

Edited by **Ingolf Diener** and **Olivier Graefe**

# Contemporary Namibia

**THE FIRST LANDMARKS OF A  
POST-APARTHEID SOCIETY**



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**Gamsberg Macmillan Publishers / IFRA**

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## 1

**Introduction**

Ingolf Diener and Olivier Graefe

**METHODOLOGICAL OVERVIEW**

If you want to know what a town looks like, you have to go around it and see it from all sides. As you move along, and fly over it by plane or satellite, its aspects change continuously. But of course, circling around above – and where possible below – will not suffice: you will also have to criss-cross around inside, taking a look from vantage points as well as from dead ends. Each aspect is as true as any of the others, but none in itself could be said to depict what the town truly looks like.

So what is it to 'know' a town – always the same town – beyond the gamut of its individual aspects which one cannot embrace all at once? One might say that in the end, one knows one's way around through its multifaceted sameness and the inhabitants' daily lives.

Any inhabitant of a town will profess to 'know' their town better than any newcomer or foreign traveller knows it. But this superior knowledge is also a handicap: the inhabitant's personal insight is limited to the perspective offered by his or her daily walk, which allows for little time and opportunity to go out of one's usual path. The foreign visitor, however, has the leisure and curiosity to walk around, without in any way being prescribed to by daily routine, and can ask for information from various people. These people might take the visitor along their personal routes. After a while the visitor will have seen many more aspects than each of his or her various guides has seen. Sooner or later the visitor returns home, relates all the different aspects to others and writes a book about the town. When the book lands up in the hands of the townsfolk themselves at some later stage, they are able to see how others see them. They may recognise themselves to a greater or lesser extent in the portrayal.

The 'town' we investigated, i.e. the object of the present publication, is Namibia as a *polis*.<sup>1</sup> Since virtually all books on Namibia were written

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<sup>1</sup> Greek for 'city'.

by foreign researchers and reporters, we wanted to reverse the usual relation between the informers and the informed. Our role was therefore not just the classic one of asking circumspect members of the Namibian polity to take us along on the respective paths they know best: we also wanted to provoke them into mapping it all out in the form of a public presentation which we would combine with our own analysis and insight, and deliver to a foreign, French-speaking public. Willing as they were, our guides through Namibian society nevertheless insisted that first and foremost, their efforts must be regarded as an input into our own discussion.

It so happened that an English-language edition, which we initially envisaged for purely pragmatic reasons since most contributions would be written in English anyway, turned out to be an imperative. Thus tandem editions ensued: one in French (published first) and this one in English. The dynamics of our unusual approach pushed us into a catalysing role which we gladly assumed: encouraging Namibians to debate among themselves.

## ISSUES ADDRESSED IN THIS BOOK

The struggle against apartheid, which gained immense worldwide support, ensued from a social order that was classified as a crime against humanity. Apartheid disappeared from Namibia in 1990 and from South Africa in 1994. This prompted the question as to where the autonomy obtained would lead, or towards what orientation the post-apartheid era was poised. After eight years of Namibian independence, it was time to strike an interim balance. This issue was directed first and foremost to Namibians themselves, many of whom think that their country has reached a watershed. This book, which we want to make accessible to everyone, is a prompt to self-interrogation. It might enable Namibians to step back and look at their daily life from a distance. Perhaps it will also enable other Africans, especially those from neighbouring or nearby countries who contributed towards terminating the drawn-out decolonisation of Namibia, to take a close look at the young republic's first steps. Finally, researchers, development professionals and the general public interested in Africa will learn about the uncertainties of a democracy which in many respects is unique.

Namibia joined the rest of free (i.e. politically independent) Africa on 20 March 1990. She must face the heritage of close to a century of very authoritarian regimes, the ideology of which, from German colonialism to apartheid, was based on that of racial inequality. 'Apartheid', the doctrine of separate development, was advocated by its proponents as the only guarantee for the development of each of the communities according to its own means (Meillassoux 1988: 8).

The roots of this ideology are to be found in the European 19th Century (Darwinism, allegedly scientific theories on race and all the other justifications that accompanied European colonial expansion over the world, and more particularly in Africa), and also, going right back to the 17th Century, in the gradual formation of a specific identity among the Europeans who settled in South Africa's Cape Colony. Their identity was deeply marked by Calvinist ethics with Calvinism's doctrine of predestination, which gave birth to the idea that they were a chosen people who became marked by a constant complex of being beleaguered.

The end of just over a century of colonialism coincided with the end of apartheid. The founding act of the democratic Namibian State was the free and fair election for a Constituent Assembly held in November 1989, by universal suffrage, with a voter participation of 95% and in accordance with the conditions of the United Nations (UN) Security Council's revised Resolution 435. The implementation of Resolution 435 was the outcome of a painful decolonisation process that was constantly drawn out against the background of a 22-year armed struggle for national liberation, which had become entangled in a sub-continental war in which South Africa, Angola and Cuba had come to direct blows and the USA and USSR, with their respective networks of regional allies, had become indirectly involved.

Namibia's colonial history began with the Berlin Conference of 1884-85. Germany cleared huge parts of the former Territory of South West Africa from its inhabitants, crushed the uprising of the Herero and Nama people by a war of deliberate annihilation, and institutionalised a migrant labour system against the setting of spatial and social segregation. In 1915 a South African military force invaded a ready-made settler colony: 60% of its surface area had been earmarked for capitalist agriculture; a booming mining sector (including copper and diamonds) existed; and a population which though sparse – even today there are only about 1.5 million inhabitants<sup>2</sup> had been placed in 'reserves' or so-called 'homelands' to have them serve as a migrant part-time labour force.

In 1920, after having entered South West Africa as an occupational force, South Africa was vested with tutelary power by a League of Nations mandate. Here was one of those territories 'inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world [in which] there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation'.<sup>3</sup> Inspired by General Smuts, Prime Minister of the Union of South Africa at the time, this C-type mandate enabled Pretoria to administer the territory as an integral part of the Union of South Africa. There were nonetheless several attempts

<sup>2</sup> On a territory the size of France and Great Britain together.

<sup>3</sup> Covenant of the League of Nations, Article 22.

at annexation. South Africa also refined the legal arsenal left by the Germans, subjected northern Namibia by transforming chieftaincies into docile tools and perfected the migrant labour system which was adapted to the needs of the capitalist sector.

Having rid itself of international supervision owing to the decline of the League of Nations, South Africa refused to adhere to the trusteeship system which the UN substituted for the former mandate system. In 1948, the year the National Party won the election on its apartheid platform, Pretoria ceased to submit reports to the UN and pretended that the mandate had lapsed with the dissolution of the League of Nations. A cunning stratagem indeed. By engaging the UN in endless quibbling over the exact nature of the mandate, Pretoria was at leisure to extend apartheid to its colony, where the system had already been prefigured to quite a large extent. As former missionary Heinrich Vedder pointed out with satisfaction in his speech to the Senate of the Union of South Africa in 1956, 'South West Africa is the only country in the world where apartheid has existed and asserted itself for fifty years.'<sup>4</sup> Caught up in a procedural maze for over 20 years, the UN was reduced to the ritual of regretting and enjoining.

Apartheid in Namibia was a copy of the South African scheme adapted to local circumstances. The territorial partition between the 'white homeland' and the 'non-white homelands' (or 'Bantustans') was 61% and 39% respectively, compared with 87% and 13% respectively in South Africa. The same characteristics could be found in Namibia: (a) consolidation of the 23 'native reserves' into 10 'homelands'; (b) ethnic cleansing – with the deportation of the population living outside the 'reserves' – for a future 'white homeland'; (c) the imposition on certain 'Bantustans' of consultative and later legislative councils, and finally of legislative assemblies with limited powers of self-government; (d) the preponderance of traditional chiefs in the aforesaid councils and assemblies, and the maintenance of ancestral land tenure as the source of such chiefs' power; and (e) the vision of a 'white homeland' that would some day choose to be incorporated into South Africa as a 'fifth province'. Owing to UN Security Council Resolution 435, which had set up a precisely scheduled scenario of decolonisation, this parallelism came to an end in 1978. Sure enough, Pretoria refused to comply with Resolution 435 for fear that a free election would be won by the South West Africa People's Organisation (SWAPO), the national liberation front that had launched its armed struggle in 1966. But, whereas the process of 'Bantustanisation' continued unabated in South Africa – with the forcible birth of four fictitiously independent states – Pretoria preferred to lead Namibia down an alternative route towards a neo-apartheid order: a less discriminatory daily life and one territorially undivided state. For 10 years

there were ethnic elections and interim governments. A multiracial summit functioning by consensus – and thus subject to the veto of the white group – oversaw 10 ethnic 'homeland' governments which handled the day-to-day management of inequalities in the key areas of education, health and social funds. Pretoria also brought into being 'modern elites' by means of encouraging social advancement on merit rather than ethnic origin. These efforts were directed at engineering an anti-SWAPO social base capable of assuming independence outside the framework of Resolution 435, and perhaps even of winning an election. However, there remained too many ambiguities for such efforts to be convincing. Supplementing its political strategy with attempts at quashing SWAPO by military means, South Africa carried the war into southern Angola. She destabilised all the neighbouring countries suspected of helping the ANC, by way of aiding and abetting or even launching armed rebel movements. Galloping militarisation inside Namibia alienated the very colonised who were to be won over. The 1980s marked a decade of torment, rife with intimidation, exaction and torture, perpetrated in particular by Koevoet,<sup>5</sup> a unit of terror specialists that was integrated into the South West African Police in 1985.

The western powers set out the scope of Namibia's Constitution-to-be in the UN document S/15287 of 12/7/82. It stated that the Constitution had to be adopted by a two-thirds majority of a Constituent Assembly, and that it was to lay down the separation of powers, contain a bill of fundamental rights, rule out expropriation without compensation and provide for a (racially and ethnically) balanced public service structure. Proportional representation was retained as the election mode, and the UN guaranteed the impartiality of the election. On D-day, SWAPO, which was recognised as the 'authentic representative of the Namibian people' in 1973, and as 'sole and authentic representative' in 1976, would become just one of several parties. French Foreign Minister Claude Cheysson declared on 12 October 1982 that 'everything is ready for independence, and I can only blame those who use this pretext', namely the presence of Cuban troops in Angola, to postpone its implementation.

Indeed, the new argument put forth by Pretoria in order to gain time, which had been suggested by US President Reagan as early as 1981, linked the agreement to go ahead with Resolution 435 to the withdrawal of the Cuban troops from Angola. Pretoria simply had to invade southern Angola to make sure that the Cubans would stay. Having scored important points at the regional level in the form of the Nkomati and Lusaka Accords of 1964 – Mozambique and Angola undertook to conduct anti-ANC and anti-SWAPO policing in exchange for South Africa's promise (which was never kept) to quit her policy of destabilisation – Pretoria raised the stakes by

<sup>4</sup> On 28 May 1956 (Schier 1961: 153).

<sup>5</sup> Literally 'crowbar'.

claiming a preponderant role for UNITA leader Jonas Savimbi in the Luanda Government.

In fact, the deal regarding Resolution 435 (as revised) was struck only in 1988 as part of a package including Cuban and South African withdrawal from Angola. Pretoria was staggering at that time under the combined effect of township revolts, economic sanctions – applied against apartheid, not for illegally colonising Namibia – and a costly war being fought far away without good prospects. After the severe military failure at Cuito Cuanavale in Angola due to Cuban forces which had nearly doubled in size and which had moved rapidly to the Namibian border, Pretoria was eager to recover its stake. Meanwhile Washington, Pretoria's faithful ally during the period of 'constructive engagement' in the 1980s, urged South Africa to accept the proposals because it wanted to come to terms with the USSR under Gorbachev, and especially to halt the military zero-sum game being played on a global scale, at an astronomical cost. War-worn Angola had a glimpse of peace, while Cuba, weary of the burdensome Angolan expedition, sought an honourable way out. The result was the Geneva Protocol of 8 August 1988, followed by the protocols of Brazzaville (13 December 1988) and New York (22 December 1988), and finally the Angola-Cuba and South Africa-Angola-Cuba Treaties which had been negotiated under the auspices of the USA and USSR. The green light for the revised 435 scenario was set for 1 April 1989.

Resolution 435 was indeed a compromise, even in its original form. The authority implementing the transition to independence was no longer the UN, as had been stipulated by Security Council Resolution 385. Rather, the process was implemented 'under the supervision of the UN', and the South African Administrator-General, with his bureaucratic machinery, found himself re-legitimated, if only because he was seeing to the abolition of his own post.<sup>6</sup> The future of Walvis Bay, Namibia's only deep-sea port which was annexed by Pretoria in 1977, remained unsettled until 1994.

The first Namibian electorate gave an absolute majority (57,4%) to SWAPO and sent the Democratic Turnhalle Alliance (DTA) – a grouping of ethnic parties sponsored by Pretoria and its networks – into opposition (28,6%). Out of some 50 political parties in a population of 1,5 million, 10 met the minimal representativeness criterion and stood for election. Seven of them secured at least one seat. The main issue at stake was the two-thirds majority necessary for adopting the Constitution. SWAPO, although the big favourite, failed to achieve this. Since the major democratic principles – particularly the separation of powers, party pluralism and the guarantee of private property against expropriation without compensation – had already been laid down during the diplomatic dealings of the early 1980s, the

Constituent Assembly, obliged to honour the trans-party consensus, brought forth unanimously and on schedule a Namibian Constitution that was praised as a model (Ansprenger 1991).

The apartheid heritage is a heavy burden. There is a good roads and communications infrastructure, but it is lopsided, covering only the former 'police zone' (reserved for whites), with some military extensions, as it had been conceived for a colonial economy highly dependent on South Africa. Behind the apparent duality of a well-performing 'modern' sector and a 'traditional subsistence' sector lies the articulation between the capitalist mode of production covering the former 'police zone' and the lineage mode of production confined to the former 'homelands': the latter mode continues feeding the former with a migrant labour force that is cheap since the cost of its reproduction is borne by the 'homeland' societies (Diener 1986: 121ff).

Namibia's natural resources, notably diamonds and other minerals, fish products and agriculture, put the country on an economic footing that compares favourably with other African countries. With a per capita GDP of US\$1 610 (N\$4 592) for 1992,<sup>7</sup> Namibia is in the leading group of sub-Saharan African countries, just behind Gabon, Botswana, Mauritius and South Africa (World Bank 1994: 176). But these statistics mask enormous internal disparities: whereas the whites, who represent barely 5% of the entire population, had their grip on 70% of the GDP, while 55% of the population shared only 3% of it (CSO 1995: 5), and these proportions have hardly changed since, despite some blacks having moved to the top of the ladder. The whites in the capitalist sector enjoy an average annual income of US\$16 500 (N\$47 058), whereas the blacks in the same sector have to make do with US\$750 (N\$2 139), and those in the so-called 'subsistence' sector – the majority of Namibians – earn just US\$85 (N\$242) per annum (World Bank 1995: 2) and are thus as poor as the average Mozambican or Ethiopian. Nearly a third of Namibia's population lives below the absolute poverty line – set at N\$1 060 for Ombalantu in the north, N\$1 238 for Gibeon in the south and N\$1 204 for Katutura, the black township of the country's capital, Windhoek (ibid.: 162).

Transforming such a situation is by no means easy. The stigmas of a century of segregation are present not only in the spatial and social organisation, but also in the intimacy of people's hearts and minds. Yet, doing away with them sooner rather than later is precisely what 'post-apartheid' means. How is that to be accomplished? The democratic state which was imposed from outside during lengthy negotiations between the protagonists (Weiland 1996) provides society with a useful mould which is all the more promising because the former colonial power, South Africa, decided to become democratic on its own. Namibia can count on strong trump cards which make her

<sup>6</sup> Cf. Fritz (1991: 181ff) and Cliffe et al. (1994).

<sup>7</sup> In 1992 the exchange rate was US\$1=N\$2 852 (World Bank 1995, Table 19).

the envy of other African countries, but she is nevertheless encumbered with a double-edged past, as masterfully expounded by Leys and Saul (1995).

### **MODEL DEMOCRACY OR TENDENCY TOWARDS A ONE-PARTY REGIME?**

The Namibian democracy functions to the satisfaction of all observers who do not hesitate to take it as a model for the rest of Africa. The Government was formed on the basis of clear election results accepted by all, the opposition makes its voice heard, the press does not take orders from the Government but continues to take up many critical issues (for example the questionable purchase procedures of Mercedes-Benz cars for some diplomatic missions, the purchase of the presidential jet, the cowboy-like behaviour of the presidential motorcade and cases of corruption). Parliamentary debates are lively yet respectful of the debater's person. An Ombudsperson helps citizens to defend themselves against the arrogance of civil servants. An independent Auditor-General scrutinises the management practices of ministries and other administrative bodies, and regularly publishes a report. In short, the game of 'checks and balances' works. The tensions and contradictions in Namibian society are laid open. The 'homelands' were removed by a new territorial division into 13 multi-ethnic regions, and new municipal structures with elected councillors were created. The regional and local elections of November 1992 confirmed the tendency towards trans-ethnic constituencies of the two major parties. As for SWAPO, it was able to improve its relatively fragile position in the centre of the southern regions of the country while maintaining its overwhelming majority among the mainly Owambo electorate in the north. The position of the DTA, however, is not as clear-cut: it remains very weak in the Owambo regions of the north and is still hesitant to take the plunge of presenting itself as one multi-ethnic party. Other reforms were promised, particularly land reform, which is a nightmare for around 4 000 capitalist farmers (by now including a few hundred black farmers), most of whom breed stock, but still a dream of the poor who believed that independence would solve their land problems. Circumspectly, SWAPO indeed intensively consulted all interested parties (1991), but instead of initiating any incisive structural change, it preferred to temper the pressure from the people by consenting to tightly controlled but minimal land redistribution. As the party in power, SWAPO carried the presidential and general elections in December 1994 while boosting its score of votes again in the mid-south: President Nujoma was re-elected with a 75% vote in his favour, and in Parliament SWAPO achieved a three-quarters majority, which gives it a more than adequate margin to modify the Constitution as it pleases.

In the name of 'national reconciliation' – a policy promoted to the rank of state doctrine – the first Government was enlarged to include non-SWAPO ministers, with whites handling the key portfolios of finance and agriculture. It settled down to leading the way out of apartheid with prudent pragmatism. Indeed necessary following a 100 years of settler colonialism, 'national reconciliation' is a form of historic compromise which makes SWAPO walk a tightrope. In order too persuade the whites, whose know-how in keeping the wheels of the economy turning is indispensable (a fact in line with apartheid education), SWAPO 'played the game' by maintaining their economic privileges and pretensions and leaving untouched the socio-economic hierarchy which had been created under apartheid, while simultaneously co-opting many more non-whites to the upper rungs, especially those of the Government. The thus recomposed elite, happy in the cocoon of its comfort, speaks of economic realism and tends to advocate a new type of redistribution from the fruits of development to come rather than from the current product, that is, from the opening of new mining sites and from the anticipated sub-continental economic boom once Angola finds peace and commences with reconstruction. In contradistinction from South Africa, 'national reconciliation' in Namibia is an alloy of a dual unspoken truth rather than being the upshot of creative catharsis: the whites never took the first step of asking for forgiveness for apartheid, nor did SWAPO for the killings and torture inflicted by its security people in exile. In fact, in 1990 former SWAPO security boss 'Jesus' Hawala was promoted to head the army.

The population appreciates the hard-won freedoms. One can circulate without being assaulted by police and demonstrate one's frustration without fear of imprisonment. Yet frustration runs high because the 'exploited and oppressed masses' – for whom SWAPO had spoken until the eve of the 1989 electoral campaign in very socialist language – wonder when the economic fruits of independence will be delivered. Turned down in the formal sector of the economy (private and public enterprises and public administration) where there are no vacancies (and unemployment stands at around 40%), finding it increasingly difficult to survive off the land in the so-called 'communal areas' (formerly 'Bantustans'), crammed into rapidly growing squatter camps around urban centres and particularly around the capital, Windhoek, these 'masses' are feeling that national reconciliation is a device designed to deceive them, and this is apparent not only among the poor. Having to adhere firmly to the principle of the rule of law means that all statutory law laid down before independence must remain in force unless expressly modified in pursuance of regular procedures. This implies, among other things, that all administrative staffing has been maintained to the detriment of many SWAPO activists and combatants, and others who need employment and whose hope of upward mobility has been thwarted.

This is a first indicator of the tensions that the new 'model' democracy has to cope with.

Furthermore, there are signs of rising discontent among SWAPO's social base. For instance, the Namibian National Students' Organisation (NANSO), an unshakeable supporter up to independence, disaffiliated itself from the party in 1991, while the National Union of Namibian Workers (NUNW) wonders whether it should follow suit. When the Government, eager to bait foreign investors into the new Walvis Bay 'free trade zone', wanted to excise from the labour code the workers' right to strike in that zone, the Council of Churches in Namibia (CCN), another indefectible supporter of SWAPO, protested publicly against the party for the first time.

There is ample material for an opposition to thrive on. And yet the principal opposition party, the DTA, is unable to exploit this potential. The DTA has always been a defender of the existing hierarchy (for example it fought in Parliament for maintaining the white town clerks as heads of municipal administrations irrespective of the election results). Insofar as the SWAPO Government came closer to its positions, the DTA could no longer offer an alternative policy and continues to suffer from the stigma of its former collaboration with the colonial regime, not to mention that a number of former SWAPO opponents, such as the white mayors of Keetmanshoop and Tsumeb, opted to rally behind the party once it assumed power. These are some of the factors which help explain why the DTA is flagging. When it was invited to participate in an August 1993 broadcast of 'Talk of the Nation' – a Tuesday night national TV programme with a panel of guest speakers, a very active floor and live caller participation – on the topic of the state of the opposition, the DTA did not even show up. No opposition to the left of SWAPO is taking shape at the time of writing. Is this weakness of the opposition not also due to the policy of the foreign powers which had recognised SWAPO as the 'sole and authentic' representative of Namibia's people, thereby condemning any other emerging political force? This is perhaps why the party in power, which still benefits from its image as national liberator, continues to gain at the polls. There is a danger that the Namibian democracy will be drained of substance due to the lack of an opposition linked to the social forces whose aspirations are running aground.

There are indeed many difficulties ahead for reformers who face the many facets and burdens of a system which had imposed its ideological and social mould on four generations of Namibians. It is hard to escape from a past where reproducing the same was all that political and social programmes were about. The recent history of 'decolonisation' has taught us just how subtly an intended change can take place in continuity and bring about what Jean-François Bayart calls 'conservative modernization' (Bayart 1989: 157).

High hopes are placed on South Africa and Namibia, seen as sites from which an African renewal will come about. Will they avoid 'maldevelop-

ment'? That was the question posed by African intellectuals at a symposium at the University of Paris VIII. Namibia's decolonisation, which is 30 years late compared with that of nearly all other African countries, presents an opportunity for the country. It can avoid following in the footsteps of many others which, having attained their independence, saw a relatively short period of democracy before foundering in authoritarianism, oligarchy or even dictatorship, to the point of state implosion. Will the new democracy, which has a performing economy at its base, be able to avoid the pitfalls which snared so many other African countries? If like causes produce like results, what about the bundle of causes strung together by four decades of apartheid, with a century of settler colonialism before that? While European democracies originated out of extreme socio-economic disparities, imposing democratic institutions was not sufficient to establish democracy in many independent African countries. Democracy cannot be reduced to institutions and procedures alone; the sole guarantees for a durable democratic life are spaces for learning autonomy and civic courage.

How can one gently transform a logic of discrimination and exclusion into a logic of integration and building citizenship? Having proceeded by pitting cultures against one another, the apartheid legacy is a huge obstacle in developing a multicultural nation. Tackling this obstacle will at the same time be the cause and effect of laying democratic foundations. The latter will in turn depend on the coming into existence of actors representing social interests, so that the pursuit of particular interests and the affirmation of the common good can enter and remain in a state of balance (Touraine 1994: 94). The decisive question for the future good functioning of the Namibian democracy is that of its social foundations and the manner in which social interests are structured and represented. Although it is not too difficult to identify social interests in the post-apartheid era, identifying the structures and connections which link them to the State is a different matter. Has free and democratic Namibia, as the model student of democratisation in Africa, kept to her course?

## STRUCTURE OF THIS BOOK

Several fields of observation which may provide some answers are presented here, and they help to complete existing analyses in the field of political science (Cliffe et al. 1994; the chapters by Leys, Tapscott and Dobell in Leys & Saul 1995; Simon 1996; Weiland 1996). Since it was impossible to cover all the topics which could have been as revealing on post-apartheid development, we chose the sectors which have given rise to much debate and controversy because they embody sensitive social issues.

