient number of Black managers. As far as the parastatals were concerned, the minister responsible for each parastatal assumed the responsibility for advancing Black Zimbabweans. However, there was no legislation to guide the process (Bennell and Strachan 1992:27).

Results

Zimbabwe's policy of Black advancement within the public service was very effective. Many White civil servants left voluntarily, either to take up posts elsewhere or to make use of a very attractive retirement scheme which allowed retiring civil servants to receive their pensions in foreign currency. Many younger White civil servants regarded their chances of promotion as bleak and were ready to explore other options. By 1984, 95% of the senior posts in the civil service were occupied by Black Zimbabweans (Loc. cit.). The share of Whites in senior level posts decreased from 37% in 1981 to 1,3% in 1989 (Gatherer and Erickson 1993:152).

Factors which supported the rapid Black advancement were the availability of well qualified and experienced Black Zimbabweans who could take over managerial positions in the public service. In addition, the civil service was expanded from 40 000 in 1980 to over 90 000 in 1989. This enabled many Black Zimbabweans to take up government posts. In the parastatals, the process of Black advancement was slower as this sector was politically less sensitive and jobs often required technical skills that were not readily available. The parastatals were not bound by the Presidential Directive and they could interpret it as they saw fit (Bennell and Strachan 1992:27).

Strachan noted that as in other sub-Saharan countries, the "Africanisation" of Zimbabwe's civil service was essentially a conservative exercise because it aimed at replacing the White bureaucratic elite with a Black bureaucratic elite. Little was done "to alter the content or rewards of the jobs themselves" (Strachan 1993:141). A new bureaucratic elite emerged and acquired wealth through access to state power and control. Instead of changing the structures, only the

personnel was changed and affirmative action became a means of getting Blacks into positions previously occupied by Whites (Ibid:146; Bennell and Strachan 1992:28).

A government appointed Public Sector Review Commission in 1989 was highly critical of the quality of services provided. It noted that the rapid turnover, coupled with a lack of systematic on-the-job training for new recruits, as well as incompetence and mal-administration adversely affected the operations of the civil service. Furthermore, the Government-appointed 1989 Sandura Commission of Inquiry into alleged corrupt practices revealed large-scale corruption involving ministers and incidents of tribalism and nepotism (Bennell and Strachan 1992:28).

Bennell and Strachan pointed out that Black males were the main beneficiaries of Zimbabwe's affirmative action programmes, but very little progress was made in advancing the occupational status of Black women (Ibid:37). Furthermore De Waal claimed that the Asian and "Coloured" minorities in Zimbabwe were facing the same restrictions and prejudices after independence as they did under White rule (De Waal 1990: 98-99).

Affirmative Action in Namibia

When Namibia achieved independence on 21 March 1990 the new Government inherited a deeply divided society. Gross inequalities in the distribution of wealth and unequal access to land, education and health characterised colonial Namibia. With the achievement of independence the majority of Namibians expected, at the very least, socio-economic improvements. Education for all, a living wage and the redistribution of land were some of the demands of those who voted the first democratic SWAPO Government into power. The Government's formidable task was to transform an ethnically fragmented, extremely imbalanced and gender-biased society, into a unified state with a more equitable socio-economic structure. Affirmative action was portrayed as the instrument to redress the imbalances of the past. Article 23(2) of the Namibian Constitution empowered parliament to enact legislation aimed at redressing "social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices". Provision was also made for a balanced restructuring of the civil service.

In countries like India, Sri Lanka, Malaysia, and the USA the emphasis of affirmative action was placed on making institutions representative of the country's population. In Namibia, affirmative action had to go further and achieve the following:

- Firstly, to make institutions that were dominated by Whites representative of the country's population.
- Secondly, to effect a change in institutional cultures which were shaped by White racist practices during colonial rule.

- Thirdly, to bring about socio-economic redistribution.

To change institutional cultures, it is not enough to merely change the colour of employees. Instead, it will be required that new appointees actively work towards changing the prevailing culture, for example, in the civil service. It might be both a temptation and a necessity to appoint people with the desired political conviction to effect change. Former collaborators with the colonial regime are unlikely to challenge an institutional culture that they were accustomed to. Therefore, the likely beneficiaries of appointments into key positions of the civil service are people sympathetic to the ruling party as they are seen as capable to effect the desired changes.