Putting into synoptic perspective the discourse and proclaimed intentions of the Government on the one hand, and actual findings on the other, will allow the gaps between them to be measured. A critical analysis taking heed of nuances will seek to account for these gaps and trace their intended as well as unexpected consequences. That is why we insisted on Namibians contributing wherever possible. Of the numerous difficulties encountered in preparing our book, finding black Namibian authors capable of writing a critical presentation starting from their field of involvement was not the least. There are not many to start with, and most of them are very occupied by the obligations of their training or profession, almost always in the public service. This poses the delicate choice of being either a judge or an involved party. In the end, our repeated prompting came to naught. The effects of apartheid education are thus reflected by the list of contributors. Out of 16 authors, six Namibians participated along with four non-Namibians (German and US nationals) with permanent residence in Namibia. Five Europeans and a South African complete the collective work.

The chapters, often descriptive, share the detailed knowledge of critical minds who did not hesitate to express their views publicly and in writing. Even if some will regret that a particular idea or criticism was not developed further, we should not forget that it is difficult to be object and subject at once. It is up to the reader to judge whether the contributors are sufficiently distant from their object and whether they avoided being too uncritical.

The chapters follow in a logical succession, but each chapter stands on its own. The first two chapters outline the ecological and legal frameworks of social evolution. The ecological bases upon which both rural and urban society depend are extremely fragile. **Mary Seely** shows that awareness of environmental constraints is growing and that government policy tends towards a more holistic approach, despite the persistence of old perceptions and administrative inertia. As for Namibia's economy, **Alain Dubresson** and **Olivier Graefe** highlight the efforts undertaken since independence to make it evolve from a colonial type, with strict state control, towards a more liberal dispensation, especially by means of promoting regional integration and opening up to international markets. Whether or not the reforms will successfully reduce the inherited inequalities is not clear. The disparities between the top and bottom of the urban hierarchy do indeed reproduce themselves, and the gap may even widen. **Manfred Hinz** discusses access to justice, to political participation and to welfare, and evaluates the range of law reforms realised since independence. The legislative and administrative frameworks impose a slow rhythm for law reform, which is in any event difficult to apply on an equal basis throughout the country.

Regarding administration, **Henning Melber** highlights the ambiguity in the approach adopted by the Government, which perceived growth of the

public service as the only means of changing its structure while maintaining the former personnel. This growth has certainly benefited the Ministries of Education and Culture, Health and Social Services, and Agriculture, Water and Rural Development, whose key roles in addressing the inherited inequalities cannot be overemphasised. It is not clear, however, whether the inflation of the state machinery will be quite as beneficial for the poorest people, especially if one takes into account that inside the state machinery there is a tendency to assimilate public service and self-service.

The strategic education sector has seen far-reaching changes. **Volker Gretschel** reviews the efforts undertaken to put the ambitions of the Constitution into practice, namely free and compulsory primary education for all, and points out the obstacles to success. Will these efforts produce the expected results, and are they sufficient to overcome the inequalities from which primarily the populations in the former 'homelands' suffer?

The University of Namibia (UNAM), discussed by **Brian Harlech-Jones**, strikingly demonstrates the difficulties in bringing about a mutation of institutions inherited from the colonial regime. His institutional analysis retraces the bumpy road followed to create, from this neo-apartheid-type instrument, a significant tool of the new paradigm of national unification. He also reveals the tendencies toward governmental authoritarianism and rejection of any debate and criticism. Finally he brings to light the importance of the press as an essential mechanism for monitoring power. **Reinhard Kössler** and **Henning Melber** also present the press as a true pillar of Namibian democracy in their chapter on the state of political culture and civil society. They unveil a somewhat worrying reality – in particular the Government's repeated attempts to smother cases of corruption which are multiplying behind the apparently smooth functioning of the democratic state institutions. The case of former detainees held by SWAPO in its exile camps is still another revelation of the state of democracy in Namibia, as presented by **Christo Lombard**. The manner in which the repressed past is addressed will be a test of the direction of future public life, which is now at the crossroads of increasing authoritarianism and the consolidation of democratic structures. The former SWAPO detainees broke down the 'wall of silence' which had surrounded them, by constituting themselves into a structured social movement from which platform they press for a 'truth and reconciliation' process. The debates around this idea are about to recast the political landscape as a whole. The churches, as both actors and institutions at stake in this struggle, are trying to redefine their role as the voice of the voiceless. How should they respond, against the traditional backdrop of their unshakeable alliance with SWAPO, to the evangelical demand for truth vis-à-vis the arrogance of secular power and to the task of conciliation? How will SWAPO stand this trial, which calls into question its conception

of national reconciliation? The destruction of the traditional family under apartheid has profoundly altered the status of women. Placed under a bride-price system, and having to cope with mounting responsibilities due to the absence of men (migrant labour, imprisonment, exile and war) within the framework of rampant misery and the erstwhile ferocious repression in the north, women find themselves in an ambiguous role which is difficult to perform practically as well as psychologically. Courted by SWAPO, which trained combatants among them and promised them full citizenship in an independent Namibia, women do not want to return to their previous status as minors. The precedents of other ex-colonies in Africa (notably Algeria) arouse scepticism, but the outstandingly democratic Namibian Constitution provides women with a favourable framework, and breakthroughs in new legislation have produced unexpected results, as **Debie LeBeau** reveals. However, will this be a sufficient condition for their emancipation?

Culture is the topic of two complementary approaches. In the first part of these, **Werner Hillebrecht** surveys culture's various facets, continuities and discontinuities alike. What are the ingredients of this evolving culture? Are the pieces of the mosaic being recomposed? Then, the complex interplay between Euro- and Afro-Namibian elements prompts the question of the decolonisation of the mind, which **André du Pisani** discusses in the second and more theoretical part, calling for a culture of critical debate still absent in Namibia. As to the rather vague cultural determinant of 'ethnic' groups, **Ingolf Diener** points out that this is a colonial creation, and it froze a process of collective (self-)identifications which distinguished themselves in pre-colonial times by a remarkable plasticity in time and space alike. Formerly fluid, but arrested and shaped by colonisation, and reappropriated by the colonised, collective identities today are instrumental in mobilising partial and partisan loyalties in the scramble to access scant resources which are jealously controlled by the Central Government – to prevent ethnicism.

Land reform, the topic treated by **Wolfgang Werner**, reveals much about the timorous economic policy of the Government, which defends the market economy out of concern about stability. Weak representation of the small farmers of the former 'homelands', the influence of commercial sector farmers and the Government's limited leeway all account for the continuation of inequalities in agricultural production. The land question is also an issue at Oshakati where decentralisation, the topic presented by **Olivier Graefe** and **Élisabeth Peyroux**, is at an impasse. Rather unclear in the new legislation, the sharing of power between the central, regional and local levels is in practice far from being conceded by the Central Government. In Oshakati for example, it resulted in a lack of faith in the Local Government as people looked for other means to put their case to the Central Government. Hence the Local Government finds itself in an uncomfortable situation:

rejected by the population and abandoned by the Central Government, it is doomed to inefficiency, which in turn fuels an attitude of non-cooperation. Furthermore, neither the municipal nor the regional levels are taken advantage of to inculcate the values of citizenship in residents' daily activities. In Katutura, the black township of Windhoek, which is crammed to capacity, certain residents are moving out, or finding themselves forced to move out, in order to build their own (makeshift) houses elsewhere. Urban growth, analysed by **Élisabeth Peyroux** who examines the so-called 'informal' settlements at the northern and north-western fringes of Katutura, is not yet really out of the rut of pre-independence logic. Will the post-apartheid changes make it possible to satisfy the needs of the poorest sections of urban society? **Chris Tapscott** analyses social and political processes, and how the socio-economic pyramid created in the apartheid era has changed. In this regard his paper synthesises numerous aspects brought out in the preceding chapters. It also points to factors which, by their combined effect, push independent Namibia to the precipice that African countries have already fallen from. In the final chapter **Ingolf Diener** develops some complementary aspects and brings to the surface latent questions about the project of the post-apartheid nation. **Olivier Graefe** concludes the book with a short summary.

The established order of the colonial period is well known to all the authors and is put forth clearly, even if certain points call for more in-depth research, since the manipulations during that period have so blurred goals, effects and causes. The period since independence, however, seems to be more difficult to understand. The outlines of the future social and political power relations emerge only as dotted lines. This pertains to the 'ongoing liberation process', as Christo Lombard terms it in his presentation. The need to compromise, felt in all areas, masks often antagonistic social aspirations and covers up ongoing arbitrations. This is where we see the interest of our book, which presents reasoned insights into the still-malleable complexity of Namibia and tries to bring some rigour and clarity to the blur of the ongoing transition period in which actors and institutions are still trying to establish themselves.

## 2

## Environment: harsh constraints, political flexibility

Mary Seely

### BEFORE INDEPENDENCE

A major characteristic of Namibia in the decades prior to its independence in 1990 was the implementation of a development trajectory which ignored most of the environmental realities. Namibia is the driest country south of the Sahel. Historically, settlements were established where there was water available. The majority of Namibia's sedentary population lived along the perennial rivers in the north-east, or in the areas with higher rainfall where dryland crop farming is possible in at least some years and groundwater or seasonal surface flow could be tapped. In the remainder of Namibia, small settlements developed where groundwater was easily accessible, usually from riverine aquifers or natural springs, and people and their livestock moved to areas where rainfall provided grazing and surface water.

During the colonial period the technical ability to obtain groundwater from deeper sources and to dam the ephemeral rivers was put to use (Stern & Lau 1990). Towns such as Windhoek were encouraged to grow, first by developing the local groundwater supply and then, when this proved insufficient, by way of dams and pipes from distant ephemeral rivers. The State subsidised the supply of water to urban consumers and to rural consumers in the communal areas.

Ephemeral river catchments represent a good example of the lack of a holistic approach to environmental issues in the past, which still prevails. To supply water as demanded by the growing population of Windhoek, two large dams were constructed in the Swakop River, namely the Von Bach Dam near Okahandja and the Swakoppoort Dam further downstream. As a result, agriculture practised in the river bed at Otjimbingwe downstream was no longer possible (Lau & Reiner 1993), and many of the ana trees<sup>1</sup>

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<sup>1</sup> *Faidherbia albida*.

which had previously helped to support the wildlife populations of the Namib-Naukluft Park with their nutritious pods died. Most of the western ephemeral rivers have their headwaters in privately owned farmlands, flow through communal farming areas and end in conservation areas such as the Skeleton Coast Park along the country's northern coast and the Namib-Naukluft Park along the central Namib Desert coast. The planning and development of these rivers has taken place without consideration of the total catchment and how upstream users affect those further downstream.

In the past, development of the communal areas where the majority of Namibians live especially ignored environmental constraints. The communal areas of the north and north-east of Namibia (former Owamboland, Kavango and Caprivi) are areas where populations are naturally relatively dense. These areas have the best rainfall in the country and several perennial rivers provide water for a large proportion of the people. However, in the south and western communal areas (such as former Namaland and Damaraland), the aridity of the environment hindered development of a sedentary lifestyle.

Under colonial rule, and reinforced by the Odendaal Plan of 1964, this natural population distribution pattern was disrupted. In the south, people were expected to live sedentary lives confined within circumscribed areas where previously they and their livestock had followed the rains over great distances. In all the communal areas of Namibia, the growing population was forced to make a living from a static or declining resource base within a limited area. To support people and their livestock, boreholes, ground dams and piped water supplies were established. This encouraged a sedentary lifestyle for people and livestock, within which the limited and variable grazing, woody vegetation and other resources were not in balance. The result in many areas has been a loss of productivity of the natural resource base and impoverishment of the people dependent thereon.

Prior to independence environmental legislation in Namibia was fragmented, and that which was in place was not enforced. Laws such as the Water Act, Soil Conservation Act, Mountain Catchment Areas Act and Nature Conservation Ordinance were enacted as from the 1950s, primarily for application in South Africa, and they were made applicable to Namibia with little alteration. In general Namibia's legal system has never given high priority to environmental protection.

Immediately prior to independence, interest began to be generated in the process of environmental impact assessment (EIA). However, it was generally considered in most sectors to be a luxury and an impediment to the development needed. Also shortly before independence, the Engineering Professionals Association of Namibia arranged with the Environmental Evaluation Unit of the University of Cape Town to hold a short course in Namibia which was open to interested participants. Before independence,

one large-scale EIA was carried out in-house by the Department of Water Affairs on their aquifer enhanced-recharge project known as the Omdel Dam, located near Henties Bay in the lower Omaruru River.

Prior to independence, networks of game parks and reserves were the mainstay of the Department of Nature Conservation and Tourism. Nearly all of this department's resources and manpower were directed towards developing, protecting, controlling and studying these parks and reserves, and even tourism was considered by many staff members as a necessary evil. People living around the parks and reserves, or from whom these lands were taken, were not considered in the development of them or in terms of the benefits to be directly derived. Within the park system itself, Namibia's only national park, the Etosha National Park, was considered to be the most important since it harboured the large and dangerous animals that attract tourists and were most interesting to study.

Legislation enacted in the late 1960s enabled farmers on commercial farms to harvest game and use it for trophy hunting as well as photographic and other non-consumptive purposes. This development led to a network of hunting and game-farming ventures on commercial farms that supports the tourism industry today. Commercial farmers could also group together to create conservancies which enabled them to take shared advantage of species that ranged over wide areas, such as kudu. A result of this enabling legislation was an increase in the numbers of non-threatening game species on commercial farms, so that today the majority of all game in Namibia is located there.

In the communal farming areas people were expected to live with all types of wildlife while deriving no direct benefits. In many communal areas the consumable game species have been eliminated, and along with them the dangerous species. In other areas (formerly Western Damaraland and the Kaokoveld) less well populated, hunting concessions were established to encourage foreign hunters seeking trophy animals. The intended focus throughout was on conserving the wildlife in its natural habitat.

## DEVELOPMENTS SINCE INDEPENDENCE

Much of the overall environmental planning and development continued on the same trajectory, although some new initiatives were pursued. For example, no plans were developed, nor are they being considered today, to match the availability of natural resources, particularly water and manpower, with centres of growth. Still today there is little awareness of the limitations placed on human development by the environment, and the expectation remains that technology will overcome these limitations. On

number of ephemeral rivers that flow in years of good rain originate in the central highlands of Namibia. Most of these rivers flow westwards into the Atlantic Ocean, and those centrally located (for example the Kuiseb, Swakop and Omaruru Rivers) have been developed to support urban development. The ephemeral Fish River flowing southward is captured in the Hardap Dam, which supplies water for irrigation and for the town of Mariental. Namibia is apparently among the few countries in the world which base extensive urban development on the water supply from ephemeral rivers. Groundwater is present but in short supply, particularly in the arid west, or otherwise it is salty, as in the Cuvelai Basin of former Owamboland (now comprising the Omusati, Oshana and Ohangwena Regions, as well as a part of the Oshikoto Region).

### **Perceptions of aridity and drought**

Although Namibia is naturally arid, people living here tend to have the perception that better rain can be expected. As a consequence, each year of drought comes as a surprise for which appropriate planning and preparation have not been done, and government 'drought relief' to the rural people is expected to solve the problem for another year. This perception probably derives from the following factors: Before independence all school textbooks in use in Namibia had their origins in other countries, often even in Europe, as did the magazines and other written materials to which people were exposed. Many Namibians spent (and still spend) their formative years studying in countries with higher rainfall. On the other hand, the rural population is increasing and it is more difficult for people to move around with their livestock or find unused reservoirs of natural resources in the rural areas. Drought, which is a readily identified problem related to natural variation in rainfall, combines with increased population to provide fewer resources for every person dependent on natural resources and the land for their livelihood. Early in 1996 the Minister of Agriculture, Water and Rural Development announced that drought subsidies would be reconsidered and alternative measures taken to help people plan and safeguard themselves against low productivity associated with low rainfall years.

### **Population growth and poverty**

The population of Namibia is growing at an estimated rate of 3,2% per annum, which will result in a doubling of the population in little more than 20 years. As aridity limits the available natural resources, this population growth means that twice as many people will have to share the same or a

declining amount of natural resources in the near future. As more people expect and attempt to make a living from the limited and variable resource base in Namibia, overuse and degradation of these resources is inevitable. The lack of alternative livelihoods for rural Namibians exacerbates this situation.

### **Constitutional rights to live anywhere in Namibia**

A basic tenet of Namibia's Constitution is that of guaranteeing people the right to live anywhere in the country except in the Sperrgebiet and nature reserves. With the weakening of the traditional authorities in many regions of the country and the lack of regional structures to replace such authorities, people see it as their right to move with their livestock to better grazing or to take the opportunity to fence off some of the limited available grazing for their own exclusive use. Although the option to settle anywhere has not been widely taken up, it is seen, together with the rapid and illegal fencing off of large parts of communal grazing, as a reason for rural people who depend on communally accessible natural resources not to use them on a more sustainable basis and neither to invest in long-term development or conservation of natural resources such as water and grazing. This is a good example of a policy with laudable objectives having an unforeseen effect on Namibia's arid environment.

### **Donor involvement and interest in the environment**

Namibia's independence coincided with increasing interest in environmental issues on a global scale. This has meant that most donor-funded projects relate at least peripherally to sustainable use of the environment, and many focus on the environment in their project design. In assessing donor projects, Namibia's National Planning Commission (NPC) includes a question forcing consideration of potential environmental impacts that may result. A number of donor-funded projects focus specifically on the environment, for example the Sustainable Animal and Range Development Project of the Ministry of Agriculture, Water and Rural Development, and a review of environmental legislation and the funding of environmental profiles within the Ministry of Environment and Tourism (MET).

### Limited manpower

A drawback in the development of the environmental sector is the distinct lack of trained human resources. Few Namibians studied for environmental degrees before independence and only a few are currently doing so at post-graduate level. Geography and Biology are increasingly popular subjects in the Arts and Science Faculties respectively at the University of Namibia (UNAM), and it is expected that the current situation will improve. One positive sign in this regard is the growth of the UNAM Environmental Society as students come to recognise that 'environment' refers not only to birds and other wildlife, but also incorporates people and their sustainable development.

## MAJOR NEW DIRECTIONS

### Environmental profiles

On the one hand, the plants and animals of Namibia were fairly well known prior to independence. This knowledge focused on the identification and distribution of species and the behaviour and ecology of selected groups of organisms – valuable knowledge in itself and in support of tourism. On the other hand, this knowledge was only a part of the overall picture, and a major missing part was the integration of people and their activities into the environmental landscape.

One of the first integrated overviews of people in their environment was the book titled *Oshanas: Sustaining people, environment and development in Central Owambo, Namibia* (Marsh & Seely 1992),<sup>2</sup> produced by the Desert Research Foundation of Namibia (DRFN), an NGO. The book flowed from the environmental assessment of the planned upgrade of the Ogongo-Oshakati Canal, which supplies water from the Kunene River to the populous Oshakati-Ongwediva-Ondangwa nexus and much of the Oshana, Ohangwena and Oshikoto Regions. The canal and the highway running parallel to it cross over and partially block the flow of water in numerous shallow, ephemeral water courses which have their headwaters in the Angolan highlands and terminate in the Etosha Pan.

Around the same time as that book was published, the former Namibian Institute for Socio-Economic Research (NISER; now the Social Sciences Division of the Multi-Disciplinary Research Centre at UNAM) brought out

several books examining how rural Namibians living in communal areas make a living from the environment and cope with its variable productivity (Naeraa et al. 1993; Fuller & Turner 1995). More recently, profiles of the western catchments (Jacobson et al. 1995) and the Sperrgebiet of south-western Namibia (Pallett 1995) have been published. These publications have been consulted extensively by developers and donors in shaping their respective programmes, and they have been incorporated into curricula by UNAM lecturers and school-level educators.

The DEA is currently working on an environmental profile of the Caprivi area, which is meant to be an interactive database in support of agricultural development and conservation in the associated regions. This is envisaged to be the first in a series of profiles which will encompass all of Namibia in due course.

### Economics of the environment

Globally people are recognising the importance of valuing the environment in economic and financial terms. It is usually when people can judge the importance of sustainable development through its effect on their financial position that they give serious attention to the appropriate use of natural resources. In 1994 an assessment was made of the impact of desertification in Namibia (Quan et al. 1994), which showed that the equivalent of about N\$100 million is lost annually to communal farmers in northern Namibia from land degradation, and a similar amount to commercial farmers from bush encroachment. The DEA is fostering this attempt to value the environment by hiring advisors and Namibian graduates to do further analyses of this type (see, for example, Barnes & De Jager 1995).

Water is the single most important factor with the potential to limit development in Namibia, yet Namibians in all walks of life waste water all the time. This is thought to relate at least partly to the fact that water has always been regarded as a free commodity which originates in rainfall and that it is available to all as a natural right. The Department of Water Affairs (part of which is now NamWater, the state-owned but commercially run bulk water-supply entity) and the Municipality of Windhoek are addressing this problem in the capital city by instituting a policy of demand management. Previously the Department of Water Affairs sought to supply as much water as needed by the various sectors in Namibia at a lower cost than the cost of provision. Today, by way of an awareness-raising process coupled with tariff increases, the Department of Water Affairs, NamWater and the Windhoek Municipality are attempting to reduce water use and also to bring the price of water to the consumer in line with the cost of its provision.

<sup>2</sup> An abridged version by Pallett was translated into Oshiwambo in 1994.

Similarly, in the rural communal areas water has been supplied free of charge. This has included the provision of hand, wind or diesel pumps, and in most instances the diesel to run the pumps. All repair services have been provided free of charge. Today the Directorate of Rural Water Supply is developing a procedure for instituting cost recovery over a number of years. This is coupled with the transfer of responsibility for water supply to the rural consumers themselves. Cross-subsidisation<sup>3</sup> will take place on a regional basis, with people themselves deciding the level of service they want and can afford. It is expected that this approach will contribute to more sustainable use of this limited resource.

Other renewable natural resources have yet to be fully valued on a financial and economic basis. Information on wildlife and tourism is bringing awareness of their contribution to the fore. A similar approach should be adopted for all natural resources to ensure their sustainable use.

### Environmental assessments

During the post-independence period the DEA compiled an Environmental Assessment Policy (MET 1995) which has been approved by the Cabinet. Although not legally binding, this policy serves as a guideline. The word 'impact' was deliberately omitted from its title to help ensure that environmental assessments are perceived as a tool to guide sustainable development rather than as a means to thwart the development needed in Namibia.

Almost all the environmental assessments in Namibia conducted since independence have been donor-driven. This development, which continues today, is mainly backed by the politics in the country of origin of the project being assessed. Early assessments since independence addressed, inter alia, the Roads Master Plan and the Ogongo-Oshakati Canal in former Owambo, the Trans-Kalahari and Trans-Caprivi Highways and the Central Area Water Master Plan. These assessments have far-ranging implications. The main question addressed in the assessment of the two major projects in former Owambo was how to contribute to development in this neglected area while not making a serious negative impact on the ecological services provided by the ephemeral wetland systems of the *oshanas*. While the highway plan was straightforward, the efficacy of using a pipeline or a canal to provide water in the relevant regions is still being discussed several years after construction of the Ogongo-Oshakati Canal commenced. The Trans-Kalahari Highway is non-controversial in Namibia, but the Trans-Caprivi Highway runs through a proclaimed game reserve. In recognition of this situation, the donors funding the latter highway have also provided funds for planning

development in the several game parks in the area, and the MET will shift the boundaries of several reserves to accommodate ongoing developments. The Central Area Water Master Plan addressed provision of water to central Namibia, including the coast. Most environmentally controversial is the plan to take water from the Okavango River to supply Windhoek. This assessment has been extended to investigate the implications of sea-water desalination to supply the major growth points of Swakopmund and Walvis Bay.

Only the large multinational mining companies have initiated independent environmental assessments, a development stimulated by awareness and regulation within the international mining community. Although several private environmental consulting companies have sprung up in Namibia to provide the necessary expertise, the services of foreign-based companies are still needed to fulfil demand.

Currently the most prominent environmental assessment being carried out in Namibia parallels the feasibility study of the Epupa Hydropower Scheme on the Kunene River. Swedish consultants lead the team, which has a number of Namibian participants and is guided by a Joint Technical Committee with members from Namibia and Angola. A representative of the International Union for the Conservation of Nature and Natural Resources (IUCN) is overseeing the entire process. But there is a certain amount of doubt as to the validity of the feasibility study and concomitant assessment, as highly placed government officials have already gone on record as saying that the project will go ahead, apparently for political if not economic or environmental reasons.

Although environmental assessments are carried out on a number of projects in Namibia, the Government's overall response to them is tepid. Some departments, or individuals therein, regard these assessments as a necessary evil, the recommendations of which can be ignored or deliberately misinterpreted. But all these assessments are at the very least contributing to the transparency of the development process in Namibia and they continue to highlight the necessity of inter-sectoral planning and coordination for sustainability.

### Land-use planning

Since independence Namibia has recognised the importance of developing an overall land-use planning capacity. The Directorate of Lands in the Ministry of Lands, Resettlement and Rehabilitation has carried out a six-month training programme in land-use planning for suitable candidates in this and other ministries. Currently such planning is mainly limited to planning the use of resettlement farms within the commercial farming area. Appropriate implementation of planning on a broader scale awaits the guidelines to be

<sup>3</sup> Progressive tariffication, which amounts to large consumers subsidising small ones.

provided by the Land Policy and the Communal Land Bill. An encouraging development has been the Cabinet's approval of the Land Use and Environment Board. Placed within the NPC, this body has the potential to coordinate rural and urban planning. The relevant line ministries are holding back to see how well it will operate – thus ensuring its ineffectiveness at least in the immediate future.

### **Community-based natural resource management**

This programme is a major focus of attention for the DEA. It has its basis in the community game guard programmes of two NGOs working in the Kunene Region – Integrated Rural Development and Nature Conservation and the Save the Rhino Trust, both established prior to independence – and in a campsite established near Twyfelfontein in former Damaraland by a creative entrepreneur of the local community. The community-based natural resource management programme is based on the premise that people will only use available natural resources wisely and in a sustainable fashion if they have a long-term stake in the benefits to be derived from them. Before and since independence, the natural resources from which people derive their livelihoods in communal areas have belonged to the State. Nevertheless, the DEA has pioneered ways in which local communities in communal areas can benefit from the use of wildlife and the tourism potential of these areas. A major thrust of the DEA's efforts has been to investigate the range of potential benefits (Barnes 1995) and the structures that the communities would need to put in place to realise them.

Taking the example of Zimbabwe's Campfire Programme, the DEA has investigated the use of conservancies in communal areas that would confer benefits from wildlife and the landscape on the people living with the animals on a day-to-day basis. The policy was approved by the Cabinet and Parliament has passed the legislation (MET 1995).

While exclusive benefits from wildlife and tourism can be realised by communities forming conservancies, there is no power of exclusion against neighbouring people wishing to use the natural resources – grazing, woody vegetation, water or the land itself – upon which the wildlife and tourism depend in the conservancy area for other purposes, including agriculture. Apparently the Ministry of Lands, Resettlement and Rehabilitation (MLRR) is considering incorporating an all-inclusive conservancy approach in its Land Policy which would address this discrepancy.

### **Environmental policy and legislation**

The Namibian Environmental Legislative Review Programme is a three-year donor-funded programme addressing the serious need for a coherent and comprehensive environmental legal framework. Being carried out by the MET and the Office of the Attorney-General, it will guide the process of law reform relating to renewable and non-renewable natural resources. The current legislation is mainly of South African origin, although several new pieces of legislation – *inter alia*, the Foreign Investment Act, No. 96 of 1990; Petroleum (Exploration and Production) Act, No. 3 of 1991; Sea Fisheries Act, No. 29 of 1992; Minerals (Prospecting and Mining) Act, No. 33 of 1992; and Agriculture (Commercial) Land Reform Act, No. 6 of 1995 – have environmental implications and components. Depending on their interpretation, all of these statutes could contribute to the sustainable development and use of the environment.

Namibia's legal system, however, gives low priority to environmental protection and sustainable use of natural resources. Enforcement agencies do not receive adequate support to carry out their responsibilities in this respect and are often not aware of the relevant legislation. At the same time, fines relating to the environment are often minimal and do not result in rectifying any damage done.

The Legal Assistance Centre – in its capacity as a public-interest law centre – is addressing the need for in-depth environmentally relevant legal knowledge and is involved in raising awareness. Again, inter-sectoral co-ordination and planning is essential for the development of an appropriate legal framework and its enforcement in the interests of the sustainable development of Namibia for all Namibians, present and future.

### **Environmental education**

Environmental education in Namibia has been given a relatively high profile and is supported by the Ministry of Education and Culture (MBEC) as well as the MET and several donors. After the MBEC adopted the IGCSE school system<sup>4</sup>, Natural Economy was introduced in senior secondary schools, this subject supporting an integrated approach to the environment. The Namibia Nature Foundation is currently implementing the development of a basic text and its introduction into the curriculum. The MBEC's Life Science Project also supports environmental education through its focus on in-service upgrading of Life Science teachers in secondary schools.

<sup>4</sup> Cf. the chapter by Gretschesel in this volume.

Also in the formal education sector on the secondary level, but more broadly applicable, is the Enviroteach project of the DRFN. This project involves the development of a series of resource books for secondary school teachers, which are based on existing environmental research findings and information (Du Toit & Sguazzin 1995). Major resources address energy, water, and population and the Namibian environment, supported by several books on how to incorporate a cross-curricular, activity-based and learner-centred approach in the schools. These materials and several supporting smaller resources were tested in 25 pilot schools in the country's seven educational regions. The programme is now being instituted in four teacher training colleges – in Katima Mulilo, Ongwediva, Rundu and Windhoek.

In non-formal education the MET has established two environmental education centres, namely at Namutoni in the Etosha National Park and in the Waterberg Plateau Park. Both centres encourage group visits, especially of groups from the nearby communal areas of Oshana, Omusati, Ohangwena and Oshikoto in the north, and Otjozondjupa and Omaheke in the east.

These initiatives and a number of smaller activities are coordinated through the Namibian Environmental Education Network (NEEN), which takes an active role in promoting environmental education in Namibia and networking in the SADC region, supported by the Rössing Foundation which also accommodates the NEEN headquarters.

### **International conventions and Namibia's response**

Having participated in the Rio Conference on Environment and Development, Namibia went on to actively respond to and sign two of the three conventions elaborated on or initiated in Rio, namely the Desertification Convention and the Biodiversity Convention. It is generally felt that while Namibia as an arid country will be seriously affected by global climatic change, it is contributing little to preparations for this change.

Namibia's response to the Biodiversity Convention has been to initiate a country study documenting the known biodiversity and identifying the research required to fill in the gaps and monitor change. The DEA is taking the lead in this effort, with a full-time consultant coordinating the inputs. The State Museum, which resorts under the MBEC, is also making a major contribution to this study.

The Desertification Convention is being addressed through a partnership between the Ministry of Agriculture, Water and Rural Development, MET and DRFN. Following a countrywide awareness-raising campaign, a national workshop was held in 1994 which brought together farmers from communal and commercial farming areas, government officials at all levels, NGOs and the private sector. At that workshop a national programme was

designed that addressed a variety of national needs: awareness, education and training, research, planning, policy-making and the empowerment of natural resource users at all levels (Wolters 1994). Together with Mali, Namibia is considered to have a dynamic programme that is contributing to the Urgent Action for Africa demanded by the African countries in Rio in 1992. Namibia's Parliament intended ratifying both the Biodiversity and Desertification Conventions during the course of 1996.

### **Tourism**

Tourism has been a major growth industry in Namibia since independence. Most of the tourism development has been based on wildlife and landscape, although several gambling establishments have opened under the control of the MET. A number of locally based and foreign operators have developed and refined tourist packages of various sorts, ranging from bus tours, to fly-in photographic safaris, to exclusive hunting safaris. The major towns all have information bureaux and several booking agencies service speciality products such as guest farms and lodges. Numerous rental agencies for 4x4 and camping vehicles have also been established, mostly in Windhoek.

Although most tourism in Namibia is dependent on wildlife and landscape, few of the tourist establishments promote conservation of natural resources such as water or energy. Even hotels constructed during the past few years encourage rather than discourage profligate water consumption. Some of the smaller guest farms and wilderness camps have addressed environmentally sustainable natural resource consumption (Muensterer & Otto 1995), although often as much for economic as for environmental gains.

Well established in Namibia is the small-scale guest accommodation provided on private livestock or game farms in the commercial farming areas. These represent an additional and stabilising source of income for the private farmer attempting to make a living in Namibia's variable environment. In a somewhat parallel development, several individuals in the communal areas have established campsites. Often termed 'community-based', in many instances they represent the efforts of a single local entrepreneur who then hires community members to run the campsite, thus spreading the income. Also in communal areas are small-scale commercial developments run on a 'Permission to Occupy' basis (granted by the MLRR) or 'Concession' (granted by the MET). In granting the latter, the MET negotiates with the developer on behalf of the surrounding community for benefits to be shared. All these different types of developments are seen as approaches that help to conserve the wildlife and landscape as a base for Namibia's tourism.

## CURRENT CONSTRAINTS AND FUTURE PERSPECTIVES

The concepts of 'environment' and 'sustainable use of natural resources' are not clearly understood in Namibia. Many still believe that 'environment' is synonymous with 'preserving wildlife'. While local environmentalists are focusing on the sustainable use of natural resources for the benefit of all Namibians both present and future, international environmentalists are applying their attitudes and approaches to the Namibian situation as well. A case in point is the harvesting of seals on the Namibian coast. This process was recommended by Namibian marine scientists, whereas international animal-rights activists protested the move. The outcome has been various Namibian ministers condemning 'pesky environmentalists' across the board and dismissing recommendations for the sustainable use of other renewable natural resources. This controversy is intermingled with conflicts between Namibia as a developing country wishing to use its resources and international environmentalists from developed countries wishing to protect the country's resources from development. The controversy is also intermingled with lingering distrust between black and white citizens of Namibia and international environmentalists.

In a similar vein, some decision-makers consider the environment to be a luxury and do not recognise the potential income to be derived from the sustainable use of natural resources, including tourism. Due to their poverty and/or desire to improve their livelihoods, many Namibians see any restraint in the exploitation of natural resources as a luxury inaccessible to the ordinary rural farmer and even to some salaried weekend farmers. This perception is exacerbated by the lack of understanding of Namibia as an arid country with limited, variable rainfall.

During a recent survey of a number of secondary school teachers in Namibia, it was discovered that litter and tree-planting to combat deforestation are regarded as the two most pressing environmental issues in the country today. Sustainable use of natural resources or maintaining the integrity of the natural environment and the ecological services upon which people depend were not high on the list. If environment is considered in the schools, it is usually either relegated to the Biology class or equated with a litter clean-up of the schools grounds.

Sustainable use of natural resources means using resources in a manner that assures their availability to future generations. Many rural Namibians, in particular, feel that they have suffered long years under colonial rule and have the right to use water, grazing and other natural resources to their individual best advantage. Thus on many fronts, recommendations for the sustainable use of natural resources are considered to be simply an extension of the pre-independence control by the Government to the specific detriment of farmers.

On the other hand, all in the public and private sectors recognise the need for education, training and capacity-building in support of the sustainable use of Namibia's natural resources. More Namibians are studying environmental management and other essential professions, and general awareness of the environmental basis of Namibia's economy is increasing slowly but continually. Major advances are occurring, such as the drive for cost recovery in the provision of water, the attention being given to a population policy and the need for land-use planning, with the focus on developing an appropriate policy in support of the sustainable use of natural resources. Namibians across a broad front – journalists, ecologists, land-use planners, lawyers, etc. – are applying themselves to environmental concerns. It is expected that the next five years of independence will register substantial gains in the country's drive toward establishing a trajectory for sustainable development.

## 3

## The State, accumulation and regulation: for a political economy of Namibia

Alain Dubresson and Olivier Graefe

At independence the Namibian Government inherited a state-controlled and protectionist economy of the colonial type. The whole Namibian socio-spatial system functioned like an outpost (the 'fifth province') of South African capitalism, except for a few enclaves controlled by British capital (Rössing Uranium Ltd), and organised by and for the mining sector. The farms in the commercial area, which supplied maize, meat and milk to the white urban population, benefited from subsidies and protected markets which ensured the regulation of the commercial relations between the towns and the rural areas of the former 'police zone', interlinked by an efficient road and rail network. The towns were both the instruments of the military/mining control and the tools of the state-controlled market economy. They included 28% of the total population in the 1991 Population and Housing Census, but supplied over 66% of the GNP in 1990 without the mining sites, and 77% if these sites are included.<sup>1</sup> The towns were at the core of colonial domination, which was based on the exploitation and police control of African labour.

The new state power was thus faced with two major problems: On the one hand, it was essential to enlarge and change the base of accumulation which was concentrated in primary production, particularly on mining, which was already declining. On the other hand, it was necessary to focus on nation-building, to transform the spatial organisation inherited from the apartheid regime and characterised by profound socio-economic inequalities between the former 'police zone' and former 'homelands'. New bases of accumulation, new forms of regulation and a different geo-economy had to be set up to achieve the aims of social justice and spatial redistribution in the name of which SWAPO had fought and forged its legitimacy. A change in the

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<sup>1</sup> Not including the diamond sites.

inherited patterns demands time and cannot emerge in a single decade, and it is undoubtedly too early to evaluate the policies which have been implemented. However, it is possible to compare the discourse with state practices and to consider the meaning of ongoing developments: how can the choices made, which combine openness, liberalisation and the assertion of the role of the State, set the Namibian economy on the path to diversification: do they enhance a reduction in the inequalities inherited; and who benefits from the regulations being set up?

### THE RELATIVELY POOR PERFORMANCES OF A BASE FOR ACCUMULATION WHICH IS STILL SUBJECT TO PRIMARY PRODUCTION

'The relatively poor performance of the economy' (Bank of Namibia 1997)

#### *A moderate overall economic growth*

Since accession to political independence, the dynamics of the country's economy in terms of growth in GDP are characterised by a relatively poor performance – below the forecasts and official expectations, being +5% per annum according to the Transitional National Development Plan and the First National Development Plan (NDP1) – and especially by considerable irregularity in results from one year to the next. In constant Namibia Dollar (N\$) terms (1990), growth between 1990 and 1996 has been estimated at +4.2% per annum on average (CSO 1997). However, the GDP per capita in 1996 was the same as in 1992 (N\$5 007 in constant N\$ terms) and the economic trajectory of independent Namibia remains erratic, no matter which growth indicator is applied (Table 1).

The poor performance and irregularity of economic growth (apart from informal activities and illegal trading) recorded in the so-called 'transition period' are in fact part of an older trend which the Namibian Government inherited in 1990. The accession to independence in fact took place in a difficult economic context, with what amounted to a recession having characterised the 1980s (World Bank 1995): between 1980 and 1989 the GDP had only risen by 1% per annum and the per capita GDP had fallen by 2.1% per annum. Since independence economic growth has been a little more sustained, but it remains insufficient to make up the accumulated arrears, especially as the population has increased rapidly. In 1996 the per capita GDP at a constant N\$5 007 (current N\$8 452) was still below the

1981 level (constant N\$5 903 and current N\$6 098), and the per capita real gross national income (RGNI) at a constant N\$5 131 (current N\$8 430) was equal to 86.9% of the 1981 level. These averages concealed considerable inequalities in distribution within Namibian society.

**TABLE 1: EVOLUTION OF GROSS DOMESTIC PRODUCT AND GROSS NATIONAL INCOME, 1990-1996**

	1990	1991	1992	1993	1994	1995	1996
GDP MN\$ currents	6 409	7 074	8 284	8 860	10 985	12 262	13 886
GDP MN\$ constants	6 409	6 675	7 274	7 128	7 600	7 988	8 226
Annual % change	0,0	+5,7	+7,4	-2,0	+6,6	+5,1	+3,0
GDP per capita N\$ current	4 689	5 017	5 701	5 910	7 105	7 692	8 452
GDP per capita N\$ constant	4 689	4 805	5 006	4 755	4 916	5 011	5 007
Annual % change	-3,0	+2,5	+4,2	-5,0	+3,4	+1,9	-0,1
GNDI MN\$ currents	7 153	8 100	9 298	9 861	12 002	13 703	15 435
GNI MN\$ constants	6 507	6 883	6 914	6 698	7 695	7 714	8 430
Annual % change	+1,3	+5,8	+0,4	-3,1	+14,9	+0,2	+9,3
RGNI per capita N\$ currents	4 760	5 206	5 734	6 054	7 259	7 964	8 706
RGNI per capita N\$ constant	4 760	4 882	4 758	4 468	4 977	4 839	5 131
Annual % change	-1,8	+2,5	-2,5	-6,1	+11,4	-2,8	+6,0

GDP: Gross Domestic Product<sup>2</sup>

GNDI: Gross National Disposal Income

GNI: Gross National Income

RGNI: Real Gross National Income

MN\$: Million Namibia Dollars

Source: *National Accounts 1981-1996* (NPC 1997).

<sup>2</sup> GDP is the measure of the total value added in all resident-producing units. GNDI is the measure of the income available to the nation for final consumption and gross saving. GNI is the measure of the income earned, whether domestically or abroad, by the factors of production owned by residents.

### A high level of consumption and a low investment rate

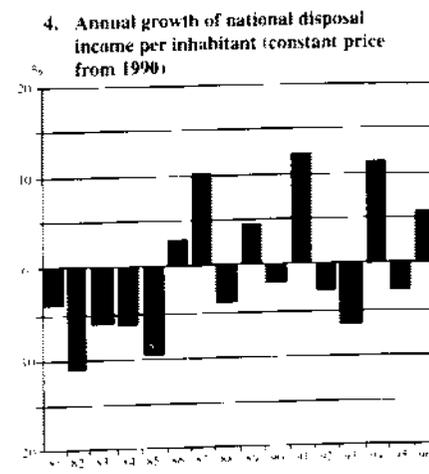
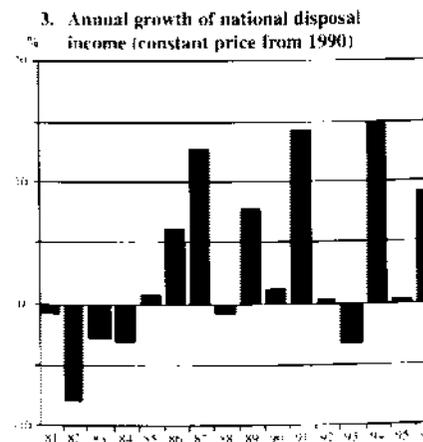
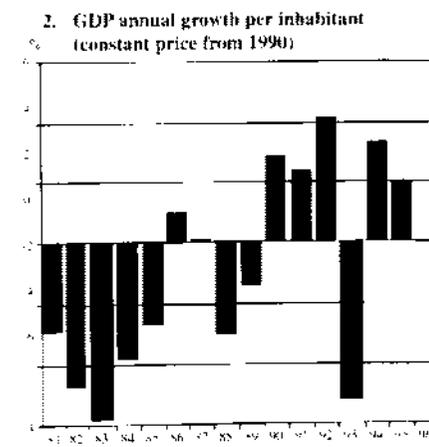
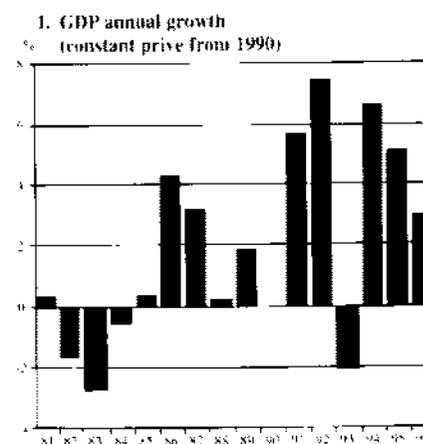
If growth was inadequate, so was investment. In 1996 the gross fixed capital formation – N\$1 772 million in constant 1990 N\$ – was scarcely higher than in 1981 (N\$1 639 million), and for 10 years, between 1983 and 1993, the annual amount of investment in constant N\$ was always lower than in 1981. A spectacular decline in investment therefore characterised the 1980s: whereas in 1981 investment represented 26,8% of GDP at constant 1990 prices (22,7% of GDP at current prices), this ratio fell to 16,6% in 1989 (15,5% of GDP at current prices). Since 1993 the threshold of 20% of GDP at constant prices has again been crossed (21,5% in 1996), but the annual rhythm of growth in investment, whether public or private, remains highly irregular. The question of investment is all the more crucial given that the Namibian economy has long been characterised by a high rate of consumption which contrasts with a low rate of investment (Table 2).

TABLE 2: FINAL USES OF GOODS AND SERVICES (GDP AT MARKET PRICES)

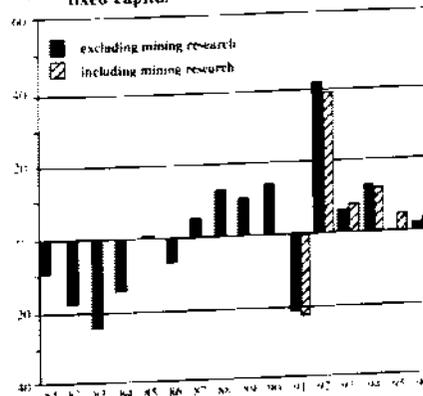
	1985-89	1990-94
Private consumption exp.	53,3%	52,8%
Government consumption exp.	30,4%	34,1%
Gross fixed capital formation	15,2%	20,7%
Changes in inventories	-1,1%	1,3%
Gross domestic expenditure	97,7%	108,9%
Exports of goods and services	61,0%	55,8%
Import of goods and services	-59,6%	-64,7%

Source: National Accounts 1981-1996 (NPC 1997).

Moreover, since 1995 consumption has been rising faster than investment, which in no way contributes to the reinforcement of a productive base which is already very restricted, and the ratio of savings to GNDI fell from 12,9% in 1994 to 7,0% in 1996 – ‘far lower than the level required for sustainable economic development’ (Bank of Namibia 1997).

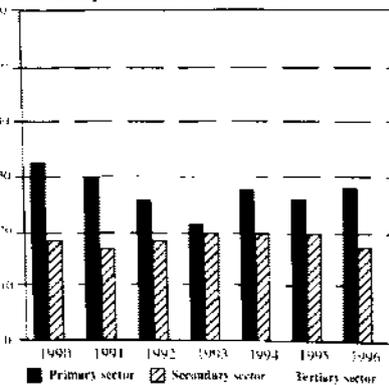


5. Annual growth of gross formation of fixed capital

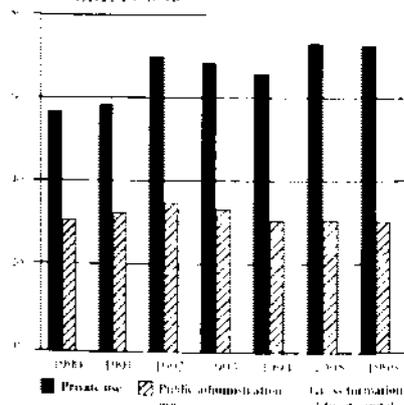


Source: National Accounts 1981-1996

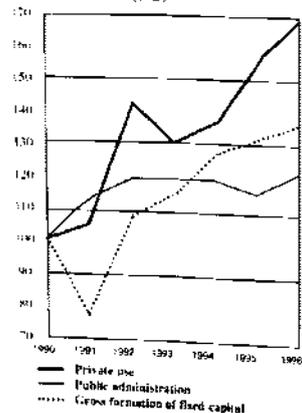
6. Composition of GDP, 1990-96



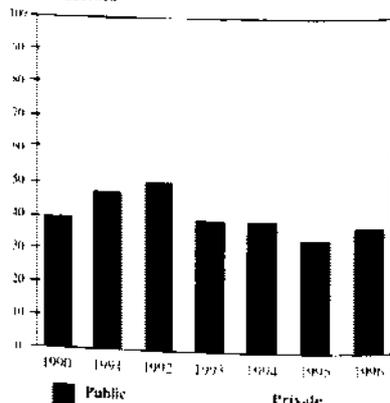
7. Structure of demand as percentage of GDP, 1990-96



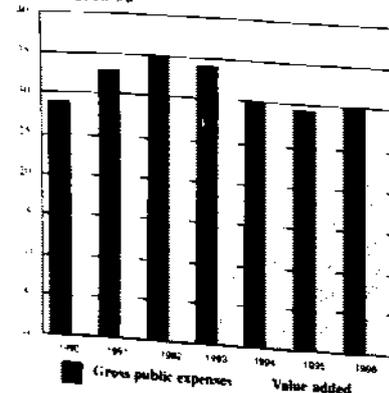
8. Evolution of domestic demand, 1990-96 (NS)



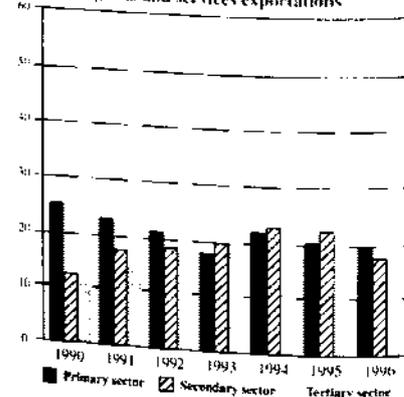
9. Gross formation of fixed capital, 1990-96 (distribution between public and private sectors)



10. Public expenses as percentage of GDP, 1990-96



11. Main exported products as percentage of goods and services exportations



### A restricted economic base, dependent on primary production and vulnerable to the evolution of the terms of trade

If we confine ourselves simply to the evolution of the major sectors since 1990, a profound change in the national economic base seems to be taking place. The primary activities, which represented one third of GDP at independence, account for no more than 28% of the value added in 1996, and services have become distinctly preponderant (Table 3).