Regarding gender-based affirmative action in employment, Meer has pointed out that the beneficiaries of moves towards the balancing of gender roles are predominantly middle- and upper-class women (Meer 1990:269). In the Namibian context this could mean that White women and Black middle-class urban women might become the main beneficiaries of gender-based affirmative action in employment. On the other hand gender-based affirmative action programmes in areas like adult education and access to land and health facilities might be most beneficial to rural women. As a mechanism to effect redistribution on an economic basis, affirmative action will have to address class-based inequalities. Sikhosana has warned that::

An uncritical focus on race and gender would not only have leave the majority of the black and female working class and rural peasantry worse off, but would further widen the class inequalities by improving the conditions of the already affluent black petty bourgeoisie or women (1993:19).

The following paragraphs are brief summaries of the areas in which affirmative action was implemented prior to the passing of the Employment Equity Act in 1998:

1. Affirmative action in the civil service

At independence all management positions in the civil service were held by white men and one white woman. After independence, the new government could not simply replace the 'old' civil servants with new ones because article 141 of the Constitution guaranteed all civil servants their jobs. However, the government wanted to 'level the playing field' and give equal opportunities to all Namibians. The government's aim was to make the civil service more representative of the country's population.

The Public Service Commission was given the task to achieve this aim. It therefore decided that blacks (including 'coloureds') and women should be given preference whenever appointments, promotions and transfers take place in the civil service. As most Namibians could not gain experience in the colonial civil

service, the Commission also decided to relax the experience requirements. However, only people with the necessary qualifications were considered for appointments and promotions.

Six years after independence, in March 1996, about 70% of the management posts in the civil service were held by people from disadvantaged groups. Most of them were black men (52%) and only 13% were black women. These figures indicate that affirmative action made the civil service more representative of the country's population but women continue to be under-represented. Affirmative action has also not addressed the huge income gap between civil service managers and lower paid public workers. The gap has even increased since independence! Affirmative action programmes in the civil service did not entail a systematic education and training component for people who were denied such opportunities in the past.

2. Affirmative Action in Agriculture

In 1992, the government introduced the 'Affirmative Loan Scheme' to support communal farmers who wanted to buy land in a commercial farming area. The scheme is administered by the Agricultural Bank of Namibia which offers loans at low interest rates are given to full-time communal farmers. However, such farmers need to have at least 150 cattle or 800 goats or sheep.

The loans given under the affirmative loan scheme do not cover the full amount and communal farmers have to pay about 10% of the price themselves. Given the high price of farms, this condition prevented many communal farmers from buying a commercial farm. In addition, farmers from the northern communal areas were not allowed to bring their animals across the 'red line' (veterinary fence) which separates the northern areas from the rest of the country. This meant that farmers from the North had to sell all their animals if they wanted to move to a commercial farm.

The Affirmative Loan Scheme did not resolve the burning land issue in Namibia. During the first 3 years of the scheme only 82 loans were given to communal farmers to buy commercial farms. The vast majority of commercial farms still remain in the hands of white farmers.

3. Affirmative Action in the Local Government Elections of 1992

The Local Authorities Act of 1992 provided for a quota for women on the candidate lists of political parties. In municipal or town councils with up to 10 members, all political parties had to nominate at least 2 women while at least 3 women had to be nominated for councils with more than 10 members. This quota system had a positive effect on women's representation. All parties nominated more women than required by law. Out of the 362 elected councillors, 114 (or 31,5 %) were women. This is a much higher representation of women than in the National Council, the regional councils and the National

Assembly where women account for less than 5% (See Hubbard and Kavari 1993).

4. Affirmative action and fishing quotas

The Sea Fisheries Act of 1992 says that the Ministry of Fisheries and Marine Resources can apply affirmative action when it gives out fishing quotas. Quotas can be given to people who have been disadvantaged in the past. However, this is only one of the issues that are considered when quotas are given. Applicants have to meet many other conditions. For example, they need to be able to run the fishing operation and this requires a lot of capital. This means that community organisations and trade unions, for example, will not be able to get fishing quotas. In practice, only businesspeople can get such quotas.

Sometimes foreign fishing companies appoint politically influential people on their boards of directors. This is done with a view of improving their public image but also to receive favourable quotas from government. Such practices have nothing to do with affirmative action and constitute merely a form of 'window-dressing' and 'calculated corruption'.

Results

So far, affirmative action in Namibia has been successful in bringing about a more representative civil service. Quotas for women in the local government elections of 1992 have contributed to a far better representation of women than is the case in the National Assembly and the National Council. However, Namibia still has a long way to go before the country can claim to have 'leveled the playing field'. Women – especially black women - are still largely excluded from better paid jobs and decision-making. Affirmative action in Namibia has also not addressed socio-economic inequalities thus far. The country is still characterised by a huge gap in the distribution of wealth and income. Unless steps are taken to redistribute resources in favour of the poor, the rich will continue to be privileged and their children will have better access to education and jobs.