TABLE 3: GROSS DOMESTIC PRODUCT BY INDUSTRY (BASIC PRICE)

Industry	1981		1990		1996	
	1	2	1	2	1	2
Primary industry (mining)	48,6% (24,1%)	43,1% (25,6%)	33,5% (19,3%)	33,5% (19,3%)	28,3% (15,1%)	33,2% (19,3%)
Secondary industry	16,3%	17,2%	17,4%	17,4%	17,2%	15,8%
Tertiary industry	35,1%	39,7%	49,1%	49,1%	54,5%	51,0%
All industries	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%

1: current prices  
2: constant prices (N\$ 1990)

Source: National Accounts 1981-1996 (NPC 1997).

However, a careful examination of the real content of the changes recorded reveals that a heavy dependence on primary products continues to characterise the Namibian economy. On the one hand, strengthening of the manufacturing structure has been negligible, and its performance is primarily due to the processing of fish products, where the value added rose by 50% in constant N\$ between 1990 and 1995, as compared with 1,1% for the rest of the industrial firms. Even if the figures for industry are encouraging (9-10% of the annual growth in current N\$ and 4% in constant N\$), the manufacturing base remains very restricted. On the other hand, the growth recorded in tertiary activities is due to the expansion in governmental services linked to the creation of a new administration (26,1% of the total GDP, 47,8% of the tertiary GDP), as well as to the effects induced by the rise in tourism (100 000 visitors in 1989 and 398 000 in 1995) in the hotels, financial services, transport and communications sectors, but which do not appear in the national accounts (12% of foreign income, according to the Bank of Namibia).

Diversification is therefore only apparent. While we do not precisely know the real consequences of the rise in tourism, the replacement of the declining mining sector is far from being assured, and the strength of economic growth remains dependent on the rate of investment and the results recorded in mining and fishing, which have considerable knock-on effects on services. The relative boom of 1991 and 1992 was thus the outcome of investment in diamond mining in Elizabeth Bay<sup>3</sup> and of the rise in deep-sea fishing and the processing of fish<sup>4</sup> after the extension of the exclusive fishing zone (to 200 nautical miles). Inversely, the general growth rate slows down as soon as the mining investment stagnates or when the fishing results are affected by reductions in the Total Allowable Catches (TAC) of the main species.<sup>5</sup> For example, in 1996 the value added by the fish-processing plants fell by 43% because of insufficient supplies.

Furthermore, as a result of its function as a colonial outpost, imposed by South Africa for 70 years, the Namibian economy is wide open. In 1996 the total value of exports and imports of goods and services represented respectively 49,3% and 57,8% of the GDP. The structure of external trade is also an indication of heavy dependence on primary products. Until 1991 minerals and precious stones accounted for over 52% of the value of exports (over 60% between 1984 and 1986, and again in 1989). Although declining, their relative weight remains considerable: 48,9% in 1996 (with diamonds accounting for 34%). If we add the sale of live animals, animal products for the textile and leather industries (karakul pelts and skins) and unprocessed products from fishing, we have 63,2% of exports. If we include the primary products which are processed locally (meat and fish), the percentage is over 82%, which does not leave much space for industrial products not associated with mineral and animal raw materials, and for services. Since independence, therefore, the share of minerals has declined from 64% to 58% of goods exported (excluding services), the share of fish and fishing products has risen from 12% to 21%, and the share of animals, meat and other animal products varies between 18% and 22%. Overall, however, the exportation of goods still remains dependent on a few primary products. Subject to the vagaries of world prices of minerals and diamonds, and sometimes to the De Beers Central Selling Organisation quota policies for importing manufactured goods (57% of the value of imported goods, and 45% of the value of imports of goods and services in 1994), Namibia is very vulnerable to the evolution

of the terms of trade. These have been unfavourable since the beginning of the 1980s and have not improved since then, with the result that the deficit in the balance of trade has increased: it rose from -N\$665 million in 1990 to -N\$1 192 million in 1996, with the relative excess in the balance of payments (N\$98 million) being mainly due to transfers from the Southern African Customs Union (SACU).

### An economy highly integrated with South Africa

Because of the size and structure of a productive base moulded by South African capitalism, but also because of numerous disadvantages (a restricted national market, limiting industrial investment, high salaries compared with productivity, distribution costs), Namibia is dependent on external trade. Nearly a decade after gaining its independence from South Africa, Namibia remains a captive market – a commercial, economic and financial outpost of South Africa.

South Africa's weight in foreign trade is still considerable. Although trading statistics which take neither informal trading nor the illegal trade with Angola into account are often not very clear, but all the available data show that approximately 90% of goods officially imported are produced in South Africa or transit through South Africa. On the other hand, according to the *Business Guide to Namibia*, only 16% of exports (25-27% according to the NDP1) go to the powerful neighbour which is still the second market for exports, the United Kingdom being the first.

The South African influence is not only measured in its trading hegemony, but also in the degree of control that South African companies have over the Namibian economy. In 1992, 40% of Namibia's GDP was generated by companies which had their head office in South Africa (NEPRU 1992). According to NDP1, 'National Accounts are not sufficiently reliable to give a clear picture of private investment in Namibia,' and though it remains difficult to know the exact composition of the social capital of the firms operating in Namibia, those which are wholly or partly South African are the strong values on the Namibia Stock Exchange, founded in October 1992. They are ubiquitous in the key sectors of mining, fishing and services. Three out of five commercial banks, life insurance and pension funds<sup>6</sup> are also still under the control of South African capital. This close integration has the major consequence of placing Namibia in a special position of an exporter of capital to South Africa. The flow of domestic saving towards this country rose to 10% of the GDP in 1994 (NPC 1996), and the total amount

<sup>6</sup> Still regulated by the Pension Funds Act of 1956.

<sup>3</sup> N\$125 by South West Africa's Consolidated Diamond Mines (CDM).

<sup>4</sup> N\$180 million for a fish-processing plant in Lüderitz by Pescanova of Spain; the creation of new plants and the upgrading of existing plants in Walvis Bay. Namibia has the biggest fishing reserve in south-western Africa, estimated at 1,2 million tons – bigger than South Africa (900 000 tons), Angola (600 000 tons) and Mozambique (430 000 tons).

<sup>5</sup> The definition of the TAC is based on the annual evaluation of the reserves, which depends on the extent of up-welling and temperature variations in the Benguela current.

of stock invested outside Namibia was estimated at N\$10 billion, or the value of an annual GDP.

The most symbolic and most restrictive link is still monetary. The creation of the Namibia Dollar in September 1993 did not relieve Namibia's economy of its close relationship with the South African Rand. Since 1991 Namibia has been a member of the Common Monetary Area,<sup>7</sup> an area of free circulation of currency which is completely dominated by the rand. With fixed parity (N\$1=R1) the two currencies have the same international exchange rate and the Namibian Government, which has little power over the interest rates, is subject to the fluctuations of the rand, inflationary pressure from South Africa and the options of the Reserve Bank of South Africa which weigh on the value of the exchange reserves. In these circumstances it is extremely difficult to apply an autonomous monetary policy, and to plan specifically to increase saving in relation to consumption and channel it towards investment to diversify the national production capacity.

However, although the productive structure may not have changed fundamentally, the Namibian Government has changed the rules of the game: by deregulating the former colonial economy, and by adopting an open-door policy to reduce the South African influence, it has attempted to encourage growth by adopting the principles of a market economy and by seeking rapid integration at regional and global level.

### **CAN THE STATE PROMOTE A MARKET ECONOMY? WHAT ARE THE MEANS FOR REGULATION?**

To end the state-controlled colonial economy and to encourage an open economy, the Namibian authorities have encouraged the emergence of a 'reforming complex' (Jaglin 1998) and have put an end to the numerous protectionist rules to set up the conditions for a market economy open to the world.

#### **Reforming the public sphere without state disengagement**

##### *Privatising without losing control*

The reforming complex implemented in an international context of various reappropriations of the package of management techniques suggested by, if not imposed by, the World Bank, which closely links productivity, socio-

<sup>7</sup> South Africa, Swaziland, Lesotho and Namibia.

economic efficiency and good governance, is in the first instance based on the principle of privatisation. The Namibian State inherited from the South African-administrated economy the total or partial control of 13 public and parastatal firms which are vital for the functioning of the national economy (wholesale production and distribution of electricity and water, postal services and telecommunications, road and rail transport, management of the port infrastructures – to mention only the most important functions) and nine public financial institutions. The process of privatisation is based not so much on the total withdrawal of public authorities and the sale of their net assets to private entrepreneurs, as it is on 'commercialisation', which entails transforming a ministerial department into a private firm with public capital, introducing market principles in sectors previously dominated by public bureaucracies, and in so doing, attracting both national and foreign private finance. In 1997 the majority of public service operators, including Namibia Post and Telecom Holdings Ltd., NamPower and NamWater, worked on this basis. Only two of the 13 former parastatal companies still depend on subsidies from the State Revenue Fund.

The search for a new division of management between public powers and private operators does not necessarily imply abandoning all forms of regulation, since the current reforms propose the externalisation and centralisation of the regulation functions for all the commercialised public services by entrusting them to an independent commission whose powers, fixed by law, would extend to the protection of consumers, the supervision of tariffs and the control of the efficiency of service firms which have a monopoly (Jaglin 1998). In addition to this search for a new type of regulation, the State asserts its role in mining and fishing activities. In 1994 the Namibian Government therefore negotiated with De Beers for the acquisition of 50% of the social capital of Consolidated Diamond Mines, which became Namdeb Diamond Corporation (Pty) Ltd. and which produced about 1 million carats per annum between 1993 and 1996. The State has been the origin of the boom in the deep-sea fishing sphere, by means of a series of fiscal measures and with a policy of permits and quotas granted in relation to the degree of Namibianisation of the fleet and the crews, along with the obligation to process locally: the number of companies registered rose from 44 in 1988 to roughly 200 in 1995; the active fleet rose to 277 boats in 1994, 176 of which fly the Namibian flag; and all of the 40 deep-sea freezer trawlers are controlled by national capital.

#### **Decentralising by controlling**

Launched after two years of independence upon the adoption by the National Assembly of the Regional Councils Act, No. 22 of 1992, and the Local Authorities Act, No. 23 of 1992, decentralisation reforms have been pre-

sented as powerful tools for the reduction of inequalities and for building the Namibian nation. By means of these reforms the Government has assigned multiple aims to the new urban local authorities: instruments for democratic change and for a new form of urban management, they are also intended to give rise to and possibly encourage economic progress at local and regional level, promote the spread of growth throughout the national territory and trigger changes in the social and spatial distribution of income.

The laws governing decentralisation and the 1992 regional and local government elections were preceded by a restructuring of the country into 13 regions and the creation of new urban entities. The regions and urban areas were delimited on the basis of demographic, socio-economic and administrative criteria, breaking with the former territorial organisation and contributing to the aim of homogenising the national territory. On the other hand, this was not the case for the status assigned to the urban areas. These were divided into two groups, which bear no relation to their demographic size<sup>8</sup> and which are based on each entity's specific capacity to ensure the financing of its budget. The first group consists of 16 *municipalities* which are all situated in the former 'police zone' and divided into two categories: *level 1 municipalities* (Windhoek, Walvis Bay<sup>9</sup> and Swakopmund), which have a sound financial basis and a greater degree of autonomy, particularly regarding the negotiation of loans and the setting of the property taxes rate); and *level 2 municipalities*,<sup>10</sup> which are more financially vulnerable and totally dependent on the supervisory Ministry of Regional and Local Government and Housing (MRLGH) in the exercise of these two powers. *Level 2 municipalities* includes 12 *towns* which are not in a position to balance their budgets without considerable state transfers, and in which the local government does not own the land and is therefore deprived of the considerable income from the sale of land and property taxes. Six of these are located in the former 'homelands' in the north,<sup>11</sup> while the remaining six are located south of the former Red Line.<sup>12</sup>

<sup>8</sup> Rundu, which probably has over 50 000 inhabitants is a *town*, whereas the smallest *municipality*, Karibib, had 3 067 inhabitants in 1991.

<sup>9</sup> Walvis Bay was made a *level 1 municipality* by Declaration 16 of 1994.

<sup>10</sup> Gobabis, Grootfontein, Karasburg, Karibib, Keetmanshoop, Mariental, Okahandja, Omaruru, Otavi, Otjiwarongo, Outjo, Tsumeb and Usakos.

<sup>11</sup> Katima Mulilo, Ondangwa, Ongwediva, Opuwo, Oshakati and Rundu.

<sup>12</sup> Okakarara, Rehoboth, Khorixas (former 'homeland' towns), Henties Bay, Lüderitz and Arandis (a former workers' town for the Rössing mine).

## Towards liberalism on regional and world markets

### *The gradual dismantling of protectionism*

In addition to the numerous fiscal measures of a liberal nature, publicised by the Investment Centre in the Ministry of Trade and Industry (MTI) and aimed at attracting national and foreign private investment for the stimulation of economic growth,<sup>13</sup> the Export Processing Zones (EPZs) were set up in 1995. The EPZ status, which is particularly favourable to private capital (special incentives, no customs or import duties on imported inputs, no corporate tax, exclusion of strikes and lock-outs), can be granted to any district (see the case of the Walvis Bay EPZ) or firm, no matter where it is situated in the country, as long as its production is wholly or mainly for export purposes. This move to liberalism is accompanied by a partial lifting of the exchange control regulations implemented at the level of the Common Monetary Area (CMA) and applied by the Bank of Namibia in conjunction with the Reserve Bank of South Africa. Since September 1996 the transfer of profits and dividends made by an approved commercial bank on behalf of the foreign companies which are in joint ventures and which have invested or wish to invest in Namibia has been authorised without the preliminary control of the Bank of Namibia. Companies whose capital is wholly foreign can borrow locally with more flexible conditions applied, and the redeployment of investment capital in the CMA is authorised unconditionally.

### *From the search for regional integration to opening up to the world*

The desire to be rid of the former administrative strictures is characterised by rapid membership of the regional institutions in southern Africa and by an active policy of reinforcing trans-regional road links. In 1990 Namibia officially became a SACU member, having previously been a de facto member, and joined the then Southern African Development Consultative Community (SADCC; now Southern African Development Community (SADC)). After signing with the Preferential Trade Area (PTA) in 1993, the country became the 19th member of the Common Market for Eastern and Southern Africa (COMESA), which today includes 21 states. In the same year Namibia signed a trade agreement with Zimbabwe. Institutional integration is reinforced by public strategies concerning infrastructures

<sup>13</sup> See MTI Investment Centre (1995), *Namibia's Investment Incentives*, p.4; MTI Investment Centre (1995), *Special Incentives for Manufacturers and Exporters*, p.5; Coopers & Lybrand (1995), *Doing Business in Namibia*, p.25; and Republic of Namibia, Foreign Investment Act, No. 27 of 1990, as amended by the Foreign Investment Amendment Act, No. 24 of 1993, p.18.

enabling the intensification of regional exchanges. The Trans-Caprivi Highway will link Namibia to northern Botswana, Angola, Zambia and Zimbabwe; the Trans-Kalahari Highway, which will reduce the road distance between Windhoek and Johannesburg by over 400 km, is almost complete. The aim is clear: to pick up part of the export traffic from the land-locked states for the profit of Walvis Bay by adopting the 'corridors policy' which South Africa applies at the moment.

However, intensifying regional integration is not a sufficient guarantee of growth. On the one hand, the workings of SACU have drawbacks for Namibia (NEPRU 1992): the internal reallocation of resources (Common Revenue Pool) is positive for the country, but the protective tariff system is very complex and is a hindrance to the Namibian industrial firms, which cannot compete with South African firms since the latter are protected and subsidised by the South African Government. On the other hand, while the SADC Charter provides for the creation of a common market, South Africa, a regional economic giant with a population 28 times that of Namibia's and whose GDP is 44,8 times higher, is carrying out its own policy for the protection of its industries and gives preference to its imperatives of internal restructuring and opening to Europe (a preferential agreement with the European Union was signed in 1997). South Africa's hegemony is such that the encouragement of regional economic integration – which its firms have in fact already implemented to their advantage – is not a priority except in the case of the Maputo corridor.

While awaiting the results of the renegotiations of SACU, which began in 1994, Namibia has to turn to the world at large and particularly to the European Union which supplies 50% of its development aid. A member of the Asia-Caribbean-Pacific (ACP) countries since 1990 and of the former GATT since 1992, the country benefits from the STABEX and SYSMIN systems in the Lomé Convention and has totally free entry rights (in respect of fresh fish and wool for example), partly free entry rights (for canned fish, depending on the origin of the fish), or is subject to quotas (with respect to fresh and frozen beef) on the European market. European firms are participating more and more strongly in major economic projects in Namibia. Among the latter are the increase in deep-sea fishing, in which the Spanish are particularly prominent, and the exploitation of offshore methane deposits (the Kudu gas fields), of which the reserves are estimated at between 2 and 4 trillion cubic feet – making Namibia potentially the biggest gas exporter of the region. Norwegian, Dutch and American companies work the four basins identified in the Namibian offshore area and contribute to the inclusion of Namibia in the sphere of multinationals which compete with or operate in partnership with South African firms.

However, the disappearance of GATT, the dismantling of the General System of Preference, new international trade rules and the implementation

of a single European currency force the Namibian Government to speed up liberalisation in trade and to play the globalisation card while endeavouring to make the most of its specific assets. Globalisation tends to involve a disregard for the territory of the nation state as a relevant economic entity and intensifies inequalities between territories which gain and those which lose. Within the same state, investors seeking financial rewards employ a process of sorting, and a pattern of disarticulation threatens the productive structures as well as the spatial organisation.

### TOWARDS THE BREAK-UP OF NAMIBIA AND A PSEUDO 'ARCHIPELAGO ECONOMY'?<sup>14</sup>

The official state policy provides for controlling investment by redeploying it throughout the country to restore the balance of distribution of production and reduce the regional inequalities inherited from apartheid (Table 4).

TABLE 4: REGIONAL DISTRIBUTION OF THE VALUE ADDED IN 1993 (% EXCLUDING WALVIS BAY)

	Windhoek	Coast	South/ Centre	North
Subsistence agriculture	0	-	20	80
Commercial agriculture	0	-	93	0
Fishing	0	100	0	0
Diamond mining	8	-	92	0
Other mining industries	8	-	92	0
Fishing industry	0	100	0	0
Other manufacturing industries	51	14	28	7
Electricity, water	96	1	1	1
Construction	56	6	11	28
Trade	56	12	15	17

<sup>14</sup> The archipelago economy (Veltz 1996) functions on networking between poles. By 'pseudo archipelago economy' we mean neighbouring territorial configurations which function in isolation from the surrounding national territory. Thus the two main Namibian poles, Windhoek and Walvis Bay, might develop networking which is more intense – and even unique – with foreign countries, rather than with each other or with the rest of Namibia.

Hotels	40	20	37	3
Transport	94	2	4	0
Communications	94	2	4	0
Financial activities	82	6	6	5
Recorded self-employment	60	20	10	10
Social economy	68	9	10	12
Government activities	75	5	10	10
TOTAL	47	14	31	8

Source: Moputola 1996.

This publicly expressed intention is based on the 'poles of growth' constituted by the EPZs and the industrial estates for small and medium business in nine districts,<sup>15</sup> the infrastructure of which is subsidised and financed by the State and is aimed at stimulating regional development outside Windhoek, the state capital and the dominant economic pole.

#### **'We must compete': the race for investment and the inequality between urban centres**

The actions undertaken in favour of the EPZ demonstrate that the Namibian Government is resolutely playing the card of regionalising investment. The proclamation of the Export Processing Zones Act of 1995 reinforced the position of Walvis Bay. A genuine economic boom linked to the deep-sea fishing industry was recorded there in 1995 and 1996, and the new industrial free enterprise zone is a success. The deep-water port is at the centre of a major project of internationalisation of traffic aimed at making it one of the gates to the ocean for southern Africa. Competing on a small scale with the Maputo corridor, this project is based on the extension of the port's capacity to 4 million tonnes per annum and the reinforcement of rapid transcontinental links.

However, at the same time, powerful national private businesspeople are investing in Windhoek, outside the free enterprise zone programme, particularly in office buildings which meet high international standards, the most spectacular programme in the town centre being the achievement of an Oshiwambo-speaking businessman. The Windhoek Municipality has

<sup>15</sup> Keetmanshoop, Gobabis, Oshana, Oshana-Namib, Okakarara, Ondangwa, Otjiwarongo, Uutapi, Rundu and Katima Mulilo.

launched work on the development of an industrial estate in the south of the town and facilitates investment in services in the town centre by relaxing the former urban zoning restrictions. An international complex (comprising hotels, conference halls, offices and services) has also been programmed, financed by the Malaysian South-South Corporation (Masscorp), and its construction is scheduled to begin in 1998.<sup>16</sup>

Various simulations of growth demonstrate that the capital is capable of withstanding competition with Walvis Bay, including in manufacturing, and that its potential for economic growth justifies considerable urban investment. The efforts made to conceive a new offer of services (such as the 'business nurseries' type) and to promote the small and medium businesses likely to disseminate innovations – and perhaps to promote the emergence of a class of non-white entrepreneurs – demonstrates that those in office in the Windhoek Municipality are not satisfied with managing the status quo. For them, this is not the time to wait, nor is it time for a cautious slow-down in local investment. References to an economic slow-down and 'minimal growth' are far from being defended by the actors responsible for urban management, who instead tend to worry about the risk of their town being marginalised within SADC and about the conditions for competing not only with Walvis Bay but also with the medium-sized South African towns in matters of financial and tourist services.

In comparison with the dynamic attitude of the two urban centres at the 'top' of the urban hierarchy, the other urban centres do not have much to offer: their productive capacity is minimal and sometimes even gravely threatened, as in Tsumeb; their local consumption market is limited, and their services and external relations cannot compete with those of Windhoek and Walvis Bay. Apart from Okahandja, a remarkable crossroads town but very close to the capital, all that is really left are the services linked to tourism (Swakopmund, Mariental, Keetmanshoop) or mining, to mobilise investment on any scale, because the small local entrepreneurs (Kadhikwa et al. 1996) are indeed very small-scale.

The state of the statistics available does not enable us to construct inter-sectoral and inter-regional matrices and carry out a systemic analysis. All that is known is that a redistribution of income took place in 1993 between the capital and the north of the country where nearly half of the population is concentrated.

<sup>16</sup> According to *The Namibian* (18/7/97), the total amount of the investment is estimated at N\$200 million.

**TABLE 5: LOCATION OF FINAL DEMAND AND VALUE ADDED  
(1993, MILLION NS)**

	Private Consump.	Public Consump.	Invest- ments	Total demand	%	Value added	%
Windhoek	1 086	2 219	902	4 207	55	3 304	47
Coast	278	148	96	522	7	995	14
South/Centre	692	296	173	1 162	15	2 259	31
North	1 013	296	453	1 762	23	618	8
Total	3 069	2 959	1 625	7 653	100	7 176	100

Source: Mupotola 1996.

If strong and vigorous interrelations are not set up between Windhoek and Walvis Bay, as well as between these two poles and the towns along the roads linking them, a process of dislocation could quickly take over. With Walvis Bay and the extrovert mining towns, the Windhoek Central Business District, anchored to the financial economy of SADC and the urban pockets which are confined to providing services for the restricted local markets, a pseudo archipelago economy, not constituting a system, could set in. The municipalities and towns created by decentralisation (Dubresson & Graefe 1998) would then only have a very weak capacity for regional structuring, local authorities could not become efficient tools for the spread of growth and incomes, and the inequalities between urban centres could increase even more rapidly given that Windhoek and Walvis Bay monopolise government aid.

#### **A major question: the land problem and the circulation of capital in the former 'homelands' in the north**

Created by the colonial administration out of nothing, the towns of the former 'homelands' in the north were primarily instruments for South African political domination. They served as labour recruitment centres for work on the police zone, as well as being the headquarters of ethnic administrations, garrison towns during the guerrilla war waged by SWAPO and safe havens for the populations fleeing the insecurity of the rural areas. In towns like Oshakati and Ondangwa in former Owamboland, and Rundu in the former Kavango, the defence force and the colonial administration ensured the development of shops and services which met the needs of a varied urban

and rural population: soldiers with their families, peasants, civil servants and petty traders.

The end of the liberation war, accompanied by the withdrawal of the South African troops and the UN Transition Assistance Group (UNTAG) between 1989 and 1990, changed these economic bases; they were destabilised by the sudden departure of a population with considerable purchasing power.<sup>17</sup> The hinterland, which was totally rural and extended beyond the regional and national frontiers, today plays a dominant role in the new economic momentum taking place within these former 'homelands'. The enclosure of part of the communal lands by affluent and/or influential urban-dwellers (Frayne et al. 1993: 36-39) enables the constitution of huge private land ownership as well as upward mobility from cattle farming to a market economy. At the same time, the rise of the middle classes (shopkeepers, teachers, workers and low-grade civil servants) who maintain a rural and agricultural base (Fuller et al. 1996: 9) stimulates investment. The recent opening of large retail shops in the rural areas or in small places at the lower end of urban settlements in the regions is evidence of this.<sup>18</sup>

The circulation of capital in the 'homelands' – encouraged by economic openings in the towns and the hinterland and initiated by a small mobile community of big traders from the northern regions – is increasingly visible. However, exactly what effects this will have at local level and the consequences on endogenous regional economic development cannot be perceived.

With an annual demographic growth rate of over 3%, the former Kavango and Owamboland, with a combined population of 700 000, rank second – after Windhoek – for the value of private national consumption (Table 5). According to official bank sources, this population, 90% of which is rural, has substantial monetary resources but these are very unequally distributed. Namibia's central bank (the Bank of Namibia) and that of South Africa (the South African Reserve Bank) estimate that R350 million was in circulation in the northern regions before the introduction of the Namibia Dollar in September 1993 (Brown 1994: 4). A considerable proportion of these monetary flows come from the distribution by the State of a large sum in salaries – as a result of keeping on civil servants inherited from the ethnic administrations and from the enlargement of the public service – as well as monetary transfers from migrants, on which many rural inhabitants depend.

Due to the effect of the sustained demand, the growing regional and local markets are being totally restructured. With the assertion of the middle classes, supply is becoming diversified, evidence of this being the recent

<sup>17</sup> Approximately 80 000 men were stationed in Namibia in 1986, of whom the majority were in the north (Dreyer 1994: 161).

<sup>18</sup> Okahau, Ombalantu, Uutapi, Eenhana in former Owamboland, and Nkurenkuru and Bagani in former Kavango are good examples.

development of the market in consumer goods and the development of the sale of materials for construction and spare parts for cars. The market, which to date has been dominated by the First National Development Corporation and a small number of big local traders, is attracting an increasing number of foreign firms, most of which are South African. Finally, the Angolan demand for current consumer goods, which has been rising constantly since 1992, also contributes to the commercial momentum. According to the customs services in Oshakati, sales of food products increased almost four-fold between 1993 and 1996, rising from N\$6,4 million to N\$22,1 million per annum. These sums are only an indication of the real trans-frontier trade. Some of the big local traders estimate that Angola imports goods to the value of N\$10 million each week (Brown 1994: 17; personal interview 17/4/96). The illegal trade in Angolan and Namibian diamonds and the black market in goods stolen in Namibia or South Africa, particularly in cars, is certainly part of the explanation (Brown 1994: 4).

An ever-increasing amount of capital is therefore in circulation on the local and regional market. However, it is rarely reinvested in the northern towns.<sup>19</sup> Possessing a small economic base with limited technical know-how and administrative capacities (Kadhikwa et al. 1996: 24), the towns in the north are unable to attract this capital. Like some of the symbolic local personalities, the most prominent Owambo entrepreneurs prefer to invest in the former 'police zone', particularly in Walvis Bay and Windhoek, where a diversification of activities is both possible and profitable, particularly in the fishing, construction and property sectors. In addition to the accumulation which results from this draining of trade by the south and the upper echelons of the national urban hierarchy, we have the export of profits made by South African companies. Finally, in the present context of decentralisation, the new local authorities do not in practice have the means to participate in the commercial momentum.

The land ownership question preoccupies economic and political actors. In an effort to maintain control over the management and development of towns in the former 'homelands', the State retains ownership of town lands which have not been subdivided until the towns are proclaimed municipalities in their own right. Moreover, wherever plots exist, except for those in the north of Ongwediva, they cannot be bought or sold, but are allocated on demand by the local authority once the MRLGH has given its approval.

The absence of private land ownership has a dual disadvantage: on the one hand, it penalises local firms in search of investment which do not have access to banking credit due to the lack of a property guarantee, and

on the other hand, it prevents the local authorities from raising land and property taxes and from disposing of resources from the sale of plots. This situation deprives them of a considerable financial base, as the example of Oshakati demonstrates: the real estate value used for tax purposes of the 1 400 existing plots is evaluated at N\$23 million (Oshakati Town Council Evaluation Roll 1995). Dependent on a ministry whose lack of budgetary assets is public knowledge and whose means are limited – given the number of territorial collectives under its supervision (13 regions, 12 towns and 17 villages), the urban administrations can neither promote economic momentum nor encourage its spread at local level.

Over and above the realisation that the gap is widening between the upper and lower echelons of the national urban hierarchy, there is the question of the role of the former 'homelands' in the national economy. Monetary circulation in the north means it is no longer merely a reserve of labour. The dual economic system founded on a spatial dichotomy is disappearing because the former 'homelands' are today both a base for accumulation and for the reproduction of the African labour force. What new forms of regulation will emerge from this new economic situation? What roles will local authorities play in this territorial momentum in the long term? For the time being, given their limited political means, they are proving unable to provide a framework for the present commercial momentum and to turn it into an instrument for redistributing and diffusing wealth.

### CONCLUSION: WHAT BASE IS THERE FOR GROWTH, WHAT IS THE FORM OF REGULATION AND WHAT SOCIAL PROJECTS ARE THERE?

Since independence we have seen that the base for growth has been enlarged to include fishing, tourism and the associated services, but no significant transformation of this base, and particularly in the nature of the growth – which remains founded on a rentier economy – can be observed. Given the handicaps inherited from apartheid, the lack of room for manoeuvre open to the leaders in 1990 and the long shadow of South Africa, this is in no way surprising. Moreover, it is difficult to see on what assets a real diversification could be established, and the hopes which are pinned to the exploitation of the Kudu gas fields confirm that the economic future will remain subordinate to the divided economy for many years to come.

The attention of this chapter therefore focuses more on state practices than on the difficulty, if not the impossibility, of transforming the productive base. By setting up a mixed economy, within which the relative weight of the public and parastatal sectors has been increasing constantly since 1990, rising to 28% of GDP in 1996, the Namibian Government has initiated a new form of regulation. The latter is based, on the one hand, on the search for a

<sup>19</sup> For lack of data in figures and broken down by towns and regions, the analysis is based on discussions with economic and political actors, and on personal observation during several stays between 1993 and 1996.

maximisation of investment income as a result of a liberal approach, capital and foreign technical know-how, and also the involvement of the national white elite, and on the other hand, on institutional engineering enabling the State to recover a considerable share of this investment income. The fundamental question is who gets the most out of this regulation and which line of approach – private capitalism, or state capitalism which is theoretically more redistributive – will gain the upper hand in the long term.

It has to be admitted that social polarisation remains high, and that a process of economic fragmentation threatens the country. The official rate of urban unemployment is 25% of the economically active population and the distribution of income is among the most unequal in the world, with the Gini coefficient reaching 70,1<sup>20</sup> and 'the 10% of the households (5,3% of the population) which have the highest adjusted per capita income consume about 44% of the total private consumption in households; the other 90% of the households (94,7% of the population) consume about 56% of the total of private consumption in the households' (NPC 1996). The disparities between regions are considerable and greater than previously thought, while – perhaps paradoxically – public investment per capita is to the advantage of the richest regions and towns (NEPRU 1997).

The search for both productive efficiency by means of liberalism and fair social redistribution is a contradiction which is difficult to resolve, especially for the Namibian Government, which has to combat inherited inequalities and build the nation while creating conditions for steady growth. With the regulation which it has implemented, the State is placed as a catchment area for investment income, which is legitimate as long as the redistribution of this income enables the reduction of social and spatial inequalities. At present the growth of the public service and the *laissez faire* surrounding the 'informal land reform' in the former northern 'homelands' coincides with a widening gap between supply and demand on the private labour market. Inequalities in income are far from being compensated for by transfers within cultural groups. If they were to become more serious in a context of geo-economic dislocation and stimulation of the growth of investment income by the exploitation of the gas reserves, the question of the legitimacy of the Government could rapidly emerge on the political scene.

<sup>20</sup> The Gini coefficient measures the extent to which income distribution differs from a pattern of perfectly even distribution. Thus a coefficient of 0 describes a situation of total equality of income, and a coefficient of 100 describes one of total inequality. By comparison, the Gini coefficients for South Africa, Zimbabwe and the Ivory Coast are 58,4, 56,8, and 36,9 respectively. The Namibian society is one of the world's most inegalitarian (World Bank 1997).

## 4

## To achieve freedom and equality: Namibia's new legal order

Manfred O Hinz

### THE CONSTITUTION: NAMIBIA'S *GRUNDNORM*?<sup>1</sup>

#### The Constitution and the 1982 Principles

The drafting of the Constitution of the Republic of Namibia happened neither in a social nor legal vacuum: the spirit of liberation and the hope for new realities were as present as the spirits and realities of the past. The protracted and complicated negotiations to prepare for the implementation of the independence Resolution 435 (1978) of the Security Council of the United Nations resulted, *inter alia*, in a pre-constitutional framework, namely the Constitutional Principles and Guidelines of 1982.<sup>2</sup> The Principles of 1982 were drafted by the Western Contact Group with the intention of binding the future Namibian constitution-makers.<sup>3</sup> They were accepted by all relevant parties, including SWAPO of Namibia, and the newly elected Constituent Assembly unanimously reaffirmed the Principles.<sup>4</sup>

The Principles contain several prerequisites which the future Constitution of Namibia was expected to implement. Apart from the requirements related to the doctrine of the *rechtsstaat* (supremacy of the Constitution, separation of powers, enforcement of the Constitution by an independent judiciary), the Principles call for a Declaration of Fundamental Rights which are enforceable by the courts. The Principles list the right to life, personal liberty and freedom, freedom of conscience, freedom of expression, freedom

<sup>1</sup> *Grundnorm* = 'basic standard'.

<sup>2</sup> Cf. Hinz 1988: 73f.

<sup>3</sup> Wiechers (1989/90: 1ff) analyses the legal significance of the Principles. He holds that the binding character of the Principles even survived (internationally and nationally) the adoption of the Constitution. Hinz argues against this (1996b).

<sup>4</sup> Constituent Assembly, sd: 15f.

of assembly and association, due process and equality before the law, protection from arbitrary deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. In general the Principles emphasise that the expected declaration of rights should be consistent with the provisions of the Universal Declaration of Human Rights.<sup>5</sup> Last but not least, the Principles require the establishment of elected councils for local and/or regional administration.

### The Declaration of Rights of the Namibian Constitution

Two arrangements in the new Namibian *grundnorm* deserve attention for the purpose of this paper. The first concerns the scope of legally enforceable human rights enshrined in the Constitution: in principle only the first-generation fundamental rights and freedoms found their places in the directly binding code of rights. The second arrangement relates to the very mechanism which has been built into the Constitution and which regulates the implementation of the provisions of the Constitution with special regard to the relationship between it and pre-constitutional law.

The rights of freedom listed in the Principles exclusively are first-generation rights. First-generation rights are the classical liberal rights, i.e. civil and political rights,<sup>6</sup> the objective of which is to prevent state powers from intervening in the sphere of individuals, but also to secure political participation in the democratic process. They all found their place in Chapter 3 of the Constitution, titled 'Fundamental Rights and Freedoms'. Article 5 clearly provides that all rights and freedoms contained in Chapter 3 shall be respected and upheld by all three powers of the State and all its organs and agencies.<sup>7</sup> Article 25 complements this provision by defining enforcement mechanisms binding upon the powers of the State and its agencies.

In looking more closely at the rights and freedoms stipulated in the previous chapter, one realises that all of these rights and freedoms – with the exception of one, namely the right to education (Article 20) – are first-generation rights. The right to education is a social right of the second generation. Social rights are rights which, in order to become effective, require the enabling enactment of the State. In the case of the Article 20 right to education, this is clearly spelt out in sub-article 2 in which the State is called upon –

... [to] provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

Other second-generation rights of the Universal Declaration of Human Rights that one may look for in the Constitution are the right to work, the right to rest and the right to a minimum standard of living (Articles 23, 24 and 25 of the Universal Declaration of Human Rights respectively).

Rights of this nature<sup>8</sup> can be found in Chapter 11, titled 'Principles of State Policy'. Article 95 identifies 12 areas in which the State is expected to 'actively promote and maintain the welfare of the people' by adopting specific policies. Health and strength of the workers (Article 95(a)), sound labour relations (95(c)), access to public facilities and services (95(e)), a living wage (95(i)), acceptable levels of nutrition and standards of living (95(j)) and the environment (95(k)) are examples of fields requiring such policies. To promote and maintain welfare through specific policies is not a matter of rights, but rather of guiding principles. As Article 101 clearly states, the principles of state policy are not legally enforceable; they are only there as a guide in making and applying laws to give effect to the fundamental objectives of the said principles. In the case of enactments based on these principles, they are allowed to serve as aids in interpreting the enactments.

In short, the new legal system of Namibia is in principle based on a constitutional model which focuses on the classical civil and political rights. Apart from the right to education, all other social (i.e. second-generation) rights, not to speak of third-generation rights, have been barred from the catalogue of legally binding rights. Social rights, in the sense of an intimated or comparative human rights theory, are *under-constitutional* matters that may be guided by the principles of state policy, but otherwise left to the discretion of politics.<sup>9</sup>

However, the equality provision under Article 10 of the Constitution, read together with Article 23 which provides for measures of affirmative action, allows for the translation of certain social interests into the right to equality. Article 10(2) explicitly excludes discrimination on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. Article 23 adds to this by authorising the lawmaker to enact legislation to correct the disadvantages created for the majority of the Namibian people. Article 23(3) extends the possibility of affirmative action to women in order

<sup>5</sup> UN General Assembly Resolution 217 (III) of 10 December 1948.

<sup>6</sup> Cf. Shestack 1988: 99; Dugard 1994: 204.

<sup>7</sup> It is important to note that the fundamental rights and freedoms in principle only apply vertically, i.e. between individuals and the organs of the State.

<sup>8</sup> Including aspects of third-generation rights, such as the right to environment.

<sup>9</sup> See Hinz 1991/92: 686ff. See also De Villiers (1994: 599ff), who summarises the South African discussion on the constitutional meaning of social and economic rights.

to enable them to play a full, equal and effective role in the political, social, economic and cultural life of the nation. The fact that the authorisation to enact measures of affirmative action is contained in the chapter of legally binding fundamental rights and freedoms will certainly have a bearing on the scope of the right to equality, by way of enriching the right through interpretation in the spirit of the affirmative action provision. This does not mean that a person claiming equality will have the right to force the State to enact a certain measure of affirmative action.

The second constitutional arrangement mentioned above deals with the relationship between constitutional and pre-constitutional law. Although it is binding on all state organs and agencies, the Constitution is not self-executing in the sense that unconstitutional law would be rendered unconstitutional by the mere fact of its unconstitutionality. Law that is in conflict with the Constitution remains in force until repealed or amended by either the lawmaker or a competent court. The High and Supreme Courts of Namibia are competent to declare law as unconstitutional.<sup>10</sup> These rules apply particularly to pre-constitutional law. Article 140(1) speaks of all laws in force before the date of independence, including statutory law, common law and customary law.<sup>11</sup> The enactment of enforceable fundamental rights and freedoms, therefore, does not lead to the automatic erasure of pre-independence law that conflicted with the Constitution. Thus the decision to safeguard legal certainty by guaranteeing the continuous validity of pre-independence laws prevails over the constitutional interest to constitutionalise the inherited legal order.

It is noteworthy, however, that a substantial amount of democratically unacceptable laws were repealed in the run-up to the Constitution. Laws relating to the so-called Transitional Government of National Unity had already been repealed by the South African Administration.<sup>12</sup>

In pursuance of the independence package based on the UN Security Council Resolution 435 (1978), the South African Administration repealed 'discriminatory or restrictive laws, regulations or administrative measures which might abridge or inhibit' the objective of free and fair elections in Namibia.<sup>13</sup> In addition to this, the Constitution itself repealed some of the

<sup>10</sup> Articles 79(2) and 80(2) of the Namibian Constitution.

<sup>11</sup> See also Article 66 of the Namibian Constitution.

<sup>12</sup> Cf. Repeal of the Law on the National Assembly, the Cabinet and the Constitutional Council Proclamation, AG 16 of 1989, but also the Representative Powers Transfer Proclamation, AG 8 of 1989, and the Government of Rehoboth Transfer Proclamation, AG 32 of 1989.

<sup>13</sup> Cf. First and Second Law Amendment (Abolishment of Discriminatory and Restrictive Laws for Purpose of Free and Fair Election) Proclamation, AG 14 and AG 25 of 1989.

remaining constitutional and second-tier government laws which had become obsolete with the new Constitution.<sup>14</sup>

### Parameters to assess the achievements of the new legal order

The arrangements can indeed be said to be the two parameters which allow for the assessment of the achievements of Namibia's new legal system. They will be the main points of reference for the analysis following, and will lead into a concluding consideration as to how far the new legal system was able to overcome deficits of the previous colonial dispensation. The question of the societal acceptance and acceptability of the Constitution will guide the reflections. The introductory statement on the constitution-making process, having operated within an externally set framework, but also in respect of internal conditions, will be resumed in the concluding remarks in order to ascertain the Constitution as a viable *grundnorm* of Namibia's new legal system.

### Shaping the new legal order

It is easy to point to human rights violations in any society. Violations of human rights are normal in the sense that no government is perfect, and as long as judicial structures are available to remedy them. Human rights violations, however, become an issue of special concern when certain violations of rights grow into a permanent or even structured feature of society for which the usual statutory remedies, be they national or international, are unable to bring relief.<sup>15</sup>

Bearing this in mind, the following assessment of Namibia's new legal order will concentrate on three areas in order to measure its achievements: first, access to the legal system, i.e. to justice through courts, as this shows the actual degree of protection of civil and political rights; secondly, access to the political system, as the efficiency of democracy stays or fails with the degree of participation in the decision-making process on various levels; and thirdly, access to welfare.

It is understood that by focusing on these areas, other important aspects of the democratic society are not specifically highlighted here. Transparency

<sup>14</sup> See Article 147 of the Namibian Constitution, read with Schedule 8.

<sup>15</sup> It is held that so far the national and international statutory remedies have been able to relieve the cases of unavoidable human rights violations which have occurred in Namibia since independence. Therefore the following does not here take up matters which were recorded by the Ombudsman of Namibia in his annual report.

and accountability are political values that are directly related to the rule of law. Freedom of the media and the independence of the judiciary are prerequisites for the functioning of any type of democratic culture. These aspects, however, are seen to be inherently covered by the focus chosen. It would not make sense to talk about access to the legal system in view of the need to protect rights and freedoms, if at the same time the system were unreliable due to its being under the influence of the Government. To talk about political participation necessarily includes taking note of the state of accountability, transparency and freedom of the media.

### *Access to justice*

The accessibility of justice through courts depends on various factors: the number of courts and their location, the degree of available service, the professionalism of the legal personnel and the functioning of the institutional framework in which the courts operate.

Before looking into these matters, one has to consider the structure of the courts as provided for by law. According to the Constitution, the High Court stands at the centre of the court structure, being the only court which is said (Article 80(2)) to have original jurisdiction upon all civil disputes and criminal prosecutions, including all sorts of constitutional cases. The Supreme Court is the court of appeal for the High Court (Article 79). Special procedures are set out for the appointment of legal officers to staff the two courts, i.e. the judges. The appointment and removal of judges can only be effected by the President of Namibia on the recommendation of the Judicial Service Commission.<sup>16</sup>

The lowest court level of the judiciary is represented by the lower courts, which comprise the magistrates' courts<sup>17</sup> as well as the traditional courts.<sup>18</sup> They are presided over by judicial officers appointed in accordance with procedures prescribed by an Act of Parliament, as stated by Article 83(2) of the Constitution. The presiding officers of both types of lower courts are not judges in the strict sense. Magistrates are public servants in the Ministry of Justice,<sup>19</sup> while traditional courts are presided over by

traditional leaders who derive their authority from their appointment to such office, and in certain cases from the special powers conferred upon them.<sup>20</sup>

At independence in 1990, 18 magistrates held court at 12 places in Namibia.<sup>21</sup> In the whole of the far north only one resident magistrate existed, i.e. in Katima Mulilo for the Caprivi. Owamboland and Kavango (as they were then known) were served by magistrates residing somewhere else. At the end of 1994 the number of magistrates was increased to 42 at 23 places. Three magistrates' courts with a total of six magistrates were established in former Owamboland – at Oshakati, Ondangwa and Uutapi – and one court with two magistrates was established in Rundu. In addition to this, court offices were built in order to allow magistrates to hold periodical courts outside their places of residence.

The workload of the magistrates' courts developed accordingly. In 1990 only 364 criminal cases were recorded at the Ondangwa Magistrate's Court (which at the time was the only court office for Owamboland, served from Tsumeb). The Oshakati and Ondangwa Magistrates' Courts recorded a combined total of 5 881 cases in 1992, the figure basically remaining at this level in 1993 and 1994, even after the Uutapi Magistrate's Court opened. In magistrates' courts generally, the number of maintenance complaints almost doubled between 1990 and 1994 – from 1 367 in 1990 to 2 476 in 1994. Regarding the workload in civil matters generally, the records show that magistrates' courts spent 25 times more time on civil matters in 1994 than in 1990.

The interpretation of the quoted figures may be debatable in detail. In general it can be assumed that the increase in the number of courts, court offices and magistrates substantially contributed to increasing access to justice. Despite the fact that the crime rate rose since independence, it can be held that the greater accessibility of the legal system motivated people to take their matters to the courts.<sup>22</sup>

The increase in the number of legal personnel in the magistrates' courts and the Office of the Prosecutor-General was made possible by the pre-independence efforts of SWAPO and the United Nations Institute for Namibia (UNIN) in Lusaka. The majority of the appointees since 1990 were UNIN graduates who received additional training at the Zambian National Institute for Public Administration. The establishment of the Justice Training

<sup>16</sup> Articles 82 and 84 of the Namibian Constitution; see also the Judicial Service Commission Act, No. 18 of 1995.

<sup>17</sup> Magistrates Court Act, No. 32 of 1944, as amended.

<sup>18</sup> The main piece of relevant legislation is the Civil and Criminal Jurisdiction – Chiefs, Headmen, Chiefs' Deputies and Headmen's Deputies – Territory of South West Africa Proclamation, R348 of 1967, as amended. For a full record on the law governing the system of the traditional administration of justice, see Hinz (1996a: 71ff).

<sup>19</sup> This is a point of concern relating to the independence of magistrates. It is arguable constitutionally (and indeed it has become a matter of discussion in the Ministry of Justice) that magistrates should enjoy a status comparable to judges. In this regard see also National Society for Human Rights (1996b).

<sup>20</sup> It is noteworthy, however, that section 4(1)(a) of the quoted Proclamation R348 of 1967, in view of traditional leaders in some areas of Namibia, speaks of 'original and exclusive jurisdiction'.

<sup>21</sup> This and the data of the following rely on Truter (1994).

<sup>22</sup> This development, of course, has a bearing on the performance of the High and Supreme Courts. The High Court currently has, apart from the Judge President, six permanently employed judges; the Supreme Court only has one, the Chief Justice, who is not, however, permanently resident in Namibia.