There is also a trend towards ethnic identification and some politicians even called for the allocation of positions and bursaries on an ethnic basis. Such proposals signal a warning that affirmative action must be implemented and seen as a transparent and fair process. Otherwise the policy might have the unintended side-effect of entrenching and deepening ethnic division.

Conclusion

The international experiences cited in this paper indicate that affirmative action does not eradicate the root causes of inequality. Existing economic power structures which determine the distribution of wealth and income have not been challenged. Affirmative action is essentially a reformist strategy and not a tool of

transformation. It can, however, redress specific imbalances which exist in society, for example on the basis of colour, gender or ethnicity. In the Namibian context, affirmative action can play a significant role in overcoming the entrenched racial and gender inequalities in institutions which were dominated by White males. It is important to explicitly detail the aims of affirmative action and to supplement the policy with other measures if all forms of inequality are to be overcome.

The experiences of Sri Lanka and Malaysia demonstrate the importance of reaching broad consensus on affirmative action. Both the intended direct beneficiaries, as well as the benefits should be clearly defined. Controversies over who should benefit are likely to lead to a perception of affirmative action as a policy which benefits some, while being a burden to others. This "punish-reward model" is likely to occur when affirmative action is implemented in the allocation of scarce resources, and in the field of employment. As their availability is limited, the allocation of jobs to some will mean exclusion of others.

This will invariably lead to conflict. On the other hand, affirmative action as a forward looking policy has to be understood as a necessary measure to create conditions that will allow members of disadvantaged groups to compete on the basis of merit.

Affirmative action on the face of it, at least, violates the principles of non-racialism and non-sexism. It should, therefore, remain a temporary measure to be placed under constant observation and reassessment to avoid unintended side-effects, and to ensure that the policy is not abused. Corruption and nepotism under the guise of affirmative action will destroy the reputation of the policy and need to be combated vigorously. Affirmative action as a permanent feature is likely to become a new form of discrimination, especially if it is imposed by a numerically and politically dominant group as happened in Sri Lanka. Although it might not be possible to always set out a detailed timetable for affirmative action, a broad framework for specific measures should be calculated to ensure that affirmative action remains an interim measure. As a law-governed and principled process that clearly targets and spells out the intended benefits and beneficiaries, affirmative action is likely to obtain the necessary legitimacy to become a successful instrument of change in Namibia. Although the policy has limitations and will not lead to fundamental social change, it should be seen as a point of departure to redress some of the imbalances created by Namibia's colonial past.

The international experiences have shown, however, that affirmative action programmes which concentrate on the eradication of imbalances on the basis of race, ethnicity or gender may not result in the eradication of socio-economic inequalities. Instead, in-equalities may merely be shifted from the basis of race, ethnicity or gender to the basis of class.

The identification of affirmative action's beneficiaries on the basis of economic standing would ensure that the most disadvantaged sections of society are

reached. This approach could avoid ethnic mobilisation as has happened in Sri Lanka because the poor of all ethnic groups would be the beneficiaries. Class-based affirmative action programmes are undoubtedly the most difficult to implement as they have to bring about fundamental changes in the distribution of wealth and income. Sachs has pointed out that a reduction of inequalities and improvements in the lives of the vast majority can best be achieved through a combination of good government, and strong community and other organisations, rather than through mere affirmative action measures (Sachs 1992b:23-24).

Affirmative action may promote the redistribution of opportunities in favour of previously disadvantaged groups, but it is not the principal mechanism to redistribute wealth or to overcome poverty. In general, race based affirmative action programmes benefit predominantly the urban Black middle class while gender based programmes target White and Black urban middle class women.

Namibia will therefore have to decide which role affirmative action has to play in the process of change. The restriction of the policy to the achievement of employment equity is an indication that affirmative action will focus on the task of making institutions representative of the country's population. Colour, gender and disability were identified as the criteria to identify the direct beneficiaries. This seems to indicate that class-based inequalities are seen as falling outside the scope of Namibia's affirmative action programme. However, access to training for Namibian workers, childcare facilities for women workers and the provision of transport for workers attending training courses could be some measures that form part of companies' affirmative action plans. Such measures could well benefit Namibian workers and give the policy relevance beyond the interests of the middle class.

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