Centre assisted in familiarising the exile magistrates and prosecutors with the special conditions of the legal system in Namibia, through the provision of in-service training courses.<sup>23</sup>

Despite this, the number of court personnel and legal professionals available – and also of police officers – is not sufficient to enable catching up with developments since independence.<sup>24</sup> Up to now, not even one law firm operates on its own in the far north of the country. Regional offices of the Legal Assistance Centre, a public-interest law firm based in Windhoek, at least offer the services of paralegals at Ongwediva and Rundu.

Two more recent events may help to change the situation in the not too distant future. The first is the establishment of the Faculty of Law at the University of Namibia in 1993, and the second is the restructuring of the legal profession with the enactment of the Legal Practitioners Act, No. 15 of 1995. The Faculty of Law now offers legal training for a three-year under-graduate degree of Baccalaureus Juris (B Juris) and a two-year post-graduate degree of Baccalaureus Legum (LLB). The first group of B Juris candidates completed their studies at the end of 1996.

The Legal Practitioners Act provided for the restructuring of the legal profession by fusing the Bar and the Side-bar into one professional organisation, thereby giving attorneys the full right to audience before all courts. This change will also improve the access to courts and justice and contribute to the lowering of costs.<sup>25</sup>

As far as the institutional framework in which the courts operate is concerned, two items need special attention: the outstanding restructuring of traditional courts, and the necessity to reform certain areas of criminal and criminal procedure law.

A survey conducted for the Ministry of Justice<sup>26</sup> has shown to what extent traditional courts are an indispensable part of the overall administration of justice. The legal assessment of the survey outlined areas where reform was required in order to ensure that the traditional courts occupy their

<sup>23</sup> The appointment of the Lusaka graduates was an issue of nationwide debate and inquiries, as well as of common efforts to provide assistance to improve the performance of the exile trainees. The governments of Sweden and Germany, as well as the Ford Foundation, generously supported the in-service efforts of the Justice Training Centre.

<sup>24</sup> To give an example: It is estimated that the backlog in cases will translate into a delay of six months or more. The lack of personnel affects the whole of the legal system; cf. here the newspaper report titled 'Legal system in state of collapse' (*Windhoek Advertiser* 7/2/96).

<sup>25</sup> The Act gave rise to a debate on the legal and social framework of the profession at large. See Joint Comment (1995) and Namibia Law Association (1995). Otherwise, the issue of money and access to justice, including legal aid provided by the Government (cf. Legal Aid Act, No. 98 of 1990), is a topic on its own (cf., in this volume, Kössler & Meibler, and Tapacott).

<sup>26</sup> This formed the empirical basis of Hinz (1996a).

place within the greater setup of traditional government and rule, but also to ensure that they become fully accepted as part of the justice system as provided for by the Constitution. Subsequent to the survey, a draft Customary Law and Community Courts Act was approved in principle by the Ministry of Justice and is now awaiting its submission to Parliament. Its eventual enactment will have an immense impact on the performance of the justice administration. It will bring the much-needed legal tools to strengthen the role and functions of traditional courts as the grassroots custodians of justice.

Access to justice has become a special issue in view of problems in the administration of criminal and criminal procedure law. So far, the greater part of criminal law in force is (uncodified) common law, and in many respects it does not meet with conditions of the world of today. Rape, domestic violence and all gender-related crimes are examples of this. Granting of bail, minimum sentences and more efficient protection of victims of crimes are procedural issues which have also been put on the agenda. Some are under inquiry by the Law Reform and Development Commission,<sup>27</sup> and the whole range of issues forms part of the terms of reference of the recently appointed Commission of Inquiry into Legislation for the More Effective Combating of Crime in Namibia.<sup>28</sup>

### *Access to political participation*

Peoples' participation in the political system can be looked at from various sides. The degree of civic awareness is an important factor, and another is the readiness of the Government to share power with decentralised structures. The willingness of NGOs to act – and society's acceptance of their doing so – is as indispensable as the freedom of expression. In the following, only the institutional framework of the decentralised execution of power will be analysed. It will be assessed in view of its functioning, with special regard to its potential for allowing effective participation in the political system.

Three legislative measures are brought to mind when talking about the decentralisation of power in Namibia: the Local Authorities Act, No. 23 of 1992; the Regional Councils Act, No. 22 of 1992; and the Traditional Authorities Act, No. 17 of 1995, as provided for by the Constitution (Article 102).<sup>29</sup>

Although Article 102 does not explicitly emphasise traditional government, it is implicitly acknowledged by making the Council of Traditional

<sup>27</sup> Established under the Law Reform and Development Commission Act, No. 29 of 1991, as amended.

<sup>28</sup> Proclamation 2 of 1996; see also GN 75 of 1996.

<sup>29</sup> On the implementation of decentralisation, cf. Graef & Peyroux in this volume.

Leaders part of this Article on regional and local government.<sup>30</sup> Apart from this legal argument, recent developments in southern African countries have shown that strategies of decentralisation have been running into difficulties because they have not considered the deeply rooted adherence to traditional government.<sup>31</sup> Securing traditional good governance has become a political and administrative challenge. Given the widespread acceptance of traditional authority, efforts have to be made to assist traditional leaders to meet the needs of the times.<sup>32</sup>

Local authorities have been in existence for a long time. There was nevertheless the need to replace the local authority law in force with the new Local Authorities Act. The Act abolished the legacy of apartheid which separated the people living in urban settlements along racist lines.<sup>33</sup> In addition, the areas set aside for the black population as so-called 'self-governing territories' did not have any local government establishment, so the Local Authorities Act removed the inherited discriminatory laws and provided for a uniformly applicable local government structure and the establishment of local authorities in the former black territories. The powers and functions of local authorities do not differ much from the usual code of powers and functions assigned to local government.

The first democratic local (and regional) election was held in 1992. A special provision which so far only applied to this election is noteworthy in our context: section 6(3) of the Local Authorities Act, a clause addressing affirmative action, obliged all parties which participated in the election to nominate on their respective lists (depending on the number of council members to be elected) a minimum of two to three female candidates.<sup>34</sup>

<sup>30</sup> Article 102(5) states: 'There shall be a Council of Traditional Leaders to be established in terms of an Act of Parliament in order to advise the President on the control and utilization of communal land and on all such other matters as may be referred to it by the President for advice.' This has to be read together with Article 66, which stipulates that customary law 'in force on the date of Independence shall remain valid to the extent to which such customary law ... does not conflict with this Constitution or any statutory law'. An inherent part of customary law is traditional government and leadership.

<sup>31</sup> The best example to illustrate this is Zimbabwe. After nine years of independence, the Zimbabwean government decided to re-traditionalise its customary courts; cf. Hinz (1996a: 28f). A further important example is Mozambique; see here Lundin (1995).

<sup>32</sup> There is a lot to do: consultations, educational efforts, support to implement structural change (without destroying the substance of traditional government), e.g. in view of the provision of the Traditional Authorities Act, No. 17 of 1995, which makes it part of the functions and duties of traditional authorities to 'promote affirmative action ... in particular by promoting women to positions of leadership'. See also Hinz (1996c).

<sup>33</sup> The situation of local government before the enactment of the Local Authorities Act is summarised in various symposium papers in the volume *Local Government in Namibia* (1990), published by the Friedrich-Ebert-Stiftung in Windhoek.

<sup>34</sup> An evaluation of this clause is contained in Hubbard & Kavari (1993).

A very new avenue for people's participation in the political system opened with the enactment of the Regional Councils Act, the implementation of which was prepared by the creation of 13 new regions. Departing from the apartheid-based system of separate development,<sup>35</sup> the Delimitation Commission drew new boundaries following geographical criteria and not criteria of race, colour or ethnic origin, as stipulated in the Constitution (Article 102).<sup>36</sup>

The members of a regional council are elected by majority vote in constituencies into which the regions have been subdivided (one member per constituency) (Article 106). Each council has to elect two members from amongst themselves as members of the National Council (Article 108(a)).<sup>37</sup>

The list of powers, duties, functions, rights and obligations of regional councils, contained in section 28 of the Regional Councils Act, places special emphasis on the 'planning of the development of the region'. Executive powers in the real sense, however, are not allocated to regional councils.

The Traditional Authorities Act replaced outdated colonial law<sup>38</sup> with provisions based on principles trying to marry traditional government with constitutional requirements. The powers, functions and duties of traditional authorities cover a broad range of tasks. Apart from cultural performances, traditional authorities have to administer and execute the customary law of their communities, assist law enforcement agencies, and assist and cooperate with the organs of central, regional and local government. They also have to ensure 'that the members of their traditional community use the natural resources ... on a sustainable basis ...' (section 10(2)(c)). Application comprises customary law: administrative, judicial, but also law-ascertaining and even lawmaking functions.<sup>39</sup> The umbrella concept of all of this is 'to promote peace and welfare' (section 10(1)).

Neither the Regional and Local Government Acts nor the Traditional Authorities Act set out rules of competence to determine interaction and communication between the regional and local structures on the one hand, and the traditional on the other. Section 12(2) of the Traditional Authorities Act states only that 'where the powers of a traditional authority or traditional leader conflict with the powers of the organs of the Central Government, regional councils or local authority councils', the powers of the latter prevail

<sup>35</sup> Cf. Representative Authorities Proclamation, AG 8 of 1980, and Rehoboth Self-Government Act, No. 56 of 1956.

<sup>36</sup> See Report (1991); Töttemeyer (1992) and Establishment of the Boundaries of Regions and Local Authorities in Namibia Proclamation, No. 6 of 1992.

<sup>37</sup> Read with Article 69 of the Constitution – the National Council is the second house with the power to review legislation passed by the National Assembly.

<sup>38</sup> In particular, the Native Administration Proclamation, No. 15 of 1928, as amended.

<sup>39</sup> Cf. D'Engelbronner-Kloff (1995).

over the first. This is a mere rule of conflict, determining who has the last word, as the case may be.

In view of the existing state of horizontal separation of power, this rule of conflict is more important for the relationship between traditional and local authorities than for the relationship between regional council and traditional authority. Local authorities possess the full range of powers that such a body usually commands. This may lead to conflicts, particularly in urban settlements in which no local authority has existed thus far.

For the time being, the conflict potential in the regions will be rather limited, as regional councils do not have substantial executive powers. An interesting test case could be the relationship between regional councils and traditional authorities over natural resource management and planning, since both, in accordance with their respective legal status, are competent in that matter. Empirical evidence on the relationship between the regional and traditional level shows that, given the political weight of regional councils and regional governors,<sup>40</sup> their interaction is governed by a *modus vivendi* developed through practical cooperation.<sup>41</sup> But future developments may lead to conflicts because neither Act provides rules for possibly overlapping competencies. The right to allocate land is one of the vehemently defended traditional rights, which at the same time appears as a possible domain of the regional councils in the rural areas.<sup>42</sup>

Accepting regional, local and traditional government, i.e. decentralised authorities of elected and traditional structures, as legitimate forms of government, one can in principle distinguish between three models to accommodate the two sets of authority: dualism (non-regulated or regulated), integration (by way of subordinating traditional authority) and harmonisation. Before the Traditional Authorities Act was passed, the situation was characterised by non-regulated dualism. The situation has since changed towards regulated dualism, and depending on future practical developments, may lead to either integration of the traditional level into the state level proper, or improve into a system of harmonisation from below by maintaining a relatively high amount of traditional autonomy.

It is difficult to anticipate which of the two alternatives will prevail, as there are various trends. The importance of traditional offices may lose weight as elected offices pay better. Since the Traditional Authorities Act renders the holding of traditional leader status incompatible with a political

<sup>40</sup> See sections 1, 18, and 19 of the Regional Councils Act. The governor is the chairperson of the council as well as of the council's management committee.

<sup>41</sup> Cf. 'The political and economic sustainability of traditional authorities', a project conducted by the Centre for Applied Social Sciences (CASS), Windhoek.

<sup>42</sup> See section 28(1)(c) of the Regional Councils Act. On the traditional right to allocate land, see Hinz (1996: Annexure - Customary land law and the implications for forests, trees and plants).

office at the same time, the latter will certainly become more attractive than the former.<sup>43</sup> Another trend is conditioned by the long-awaited amendment of the Regional Councils Act. At present there is a conceptual gap between councillors' electoral status and voters' expectations on the one hand, and the councillors' de facto performance in the day-to-day administration due to their lack of statutory power on the other.<sup>44</sup>

A long-smouldering conflict between the two Houses of Parliament – the National Assembly and the National Council,<sup>45</sup> recently almost led to a court case. The conflict is due to several factors. Firstly, the Constitution, which describes the roles and functions of the two houses, does not define the status of their mutual relations. The lack of clarity, however, did not come as a drafting mistake, but rather as a result of the compromise concept of decentralisation employed by the constitution-makers. In a federal state, the restriction of the second house to the power of review is compensated for by the powers the representatives of the individual states enjoy in their respective states. Such a balancing compensation does not exist in Namibia. Politically accountable to the regional councils from which they come, the National Council members see themselves as the true representatives at grass-roots level. And yet, their relatively influential secondary role at the central lawmaking level is not evenly matched by equivalents in their home councils.

It can be anticipated that the establishment of the Traditional Leaders' Council will intensify the problem. Although the functions and duties of the Traditional Leaders' Council will be restricted to advise the President of the Republic of Namibia 'on the control and utilisation of communal land' (Article 102(5)), this Council will inevitably become a national forum for issues of traditional government. The fact that the President will be the holder of the conduit to the agencies of government will not ease the process of communication nor of participation in decision-making. Constitutionally speaking, the advice given by the Traditional Leaders' Council may not be

<sup>43</sup> See sections 11(2) and (3) of the Act. This incompatibility will affect several persons who currently hold two offices. Kaptein H Witbooi (Witbooi Nama), Paramount Chief K Riruako (Herero), Gaob J Garoeb (Damara) and Kaptein D Luipert (Swartbooi) are Members of Parliament. H Witbooi even holds the office of Deputy Prime Minister. Thus far it is open to debate whether the quoted section of the Traditional Authorities Act will be tested against the constitutional right to political activity (Article 17 of the Constitution). According to information from the Ministry of Regional and Local Government and Housing, plans are underway to amend section 11 of the Traditional Authorities Act in order to allow traditional leaders, apart from the top position (Chief or Senior Traditional Councillor), to hold political offices.

<sup>44</sup> Cf. here Töttemeyer (1995: 69ff) and (1995).

<sup>45</sup> This conflict goes back to the time when the National Council commenced its work after the 1992 regional and local election. Is the one the first house and the other the second? Do the members of the two houses deserve the same status? What is the status relation between the Speaker of the National Assembly and the Chairperson of the National Council?

taken note of by the National Assembly and the National Council unless it is forwarded by the President through the Cabinet (see Articles 27 and 35 of the Constitution) to one of the two houses. Therefore the only national representation of traditional government, as limited as it may be, is only indirectly linked, constitutionally, to the representatives of elected offices.

### *Access to welfare*

The second, or 'social constitution', is composed of two Acts, namely the Labour Act, No. 6 of 1992, and the Social Security Act, No. 34 of 1994.<sup>46</sup> It is the legislative response to the constitutional appeal to promote the welfare of the people (Article 95).

Both Acts have to be seen against the background of the development from the state-administered migrant labour recruitment system to an early-capitalist system of 'hire and fire'.<sup>47</sup> The Labour Act terminated this system by introducing a number of mechanisms which set limits to contractual freedom in labour matters by providing the basic conditions of employment, the amount of maximum weekly or daily working hours; overtime work; work on Sundays and holidays; night work; annual, sick and maternity leave; health and workplace security; and protection against unfair dismissals and unfair disciplinary actions. Furthermore, the Act stipulates the functions, duties and rights of trade unions and employers' organisations, regulates their bargaining power and provides for the binding effect of collective agreements.

The Labour Act abstains from securing any type of living or minimum wage. In response to Article 95(i) of the Constitution – 'to ensure that workers are paid a living wage' – the Act established a wage commission which may recommend to the Minister of Labour and Human Resources Development the issuing of wage orders (section 92).

Other mechanisms of the Labour Act catering for the interests of the parties to the labour market, in particular to protect employees, are the Labour Advisory Council and Labour Courts. The former consists of four representatives of the Government, and of registered trade unions and registered employers' organisations respectively, and it is tasked to advise the Minister of Labour and Human Resources Development in all labour-related matters.

The Labour Act does not provide for any direct social benefit. Even the section on maternity leave does not stipulate more than the right to

<sup>46</sup> The importance which the lawmaker attributed to the Labour Act is expressed by the fact that the Act, unusually for a 'normal' statute, opens with a preamble. This preamble recalls general principles and values, as the preamble of the Constitution does.  
<sup>47</sup> Cf. Hishongwa (1992).

unpaid leave. A first scheme of benefits came into being with the Social Security Act which came into effect in January 1995. Although this deals with three benefit schemes, namely the Sick Leave and Death Benefit Fund, the National Medical Benefit Fund and the National Pension Fund, only the first has been put into force. Every employer and every employee has to register himself/herself with the Social Security Commission established under the Act. Both parties have the obligation to pay a certain contribution to the Fund,<sup>48</sup> which in turn pays to employees (or to their dependants in case of death) benefits under conditions prescribed by the Act. The administrator of the fund is the Social Security Commission, this being a tripartite body comprised of three representatives of the Government, trade unions and employers' organisations.

There are two points of view from which to assess the achievements of the social constitution of Namibia: one would be to look at the standards of the conventions and recommendations of the International Labour Organization (ILO), and the other would be to see how the standard employed by the Acts meets the difficult development process of the country.<sup>49</sup> The fact that Article 95(d) of the Constitution talks about 'adopting ... policies aimed at ..., where possible, adherence to and actions in accordance with' the said international instruments, speaks in favour of the first approach. Nevertheless, the second approach is followed here as it better highlights the factual situation in which the social constitution operates.

Two examples will be called to illustrate the difficulties in implementing the social constitution. The first example refers to conditions of work in so-called micro, small and medium enterprises, and the second refers to the debate about the application of the Labour Act in export processing zones (EPZs).

Micro and small-scale businesses have difficulty in coping with the formalities of the labour law, but also with the minimum standards prescribed. It is more than likely that many contraventions occur, in particular in informal sector businesses, the prosecutions of which would lead to the breakdown of such enterprises.

The projected Walvis Bay EPZ received its legal framework with the Export Processing Zones Act, No. 9 of 1995. This Act, exempted from the application of the Labour Act as a whole, instead empowered the Minister of Labour and Human Resources Development to regulate all matters otherwise covered by the Labour Act. The reactions of the trade unions brought implementation of the Act to a halt. Negotiations with the unions eventually

<sup>48</sup> The amount of contributions to the Fund is determined by section 8 of the Regulations under the Social Security Act, GN 198 of 1995.

<sup>49</sup> Cf. Kömer-Dammann (1991: 185ff, 194) who, in view of the anticipated implementation of ILO standards, refers to the limited resources of Namibia.

led to a compromise set out in an Amendment Bill (B.2 of 1996) which allows for the application of the Labour Act in principle, but still excludes lock-outs, strikes and actions related to lock-outs and strikes. Detailed mechanisms have been stipulated regarding contraventions of the prohibited actions mentioned.<sup>50</sup> Whether the Walvis Bay EPZ will meet the high expectations of foreign investors remains to be seen.

So far the social constitution has remedied some of the evils of the past. But its impact on the many micro and small, informal businesses has to be monitored. It could not reach out to those who never entered employment.

### The *grundnorm*'s test of societal acceptance

Research to test the societal acceptance of Namibia's *grundnorm* has not been undertaken. However, it can be assumed that the majority of the people would tick 'Yes' to a question such as 'Do you support the Constitution of Namibia?'. Nevertheless, problems of acceptance become apparent when it comes to details.

A very enlightening example to illustrate what type of difficulties the acceptance test may encounter was the debate around the Married Persons Equality Act, No. 1 of 1996. When the Women and Law Committee of the Law Reform and Development Commission started its work on the matter of the Bill, it was thought to be an easy exercise. It was thought that the concept of the husband's marital power over his wife, which was clearly a contravention of the equality provision of the Constitution, would be done away with. Not only did it take a substantial amount of time to trace all the ramifications of marital power, but the substance of the reform attempt – the abolition of marital power – led to a nationwide debate with emotions running high.<sup>51</sup> Nobody argued against the Constitution, but rather, people expressed their concern about the intended reform as being anti-Christian and anti-African, thus capable of destroying the established system of family life. Interestingly enough, by arguing in such a way, the concept of marital power was defended, so to speak, as part of traditional law, although it

<sup>50</sup> After further amendments the Bill was recently adopted by the National Assembly and the National Council, but it has not yet come into operation. One of the amendments stipulates that the restrictions on the rights to strike and lock-out will lapse after five years, unless prolonged. It appears that the trade unions have eventually consented to this compromise. It is beyond the scope of this paper to discuss the acceptability of the regime agreed upon in view of ILO conventions: the Freedom of Association and Protection of the Right to Organize Convention, No 87 of 1948; the Right to Organise and Collective Bargaining Convention, No 98 of 1949; and the Tripartite (International Labour Standards) Convention, No 144 of 1976, to all of which Namibia is party.

<sup>51</sup> Cf. Law Reform and Development Commission (1994) and National Council (1996).

originated from Roman-Dutch law, which had been imported to the then South West Africa in 1919.<sup>52</sup>

The example depicts the discrepancy between the acclamation of the Constitution as the symbol of liberation and independence, and the translation of the Constitution into daily life. A symbol of liberation on the one hand, it intended to affect many things which people did not necessarily link to the D-day of independence on the other. Human rights for everybody, national reconciliation, affirmative action for the underprivileged majority and social welfare were all enshrined in the Constitution.

The Constitution of Namibia was born into a society characterised by different orientations and interests. The Constitution was also born into a society in which a highly developed legal system operated.<sup>53</sup> This system did not deliver justice to the majority of the people owing to its apartheid infections. Nevertheless, it laid the foundations of the legal culture of the country.<sup>54</sup> The Constitution was also born into a society having limited resources. To take all of these elements into account and to implement the Constitution means to do the nigh impossible – at least as long as it has not grown roots in the still emergent civic society.

In conclusion: A fair amount of access to justice has been achieved, political representation is high on the agenda, and access to social welfare will only to some extent depend on the Government, but more on the society as a whole.

<sup>52</sup> Administration of Justice Proclamation, No. 21 of 1919.

<sup>53</sup> Cf. Van Reenen (1995); the Zimbabwean political scientist Moyo (1989) made the point that the extension of the so far limited application of the legal system of South Africa (read Namibia) to the whole of the people would allow for 'a solid claim to democracy'.

<sup>54</sup> Cf. Sachs (1990).

## 5

## Public administration: constraints and challenges

Henning Melber

At the threshold to formal political independence, Namibia had to face an enormous if not impossible task. In the words of Prime Minister Hage Geingob (1995: 211), under whose political office the public administration falls:

[P]rior to independence, the policy of apartheid, based on racism, was promoted to protect the interests of the privileged minority. Political and civil service structures in the country were intertwined, both dedicated to promoting this policy. Our first task therefore was to create an environment that would be conducive to the new reality, making a conscious effort to minimise hatred and mistrust built up over a century of colonialism and restructuring the public service to remote the inequities of the past and to make it an instrument of change.

In this spirit the Namibian Constitution deliberately aims at reconciling previously antagonistic forces by means of one common framework. Next to the uncompromising establishment of clearly defined human rights (including, inter alia, the protection of life by abolishing the death sentence), the Constitution explicitly refers to the philosophy of national reconciliation. As stated in the preamble (1990: 1), the people of Namibia 'will strive to achieve national reconciliation and to foster peace, unity and a common loyalty to a single State', which is constituted as 'a sovereign, secular, democratic and unitary State securing to all our citizens justice, liberty, equality, and fraternity'.

Presumably with the aim of minimising any disruptive and obstructive effects, as well as reducing the vacuum anticipated from a radical shift in power structures, the Constitution explicitly acknowledges the legal and

administrative structures inherited from the South African regime. Article 140(1) states:

Subject to the provisions of the Constitution, all laws which were in force immediately before the date of independence shall remain in force until repealed or amended by Act of Parliament or until they are declared unconstitutional by a competent court.

Article 141(1) adds to this continuity:

[A]ny person holding office under any law in force on the date of independence shall continue to hold such office unless and until he or she resigns or is retired, transferred or removed from office in accordance with law.<sup>1</sup>

Keeping in mind the limited framework for social change within such defined constitutional parameters, the constraints and challenges for establishing a genuine Namibian public administration are quite obvious. This chapter deals with some of the inherent problems concerning the decolonisation of state and bureaucracy. It is based on some of the findings of a public sector analysis.<sup>2</sup> They are followed by a critical analysis of the present needs and efforts towards a civil service reform.

## THE PUBLIC SECTOR IN THE MACRO-ECONOMIC AND SOCIO-POLITICAL CONTEXT

Namibia's public sector was restructured at independence with a view to making it less concentrated and to diversifying its functions and leadership.

<sup>1</sup> This 'continuity clause' is especially interesting when compared to the procedures of the almost parallel process of German unification in the early 1990s. With reference to the state structures of the former GDR, declared as being illegitimate, the West German authorities dissolved any public service obligations to the employees of the former East German State. Instead, the term '*Abwicklung*' (much more precise in its English translation equivalent, 'liquidation') became the euphemistic description of abandoning the whole previous bureaucracy.

<sup>2</sup> National Planning Commission, Swedish International Development Agency & Namibian Economic Policy Research Unit, *Public sector analysis, Namibia, Volume 2: An analysis of the resources, structures, functions and activities of the public sector of the Republic of Namibia*, reported by Anton Johnston (SIDA), Henning Melber (NEPRU) & Tor Sellström (NEPRU). The three volumes (including a *Summary of findings* as Vol. 1 and a *Handbook* as Vol. 3) were presented to the Office of the Prime Minister in mid-1994. The study has since been revised and updated (Johnston, Melber & Sellström 1997).

A further aim of the restructuring was to create national state structures which had been absent from the colonial (provincial) Administration. This new state structure was created through a process of negotiation between the parties and with the colonial power, and was therefore not formed in relation to national plans or political priorities on development. It was built initially by breaking up the influential departments in the public service administration. Into these were incorporated parts of the previous 'ethnic administrations', and some new structures were built.

The new state structure was thus set up on the two axes of a theoretical design untested against a national policy or plan, and an inherited apartheid administration. It was extremely centralised and centralising, partly by inheritance and partly to act against the fragmentation imposed by apartheid. In accordance with Article 141 of the Constitution and the principles of reconciliation, the Government was unable and unwilling to reduce the staffing or make major structural changes such as those that would be implied by radical decentralisation. As a result, state structure (and public administration) was merely expanded, but not really transformed, and soon reached questionable proportions (cf. Melber 1994a).

The authoritarian South African colonial Government had in its culture and its governance philosophy the drive to control and monitor all citizens and their activities. This can be seen in the size of the public sector and in the number, complexity and composition of its various administrations (12 of them for just over a million people). One present danger is therefore that the inherited model of governance is transferred under other guises to the new nation – one which is very hierarchical and authoritarian, and attempts to expand itself to do everything.

A specific law cannot be viewed as the main obstacle; rather, the main obstacle is the longstanding tradition of restrictive regulation. People are not aware of their constitutional freedoms and believe that only those activities are permitted for which a specific law exists. The licensing requirements for nearly every economic activity invoked a mentality that takes it as the State's discretionary power to allow or forbid such activities. This mentality results in administrative officials adopting inflexible and restrictive practices. Unfavourable decisions of the authorities are accepted without much ado. Along similar lines, there exists a passive approach to political participation in day-to-day matters.

There is plenty of evidence that the new State is continuing to establish itself everywhere. The ruling party has decided, in alliance with the opposition, that the outreach of the State to the furthest corners and most local communities should be consolidated and extended. A large central state machinery has been set up, and the process of repeating it at local levels is being carried out. In many areas the Central Government is consolidating its role as the only notable public authority present in the lives of the people. In

the process, many thousands of civil servants have gained or retained their employment, and a large number of other citizens are becoming or remaining more or less directly dependent on the Government. One consequence is that the public sector is absorbing increasing proportions of national income and establishing itself as the major employer and consumer in the economy.

This is best illustrated by the following figures:<sup>3</sup> at independence there was an approximate total of 42 500 filled posts in the public service; by 1991 an increase of about one third (roughly 15 000) was recorded, bringing the total of filled posts to about 57 500; by October 1995 the total number was about 62 500, this being an increase of some 20 000 public servants (almost 50%) since independence. About 50% of the Government's annual budget is currently spent on employees in the public service.

Despite such investment in both size and costs, the composition of the civil service as reflected by figures compiled during the above-mentioned public sector analysis in 1994 still illustrated the inherited discrepancies. Not surprisingly, these figures show a gross over-representation of whites in the higher ranks of the civil service: more than half (52,1%) of the senior officials and managers, representing 15% of all public servants, were still from this minority group, which constitutes about 5% of Namibia's total population. Furthermore, the disproportional relation of 78 male to 22 female public servants reveals a similarly significant discrepancy with regard to gender (im)balance.

Also, there is a clear lack of corporate bureaucratic culture and identity. Officials at different levels of administration do not see themselves as part of an active and committed national bureaucracy with commonly shared objectives, but rather as members of narrowly defined structures with only loose links to the rest of the civil service, and rather limited outlooks. This, of course, is not unique to Namibia. The lack of such a 'culture of commitment' also leaves the door open to various kinds of abuse and lack of productivity.

A serious reform of the public sector would have to address the issue of increasing awareness of the need to respect a spirit of proper ethical-professional standards within the wider context of a corporate political culture and the provision of services to the people. An abuse of power to provide access to additional privileges and 'fringe benefits' not really offered in strictly legal terms, create suspicions concerning the intentions and motives of some high-ranking politicians and civil servants. What is needed in the long run instead is a type of 'committed bureaucracy' (Sharma 1992: 165-167).

<sup>3</sup> They are presented in the Report of the Wage and Salary Commission (1995: 31, 35). The problem, however, is that until today there are no absolutely reliable data concerning the actual size of the bureaucracy, but only guesstimates. An overview is presented also on the basis of the annual budget figures for 1991/92 to 1995/96 in a separate table.

**TABLE 6: PUBLIC SECTOR DEVELOPMENT, 1991-1996: STAFFING ACCORDING TO MINISTRIES (FUNDED POSTS)<sup>4</sup>**

Ministry	1991/2	1992/3	1993/4	1994/5	1995/6
Office of the President	241	356	381	309	237
Office of the Prime Minister	235	209	310	336	340
Foreign Affairs	348	454	426	468	462
Defence	7 943	8 068	7 579	7 305	7 338
Finance	612	735	561	756	1 008
Education & Culture	19 391	21 884	24 062	27 359	27 092
Youth & Sport	63	112	98	134	177
Information & Broadcasting	297	205	110	110	131
Health & Social Services	8 638	8 430	8 648	8 930	9 970
Labour & Human Resources Development	162	211	201	216	217
Mines & Energy	176	169	169	195	185
Justice	450	465	448	496	529
Regional and Local Government & Housing	846	1 215	1 158	1 369	1 332
Trade & Industry	98	128	128	133	136
Agriculture, Water & Rural Development	3 778	4 512	4 538	4 861	4 823
Fisheries & Marine Resources	260	270	343	352	312
Works, Transport & Communications	9 352	9 392	8 648	7 017	6 868
Lands, Resettlement & Rehabilitation	171	193	206	196	240
Environment & Tourism	1 480	1 489	1 439	1 569	1 626
Home Affairs	5 917	5 713	5 679	5 619	5 329
Prisons & Correctional Services	-	-	-	-	369
<b>TOTAL</b>	<b>60 458</b>	<b>64 210</b>	<b>63 228</b>	<b>67 730</b>	<b>68 721</b>

<sup>4</sup> Political office-bearers are included in the following numbers. The Ministry of Education and Culture's figures for 1995/96 also include officials of the newly established Ministry of Higher Education, Vocational Training, Science and Technology. This table was compiled from State Revenue Fund annual budgets for 1991/92 to 1995/96, presented to Parliament by the Minister of Finance.

## REGIONAL AND LOCAL DIMENSIONS OF THE PUBLIC SECTOR

Democratisation, regionalisation and decentralisation are issues which are inextricably linked and widely discussed with a view to delegating authority and responsibility. With the collapse of the dirigiste commando economies and centralist regimes, and the parallel revitalisation of the notion of 'civil society' (whatever the definition and conceptual framework might be – an issue certainly not to be treated within the limited scope of this chapter), such power-sharing considerations are understandably on top of the agenda for the reorganisation of societies.

The advocacy of meaningful decentralisation as a contribution towards strengthening regions, local autonomy, popular participation and consequently the efforts for further democratisation in an attempt to bring the State to the people (or even vice versa), is much in line with a sophisticated and enlightened understanding of what might be perceived as 'good governance' – even if the latter is still difficult to achieve. Modernisation of the State in the sense of a number of initiatives being taken, including structural reforms towards more decentralisation, is not only a challenge for African or so-called 'developing' countries: such notions of state reform are widely accepted and implemented concepts in industrially more advanced countries too. The Organisation of Economic Cooperation and Development (1994) has identified the following trends, among others, as initiatives of its member states:

1. Decentralisation and deconcentration as a new distribution of responsibilities between central, regional and local levels of administration. This process emphasises regions and local institutions.
2. Deregulation as more local self-responsibility, delegation of power and increased flexibility. This requires a less rigid regulative framework, to reduce the intensity of state interference into private affairs and to create new space within administrative processes themselves.

In its development of local authority, the Namibian Government has taken some ambitious steps towards creating the possibility of decentralising tasks and functions and bringing government and the people closer together. These steps were initially not without their confusing aspects (Töttemeyer 1992). Preparations for the first elections for regional and local authority councils in December 1992 disclosed a general uncertainty about the actual tasks lying ahead of the newly elected regional and local bodies (Kössler 1993: 4f.). This was followed by problems in the execution of tasks by these elected bodies (see Töttemeyer 1995; Simon 1995b, 1996a, 1996b).

In accordance with the Constitution, the Government potentially initiated a bold process of decentralisation in the form of devolving powers to elected local government bodies, through its acts on regional and local authority councils. However, a sustainable and effective decentralisation process cannot consist only in the existence of the acts and the councils. There is a problem in the definition of the roles of the two local bodies in relation to each other. This is undermining the legitimacy of the regional councils. There is the contradiction that some powers have devolved to the regional councils without the necessary accompanying capacities and resources being provided. In much of Africa, decentralisation has failed because Central Government hands over tasks but not money, personnel or power to local structures (cf. Tordoff 1994; Picard & Garrity 1994). At the same time, other powers that are essential to local authorities have not been devolved at all, such as those in the areas of health and education. In fact, ministries are making such devolution less and less possible by defining their own regions and setting up their own regional offices within them.

In order to progress, the Government needs to make a further policy on decentralisation and delegation of authority; and then it has to go about implementing it. It has two choices: either to make the regional councils supreme in their regions, i.e. hierarchically superior to local authorities, ministerial offices, etc., thereby setting the conditions for regional government to be exercised within a three-tier system; or to expand the boundaries of the local authorities so that no one is excluded, and decentralise more authority and resources to each of the local authorities to run local government activities within their respective areas. This is more 'local' government, within which popular participation is easier. It is probably more expensive, however, and requires a more determined programme of action by the Central Government to get the resources out to a large number of smaller units.

But the course on which (most of) the Government seems to be bent at present is rather to assert the control of the Central Government locally by setting up regional offices for central ministries. The local authority councils (where they function) are merely complementary in areas where the Central Government does not act, and to a large extent they resort under tight central control. The regional councils are being made marginal to the central and local levels in various ways. It would be a great pity for Namibian democracy if the many potentials represented by the acts were not followed up in a more positive manner.

What has been forecast for the country's capital, Windhoek, might well apply for the general future trends:

[Its scope] will depend on the extent to which the government is willing to decentralise state powers, functions and resources.

Regional councils and new local authorities in the communal areas will be crucial to this. However, to date the evidence points strongly towards a continuation of centralised control along traditional sectoral lines, rather than promoting substantive area-based planning within the regions (Simon 1995a: 146).

The foreseeable result is increasingly stronger pressure on the few urban centres, instead of spatial distribution more in line with the geographic environment, and the need for a policy on sustainable regional development.

A decentralised approach involves the delegation of power in the true sense, and demands that the central authority establishes and consolidates confidence in regional and local structures:

If it is the intention of the state to efficiently comply with the demands for public services at regional level, to achieve among others higher efficiency in the provision of services, and to establish a natural training ground for local democracy, decentralisation becomes a *sine qua non* of a democratic process. Decentralisation will, however, fail if the central government only assigns tasks to regional councils without also providing the necessary financial resources, sufficient power and well-trained personnel (Töttemeyer 1995: 5).

In other words, instead of creating toothless tigers, a serious effort would imply an end to the dominant principle of a culture of bureaucratic control from above, and would put responsibility into the hands of the people in an attempt towards meaningful empowerment. As no less than the Prime Minister of Namibia pointed out (Geingob 1996: 3):

[F]or any planning to succeed, it must first and foremost be decentralised to provide a bottom-up approach to include what development is perceived to be by the people. Further, by involving people, we ensure the success of plans at local level.

## TOWARDS PUBLIC SECTOR REFORM

It was the Prime Minister himself who took the first initiative towards reforming the public sector. As far back as a December 1992 Cabinet meeting, he pointed to the need for a rationalisation programme within the civil service. His intervention, however, did not meet the general approval of Cabinet members, who seemed less than enthusiastic about possible interference

from the Office of the Prime Minister. Instead, the unilateral intervention resulted in a classic case of 'hijacking': while approving of the need for a rationalisation exercise, the Cabinet decided that this duty should fall within the different portfolios themselves. It was therefore resolved that the ministries should conduct the rationalisation process internally within a certain period of time. This effort came to an end in early 1994, and as a result the civil service has continued to expand ever since.

TABLE 7: PUBLIC SECTOR 1996/97: SUMMARY OF STAFFING ACCORDING TO VOTES<sup>5</sup>

Vote	Established	Filled	Funded
Office of the President	176	149	176
Office of the Prime Minister	280	205	269
Parliament	101	85	92
Auditor-General	79	44	64
Civic Affairs	552	480	543
Police	3 339	4 665	5 908
Foreign Affairs	486	396	479
Defence	10 160	7 473	8 829
Finance	954	798	906
Education & Culture	27 189	24 122	25 506
Youth & Sport	249	122	218
Information & Broadcasting	193	98	131
Health & Social Services	9 640	9 096	10 000
Labour & Human Resources Development	148	104	148
Mines & Energy	233	146	178
Justice	793	624	793
Regional and Local Government & Housing	2 078	1 268	1 339
Environment & Tourism	1 881	1 485	1 722

<sup>5</sup> Political office-bearers were included in the following numbers for budget purposes (see Republic of Namibia, *Estimate of revenue and expenditure for the financial year ending 31 March 1997*, p.47).

Trade & Industry	169	100	164
Agriculture, Water & Rural Development	3 816	2 976	3 583
Prisons & Correctional Services	719	557	721
Fisheries & Marine Resources	362	295	364
Works	4 398	4 171	4 230
Transport	3 270	2 514	3 115
Lands, Resettlement & Rehabilitation	266	88	245
National Planning Commission	174	125	139
Higher Education, Vocational Training, Science & Technology	347	169	330
TOTAL	72 052	62 355	70 192

In addition, along with the announcement of a new Cabinet in March 1995 following the elections of December 1994, another two ministries were established, bringing the total number of portfolios to 22. This total does not include the National Planning Commission and Department of Women Affairs, which are both headed as separate entities by a Director-General with the status of a Minister. An overview of the actual situation based on the annual budget votes for 1996/97 is presented in a separate table. Despite unreliable and differing figures, it can safely be assumed that the absolute number of public servants has never been higher than now, and the wage bill has never been as costly as during the 1996/97 budget year.

Following the questionable result of the rationalisation efforts through the ministries themselves, in 1994 the Cabinet approved a proposal through its Committee on Public Service to establish an independent commission to review the pay structure in Namibia's civil service. In January 1995 the Prime Minister announced the establishment of a Wage and Salary Commission (referred to as 'WASCOM') comprised of five commissioners, who presented their findings in a report in November 1995. The WASCOM terms of reference were confined to a remuneration policy; they set no further mandate regarding public service reform. The main task identified in the terms of reference was to 'draft a remuneration policy for the Public Service of Namibia in terms of which salaries in the Public Service can be developed and maintained' (Republic of Namibia, *Report of the Wage and Salary Commission*, 1995: 119).

Despite this limited task, the WASCOM findings did not avoid linking the suggested salary increases to a recommended downsizing of the civil service: increases for the higher-ranking civil servants and especially political

office-bearers were considerable – in some cases even dramatic.<sup>6</sup> As the WASCOM report points out, the implementation of its recommendations would require as part of the agenda 'firm action to restrain the size and cost of the public service' (ibid.: 108). Presented on a balance sheet, the total costs of restructuring public service salaries would amount to approximately N\$100 million.<sup>7</sup>

The report is particularly critical with regard to the number of lower-ranking civil servants employed and expresses 'doubt as to whether many of the employees in the lower and middle salary bands have real jobs to do' (ibid.: 36). It concludes the following:

[T]here is dead wood in the public service which should be cut out. Those who are incompetent and those who are involved in the day-to-day running of private business from their offices and/or official quarters should be dismissed by the end of the current financial year.<sup>8</sup>

Arguments to counteract such proposed reduction, based on ethical and professional criteria, were rejected by the report (ibid.: 28):

We have had the policies of Reconciliation and Affirmative Action quoted to us as reason for not taking proper disciplinary action where it is warranted. We reject such excuses absolutely. The proper disciplinary procedures must be followed to rid the public service of incompetents and miscreants.

Emphasis is furthermore placed on strengthening the higher echelons of the civil service, and introducing a stricter code of conduct and standards which are accepted as professional and ethical:

Management appears to have become completely flaccid. ... the principal action required is the stiffening of the backbone of management and a substantial reduction in staffing. ... Clear

<sup>6</sup> On 16 April 1996 the Government announced whopping salary hikes of up to almost 110% for Members of Parliament, 69% for the President and up to 66% for civil servants, provoking a local newspaper to publish its front-page lead article under the headline, 'Gravy train goes off the rails' (*The Namibian* 17/4/96).

<sup>7</sup> This calculation assumes that the total expenditure of N\$355.3 million is balanced with the total savings of N\$252.5 million by introducing the complementary measures identified, inter alia, taxing the whole salary while eliminating the service bonus and other fringe benefits (ibid.).

<sup>8</sup> While such recommendations might have substance, the term 'dead wood' seems misplaced. After all, reference is made to human beings to be retrenched – a fact that should not be played down through questionable terminology.

standards and values are essential for the conduct of a civilised society. In Namibia there seems to be a lack of consensus on what such standards should be (ibid.: 5).

After the report was made public, a comparatively intensive period of controversial debate arose during early 1996 on the recommendations concerning the adjustments in the salary structure to the benefit mainly of the higher wage bands. It is interesting to note that markedly less emphasis was placed on the other aspects of the WASCOM recommendations, which really ought to be seen as interrelated and integral parts of the full package to be implemented.

Incidentally, in November 1995, the same month in which the report was presented, the Round Table Conference for Namibia took place in Geneva. A joint initiative of the Government of Namibia and the United Nations Development Programme (UNDP), this conference was the declared follow-up to the original Donors Conference of March 1990 held in New York. At that time the intention and result were to mobilise international support for the Government's new course to restructure the former colonial set-up into a truly Namibian society. The official document presented to the representatives of the major donor countries over five years later at Geneva, titled *Towards Sustainable Development*, identified, inter alia, the following aims which the Round Table Conference tried to meet:

- Discuss government policies and strategies.
- Mobilise both financial and human resources to support national development.

Prepared on the basis of the First National Development Plan (NDP1) recently released, the government document as well as further inputs aimed at a consolidation and increase of external material support. In view of one NDP1 recommendation on government expenditure, it could be assumed that 'donor assistance will be sought in designing and financing an effective approach to public sector rationalisation, with a "human face"' (NPC 1995: 93).

Consequently, the 'Summary and Conclusions' on this special meeting identified, inter alia, a need to deal with the size of the civil service and capacity-building:

It was pointed out that the size of the civil service was too large. It should be reduced in order to ensure well-trained, well-paid and highly motivated civil servants. The meeting called on the

government to ensure a planned reduction of the civil service down to a sustainable level.

In the same paragraph the report confirms that 'Government recognised the need to reduce the size of the public wage bill' (UNDP 1996: 3f; my emphasis). This position acknowledged the obvious fact that Namibia's public service is by all standards bloated out of proportion. As the record of the Round Table Conference proceedings states: 'Many donors expressed concern over the size of the civil service and the wage bill in proportion to the total public expenditures' (ibid.: 16). At the same conference a senior World Bank economist presented a summary on the Public Expenditure Review (PER) undertaken jointly by the Government of Namibia and the World Bank in 1994. While the review findings were mainly positive, one of the noted areas of concern was summed by the presenter at Geneva as follows (ibid.: 75; my emphases):

[T]here are two major issues that have to be resolved which are of a structural and demand nature. The first is to reduce the size of the civil service. This will lower the total wage bill. The second issue is to keep the more qualified civil servants (and attract more staff to unfilled posts) by paying more. This will increase the total wage bill. These actions will have to be carried out within a hard budget constraint of preventing the total wage bill from rising as a share of total expenditure. The PER recommends that government should proceed with reducing the level of staffing in the public service and allocate the savings to a restoration of competitiveness of senior salaries.

As exemplified and illustrated by these quotes, both the joint PER and the Geneva Round Table Conference agreed upon successive steps towards a civil service reform. As a first target they would aim at a reduction of staff, and consequently of the wage bill to allocate savings of this initiative to a modified public service salary structure. This approach could be characterised as a basis for a common understanding between the Government of Namibia and the external actors. However, the practical steps announced by the Government for implementation just three months after Geneva indicated a different attitude.

In his budget statement for 1996, presented in the National Assembly on 21 February 1996, the Minister of Finance explicitly referred to the Wage and Salary Commission, and announced that an 'allocation necessary to implement these recommendations amounts to N\$352 million which is provided under the vote of the Office of the Prime Minister'. The Minister of Finance was furthermore keen to stress the following:

[T]he implementation of the recommendations of the Wage and Salary Commission does not involve any additional allocations over and above the equivalent of a ten per cent general salary increase. The recommendations ... basically involve a restructured remuneration system and will not have any immediate financial implications.

He also pointed out a number of far-reaching measures required by the longer-term recommendations and referred specifically to 'the recommended down-sizing of the public service, which will represent a gruelling challenge for policy-makers during the next few years' (Republic of Namibia, 'Budget Statement' 1996: 16).

In striking contrast to these words of warning, the State Revenue Fund figures spoke a different language. The 'Summary of Staffing According to Votes' disclosed a surprising increase in the number of public servants. The number of funded posts grew from 68 912 in 1995/96 to 70 192 in the 1996/97 budget. In absolute figures this is an expansion of 1 280 new posts (or a proportional increase of 1,86%). Separating the downsizing exercise as a later follow-up from the increase in wages and salaries under the heading 'Restructured Remuneration' may well be in line with the WASCOM report. However, it is certainly not reflecting or honouring the spirit and words of the views presented views at Geneva (for a critical comment, see Melber 1996).

As unfortunate has been the lack of transparency in the process of adopting the WASCOM recommendations. It is not yet absolutely clear (at least to the public) to what extent the proposed package was accepted. While the WASCOM report had urged the Government to commence immediately with disciplinary action against public servants violating professional ethics and their conditions of service, there was an obvious reluctance to initiate necessary action. Government is still hesitant to apply a strict set of rules and regulations and to reprimand violation of these guidelines.

Despite the WASCOM recommendation quoted above, i.e. to dismiss public servants who were incompetent or involved in the day-to-day running of private businesses from their offices before the end of the financial year ending 31 March 1996, no such disciplinary action was taken. When a local newspaper (see *The Namibian* 26/4/96) asked why the Government was not dealing with these recommendations as urgently as it had implemented salary increases, a spokesperson in the Public Service Management division in the Office of the Prime Minister responded that the Government first had to work out how such recommendations could be implemented: 'Do you just embark on a witch-hunt, or do you first put mechanisms in place to identify these people?' He emphasized the need for evidence: 'How do you identify these people without proper performance appraisal systems in place?' It is slightly

worrying to conclude that after six years of independence, such procedures had not yet been established for the bureaucracy serving the Namibian State. Indeed, in a public speech the Prime Minister announced the planned introduction of a Civil Service Charter (for 1997) only in June 1996 (Geingob 1996: 10f.). He used the same opportunity to confirm the Government's commitment to reducing the civil service wage bill consistently every year from April 1997 onwards (ibid.: 11).

If one assumed that such an announcement in mid-1996 was a confirmation of stricter fiscal discipline, especially on expenditure for public service salaries and wages, this turned out to be a wrong assessment. When presenting the budget for 1996/97, the Minister of Finance had announced that no further costs above the estimated N\$100 million would be required to finance the modified civil service remuneration structure. In November 1996, however, his successor finally had to present an additional budget for 1996/97, which beseeched the allocation of a further N\$99,6 million for implementing the WASCOM recommendations (Republic of Namibia, 'Budget Statement', 1996).<sup>9</sup>

It appears that the State (and society) has to pay dearly for the maintenance of a public service that is oversized in terms of numbers and at the same time rewarded according to high efficiency criteria. Unless firm action is applied in the near future, Namibia's public service might end up in the same categorisation as many other cases on the continent:

Bureaucracies in Africa have lost their dynamism, resilience and commitment. Instead, they have become stagnant, dependent and largely unproductive. Lack of probity, of accountability, of equity and of professionalism and a merit system along with scandalous and unchequered corruption have conspired to undermine any semblance of respectability (Adedeji 1994: 5).<sup>10</sup>

## CONCLUSION: THE PROBLEMS OF STATE DOMINANCE

The dominance of the State, seen as the size and influence of the bureaucracy as constituted by civil servants, is an obvious characteristic of Namibian

<sup>9</sup> For a critical comment, see Gaomab, Kanguuchi & Melber (1996).

<sup>10</sup> This might sound rather harsh and one tends to be reluctant to apply such a value judgement to the Namibian bureaucracy. However, bearing in mind the present passive attitude by policy-makers to apply disciplinary action where required, and a preference to even protect some higher-ranking civil servants (as shown by several examples in recent times), is enough of an alarm to become increasingly cautious (see also the chapter by Kässler & Melber in this volume).

society. The dimensions of both the number employed and the expenditure are impressive. The public service is by far the biggest employer within a society suffering from a structural lack of employment opportunities for the majority of its economically active population (Melber 1994b). This also increases the relevance of employment through the State, and underlines the dilemma. In a country with a chronic oversupply of potential (albeit so far mainly unskilled) labour, demands upon the State in terms of the creation of employment opportunities increase – particularly while the salary and wage structure within the civil service compares favourably with the income patterns offered elsewhere. As a result, 'The public sector has become by far the largest employer in the country. The outcome of this state of affairs is a bloated civil service, where problems of efficiency are endemic.' (Tapscott 1994: 15)

Due to the absence of any other meaningful employment alternatives, the Government is tempted to absorb potential sources of conflict through co-optation by employment. This was the case in 1995, when frustrated former guerrilla fighters from the armed wing of SWAPO demonstrated to demand a decent integration into the post-colonial society through job or income opportunities. As Namibia's Prime Minister explained in his address at a luncheon with ambassadors of European Union countries in mid-October 1995, the Government had chosen, in the interests of durable peace, to enlarge the Namibian police and defence forces, thereby accommodating former combatants who had been unemployed since independence. The Prime Minister declared to the diplomats that, 'We know what our choices must be if we are to choose between continued peace or a smaller (civil) service' (*The Namibian* 17/10/95).

The Prime Minister was also eager to point out that such enlargement did not need to distract the Government from its commitment to continuing to improve effectiveness in the civil service. The ambivalent and conflicting demands which the Government and bureaucracy of the Namibian State have to reconcile at central, regional and local levels in the present transitional process pose an enormous task. Also in October 1995, at a seminar, the then Secretary to Cabinet gave an overview of the state of the civil service, summing up the challenges as follows:

Clearly, we have a great deal to do before we have completed the transformation from the eleven authorities legacy ... to a public service which provides the people of an independent country with economic, effective and efficient services (*Die Republikein* 5/10/95).

New state structures are being set up with offices and functions at both regional and local level. They are permeating society and proposing new

and additional functions. Expansion is easy because civil society places high demands for services and reforms on the apparatus, while at the same time the formal structures of civil society are mostly weak. The temptation is there to create a machine which will try to do everything everywhere. There is the additional problem of the state establishing itself in all sectors. The fact that it is present there means that no one else is entitled to do various important things, even if the State is not managing to deliver. In this way the State can actually block community-driven initiatives instead of promoting them.

While it is theoretically possible for the State to absorb up to 100% of the resources and population of the society in the business of 'doing things for the people', the relative efficiency and advisability of such an enterprise is extremely doubtful. The bigger and more diversified the machine, the harder it is to manage, control and maintain. Following the inherited legal-philosophical framework of the previous South African State will necessarily involve the Government in doing things for people rather than empowering them to do things for themselves. This is a serious danger which has to be studied and counteracted. In terms of Namibia's future, the way this choice on the role of the State is exercised will have a profound impact on the socio-economic framework, political structures and ideological orientations of the country.

## 6

## Education in Namibia<sup>1</sup>

Hans-Volker Gretschel

### INTRODUCTION AND BACKGROUND

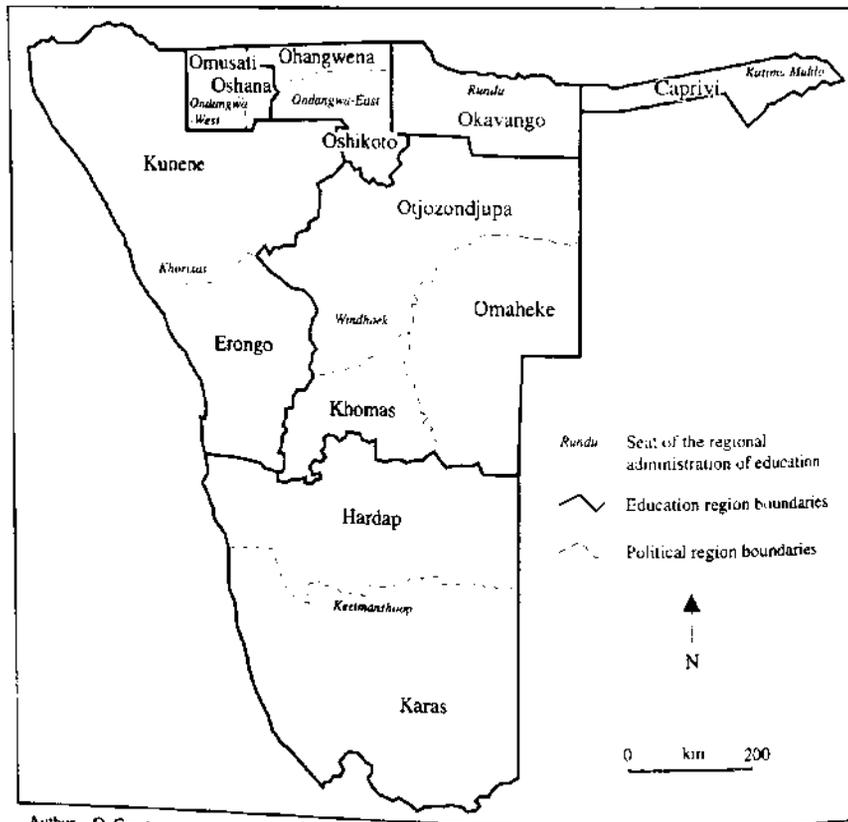
Namibia is a multilingual and multicultural country. According to the 1991 census, there are only 1,4 million inhabitants, but they belong to no less than 11 ethnic groups: Baster, Caprivi, Coloured, Damara, Herero, Kavango, Nama, Owambo, San, Tswana and Whites. These ethnic groups may in turn be assigned to a multitude of tribes, and to three linguistic categories: Bantu, Khoesan and European. Since in the past there were no coordinated and deliberate attempts at developing and fixing in writing a supra-regional standard variety for most of the Bantu and Khoesan language families, a great many dialects and varieties are spoken in Namibia.

In addition, Namibia's population distribution shows great variation. For example, while 32% of all Namibians live in a few urban centres around Windhoek, Walvis Bay/Swakopmund and Oshakati/Ondangwa, or in small towns and villages, 68% (Republic of Namibia, *Population and Housing Census: Statistical Tables*, 'Report A', 1993: xxx) live in rural areas which are often remote and difficult to access. A total of 44% of all Namibians live in the densely populated central northern region (ibid., 'Report B': 1). For the purpose of education, Namibia's 13 political administrative regions are regrouped into only seven educational regions which form the administrative units, meaning that all schools in a given educational region have to report to their respective regional office (see Map 1).

When the former colonies on the African continent were released into independence, they inherited, besides the educational system, the mother tongues of the former colonial powers. For Namibia as a mandate territory, 75 years of South African mandate administration meant the imposition of all apartheid structures applicable in South Africa, hence the introduction of 'Bantustanisation' and 'Bantu education', as well as the hegemony of

<sup>1</sup> This chapter focuses on primary and secondary education. University education will be covered in the next chapter.

Map 6: The educational regions (1992)



Author: O. Graete  
 Source: Republic of Namibia 1992 & School statistics

Afrikaans as the *lingua franca* and as the language of professional and social advancement. In Namibia the policy of 'Bantustanisation' was based on the Odendaal Commission report of January 1964, which recommended that each of the tribal groups be allotted a 'reserve' (or 'Bantustan') of their own, according to specific regional criteria. Pursuant to the aims of 'separate development', the division of the population along geographical and political lines was applied to schooling, culture and language by means of the 'Bantu education' system, which aimed to establish completely segregated, racially specific school systems. The integral development of African educational institutions inside these so-called 'homelands' was therefore to be promoted intensively. The main target areas were: the extension of the primary school sector, with the aim of covering at least 60% of children of school-going age and other youths by 1970; the establishment of upper primary schools; the establishment of secondary schools which should lead learners to attain the matriculation certificate offered in South Africa, which provided access to university depending on the subject choice and a minimum average mark; the establishment of hostels attached to both school types; and the setting up of teacher training facilities (the qualification for entry being a Standard 4 pass, or completion of the sixth school year) in the 'Bantustan' centres. The separation of school systems according to ethnic criteria reached its cynical culmination in 1980 when Proclamation AG 8 provided for cultural sovereignty for all 11 ethnic groups, and thereby for separate schools for learners from each group. Although the formal school structures had been the same throughout Namibia's educational sector since 1976, with the same curricula applied for examination-related subjects in secondary schools since the 1980s and with the same matriculation examinations, it would be naïve to give credit to the following presumptuous statement made by the South African Foreign Minister (South West Africa 1967): 'In short, all school education culminates in the same standard in the end.' This statement reduces the 12 years of school education to the equality of external examination conditions and contents, and ignores not only the vastly unequal educational conditions prevailing in the 'homelands', but also those prevailing – from Proclamation AG 8 until independence – at the level of the ethnic second-tier governmental authorities.

On taking over his governmental responsibilities on 21 March 1990, Namibia's first Minister of Education and Culture was confronted with the Herculean task of tackling the burdensome colonial heritage in education, described in SWAPO's 'Election Manifesto' (1989: 15) as follows:

One of the most glaring inequalities perpetrated in Namibia by the colonialists has been the gross neglect of the education of the indigenous population as a deliberate policy designed to subjugate

the masses of our people through the perpetuation of ignorance and illiteracy. The colonialists understood that knowledge is power, and they were not prepared to share power with the black majority. The objective of the system of Bantu education imposed in Namibia was simply to provide an inferior education to produce barely literate Namibians who would then be useful tools for the colonial administration in carrying out its dictates. A sanitised curriculum which denied the scholars a broader and open education emphasised their contrived racial inferiority.

Research undertaken by Horrell (1976), Brückner (1977) and Melber (1979) establishes unambiguously that Bantu education intentionally planned and partially reinforced the difference between the white society with its highly developed technology and the black majority who were living in a simple subsistence economy in remote areas, with the aim of training adequate personnel needed as domestic, farm and industrial workers, and as nurses, teachers and theologians.

## EDUCATION FOR ALL

The priorities set for education therefore aimed to dismantle any existing apartheid structures in schooling, and to put in place a genuinely Namibian educational system no longer geared to South Africa's political, economic and social conditions, and which would not create and maintain inequalities by way of schooling, nor correspond primarily with the expectations of a privileged minority. This entailed, as a first step, abolishing the 10 ethnic education ministries and the National Education Authority, and establishing a new Ministry of Education and Culture in charge of all Namibian scholars. Furthermore, the aim of 'education for all', propagated during the liberation struggle and the first election campaign, was to be achieved, and education in urban and rural areas was to be brought to the same level, thus fulfilling the ambitions and aspirations of the formerly excluded and underprivileged majority. Article 20 of the Namibian Constitution provides clear guidelines:

1. All persons shall have the right to education.
2. Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

3. Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest.
4. All persons shall have the right, at their own expense, to establish and to maintain private schools, or colleges or other institutions of tertiary education: ...

The core objectives 'education for all', as spelt out in an information brochure published by the Ministry of Education and Culture (1993b: 31-44), are access, equity, quality, and democracy.

### Access

The Government's first commitment is to provide universal 'basic education', with the intention of ensuring that by the year 2000 the majority of Namibian citizens will have acquired the basic skills of reading, writing and numeracy, and an understanding of socio-cultural processes and natural phenomena. Adult and non-formal education programmes have to address the learning needs of non-schoolgoing citizens. The extension of access to education has two principal components. The first of these entails extending the capacity of schools, and increasing the number of schools and classrooms to ensure a place for every Namibian child. The MEC has to ensure that these schools are adequately staffed, that they are located where they are needed and that they are in fact accessible to learners in the area. The second component entails addressing the barriers that keep Namibian children from going to school. In the past, children and parents alike were deprived of opportunities to get to know an educational environment and develop an educational tradition. Thus many children do not appreciate the urgency of regular school attendance and many parents do not encourage their children to make full use of the opportunity to obtain a basic education. Also, irrelevant syllabi, outdated methodologies and punitive discipline can be barriers to learning, so they have to be eradicated. Generally, the Government has to ensure that the habits of the segregated schooling of the past do not extend into the present.

### Equity

The Government's second commitment is to provide equitable access to schooling and all its benefits. To achieve that, the legacy of discrimination

and segregation that was built into the school system itself has to be overcome. While equality has to do with sameness, equity has to do with fairness. To achieve equity, it may be necessary to pursue policies that treat different groups in somewhat different ways. To reduce the inequalities of the past, the Government decided to introduce affirmative action measures to meet the needs of learners of different ages and at different times in their lives, and to render special assistance to those in need of it. The MEC must not only promote equal access, but also turn its attention toward achieving equity in results as well.

### Quality

The third major commitment is to develop good schools and to offer high-quality non-formal alternatives to formal education. The most important challenge in improving the quality of the education system is to ensure that teachers are well prepared for the major responsibilities they carry: they need assistance to develop the expertise and skill that will enable them to stimulate learning, and supportive supervision in structuring and managing the learning process. The learner-centred approach is central to Namibia's new education system, as it is intended to develop instructional strategies that make it possible for learners from varying backgrounds and with varying abilities to progress. Other tasks include improving the physical facilities provided at schools, ensuring that all learners have sufficient textbooks and instructional materials, and striving for a situation where curriculum experts and teachers can choose from a number of appropriate books developed by Namibian authors and illustrators.

### Democracy

To develop education for democracy, it is imperative to develop democratic education. Had Namibian adults been raised in a democratic society, civics instructors could have been entrusted with the task of teaching young people about the rights and responsibilities of citizenship. But for almost the entire 20th Century the country's laws and regulations were phrased in the language of democracy while simultaneously excluding most citizens from it. The struggle for independence was largely a struggle for democracy; a struggle for all Namibians to be citizens in their own society. Therefore, democracy must not simply be the topic of a set of school lessons, but rather a central purpose of education at all levels. Just as education is a foundation for development, so it is a foundation for democracy. Building

those foundations must be a conscious process in which all learners must be actively engaged.

In translating these four goals into general policies and detailed plans, the MEC embarked on several strategic initiatives (MEC 1993b: 53):

- Basic education
- Pre-service teacher education, especially the Basic Education Teaching Diploma (BETD)
- In-service teacher education, especially the Five Year Programme for Teacher In-Service Training (INSET)
- Transition to the national language<sup>2</sup> as the medium of instruction in schools
- A new Junior Secondary Curriculum
- Expanded and enriched instructional efforts in Mathematics, Science and Technology
- A new Senior Secondary Level Programme leading to the Cambridge International General Certificate of Secondary Education (IGCSE) and, for some, to the Higher International General Certificate of Secondary Education (HIGCSE)
- Adult and non-formal education programmes, especially basic literacy
- Establishment and development of the University of Namibia
- Vocational education and training

## QUANTITATIVE IMPROVEMENTS AND CONSTRAINTS

The Namibian Government is serious about implementing the obligations entrenched in the Constitution and about striving for educational reform. In the 1994/95 budget Government therefore allocated 28.8% of its funds to education. This share remained constant for the following two financial years, at just below 30% of the total budget.

Education was formerly based on injustice with a double imbalance: (1) between the urban population centres, the administrative centres of the former 'homelands' and the small, formerly white settlements on the one hand, and the predominantly black rural regions on the other; and (2) between schools under the cultural sovereignty of 11 ethnic administrations. Nonetheless, at independence Namibia had a functioning infrastructure in the field of education. By desegregating the primary and secondary schools

<sup>2</sup> English.

and hostels formerly reserved for white learners, and by allocating funds specifically to the most neglected educational regions, considerable progress was made towards achieving the goals of access, equity and quality. In its annual report for the 1994 academic year, the MEC stated the following (1995: 4) – these statistics applying mainly to rural areas:

Quantitative improvements have been recorded in a number of areas. These include growth in the number of schools from 1 171 in 1989 to 1 354 in 1993, enrolment from 372 572 in 1989 to 450 639 in 1993 and teachers from 12 886 in 1989 to 15 280 in 1993.

The 20,9% increase of scholars is a remarkable achievement in itself. More important, however, is the fact that student numbers continue to rise, precisely in the higher grades: 'For example, whereas there were 69 009 learners in Grade 1 in 1989 and only 4 502 in Grade 11 [6,5%], in 1993 there were 80 442 learners in Grade 1 and 12 415 in Grade 11 [15,5%].' (MEC 1995: 5)

In contrast to the situation in other countries on the African continent, 'females make up 50,4% of all children of school-going age in Namibia' (MBEC 1996a: 4). While the MEC is far from its objective of a per capita allocation of all resources, it is moving in the right direction, as indicated by the following statement (MEC 1995: 6):

In 1989 the then Government spent ten times as much on a learner in a White school as on a learner in the Owambo Administration. In 1993 a learner in the Windhoek region cost only (sic!) three times as much as a learner in Ondangwa.

Despite the enormous financial commitment, severe inadequacies and shortages obviously continue to exist, as the budgetary allocations are largely insufficient to meet all the objectives. There are not yet enough classrooms in the rural regions, class attendance continues to grow (often beyond 50 learners per class), and there is a lack of qualified teachers for English, Mathematics, Physics, Chemistry and Biology. Deficits and incompetence in the regional administrative structures continue, so the dispatch of teachers and school books becomes a problem. Schools may have to wait for months before they receive the urgently needed qualified subject teachers and books, and teachers' salaries might simply not even arrive. To find solutions to these and other problems which are particularly urgent for basic education, the competencies of the MEC were divided between two ministries when the Cabinet was reshuffled in 1995: the Ministry of Basic Education and

Culture (MBEC) and the Ministry of Higher Education, Vocational Training, Science and Technology (MHEVTST). In comparison with many other developing countries, Namibia's educational infrastructure can boast many positive aspects.

## QUALITATIVE ACHIEVEMENTS AND CONSTRAINTS

Since independence considerable progress has also been achieved in relation to qualitative performance in education. For instance, when the schools were opened to all Namibians, there was none of the racist violence that people had feared, except some individual, isolated and insignificant cases. In most educational institutions, students of very diverse tribal origins were integrated without any friction. Furthermore, the MEC was successful in addressing the unexpectedly high failure, repetition and dropout rates inherited from the former Government, and in developing democratic educational structures:

A sense of personal commitment and responsibility to learning is developing among learners. Student organisations, especially NANSO, are taking the lead in peer counselling in order to encourage fellow learners to face the challenge of schooling. With the exception of a few disturbances in isolated places, learners are more and more concentrating on school work. The role of Students' Representative Councils in schools should not be overlooked. Three documents of utmost importance to the collaboration of the Ministry and the learner community have been developed and distributed to all schools: the 'Educational Code of Conduct', 'Discipline from Within', and 'Discipline with Care', the latter two being part of the Culture of Care Campaign approved by Cabinet in 1993 (MEC 1995: 6).

Two other major national policy decisions have profoundly affected schooling, and in particular language education: English was adopted and introduced as the medium of instruction at all Namibian schools, tertiary education institutions and vocational training institutions, and an international secondary level diploma was introduced as well.

For most Namibians, English is a neutral language and could therefore become the 'language of national unity' (Geingob 1993: 14-15). Indeed, English was chosen as Namibia's official language and was introduced as a compulsory subject from lower primary level (Grade 1), and as the medium of instruction from higher primary level (Grade 4) through the secondary level up to higher education.

It is expected that seven years of free and compulsory primary education will not only provide all Namibian learners with solid basic skills, but will also help to put into effect all the other above-listed educational programmes which aim at promoting tolerance, thereby guaranteeing the peaceful cohabitation of different cultures and societies in a climate of social justice (Horn 1989: 7ff).

For obvious reasons these trans-disciplinary guidelines had no particular priority in the South African curricula and syllabi which were binding on Namibia until independence. A central issue of concern for educational reform in Namibia was thus the introduction of curricula and examinations leading to the International General Certificate of Secondary Education (IGCSE) and to the Higher International General Certificate of Secondary Education (HIGCSE) of the University of Cambridge Local Examinations Syndicate (UCLES). Beside the IGCSE teaching programmes which are standardised worldwide and accepted by the University of Namibia (UNAM) as a general entrance qualification if concluded with a Grade C, a specifically Namibian form of examination was developed, namely the HIGCSE. By virtue of this particular certificate, Namibian students comply with the enrolment requirements for universities in the rest of southern Africa for subjects which are not taught at UNAM. The MEC expressly and repeatedly pointed out that the IGCSE was to be regarded as the national school-leaving examination, whereas the HIGCSE is taught only in some secondary schools. Susanna Pflaum (1996: 1) comments on the UCLES's commitment, stating that this body 'has shaped curricula, text development, and language study in Namibia's senior secondary schools'. Yet the syndicate's performance goes beyond these three areas, since it also shaped – with lasting effect – the areas of assessment and examinations. The urgent need for a decisive shift in these matters was clearly proved by an investigation undertaken by UCLES for the MEC on the old examination and assessment procedures. The investigation report (UCLES 1990: 8) states the following:

This emphasis on failure is endemic throughout the education system with students expecting to fail, teachers expecting them to fail, and examiners setting papers to ensure that large numbers do fail. If this situation is to be reversed and emphasis ... placed on positive achievement, then a great effort will need to be made to re-educate all concerned.

The MEC's commitment to providing education for all, in conjunction with the basic education reform, has reoriented teaching in Namibian schools towards learner-centred instruction and has started a process of rethinking and redefining the philosophy that guides examinations. In this regard the

MEC concludes the following (1993b: 124):

[W]e are moving away from a narrow notion of examination to a broader and more inclusive concern with assessment and evaluation. Within that reconsideration, we are moving from an approach that emphasises success vs. failure toward an orientation that focuses on encouraging and recording achievement.

However, as correctly pointed out in the quote above from the UCLES investigation, if the reform is to be implemented, 'a great effort will need to be made to re-educate all concerned'. Soon after the Namibian Supreme Court ruled on 5 April 1991 that corporal punishment is unconstitutional, the MEC published two information brochures presenting alternatives to corporal punishment, namely 'A Guide for Principals, Teachers, Learners, Parents and Communities: Discipline from Within' (1992a); and 'Discipline with Care' (1993a). This awareness campaign had indeed become urgent since the lack of discipline in Namibian schools had reached dimensions never previously encountered. All parties involved in education regarded corporal punishment as the only proven means of restoring discipline, and were at a loss in coping with the unknown situation. There are similar information deficits in the area of sex education, with numerous teenage pregnancies as a result. During the National Health Week of 12-16 August 1996, both male and female learners in Windhoek approached the Minister of Health and Social Services with an urgent appeal to step up, in conjunction with the Minister of Basic Education and Culture, the promotion of sex education in school and its acceptance by society at large. One can only hope that the two Ministers will recognise this problem to be urgent and launch a co-ordinated awareness campaign.

Although the MBEC indicated in its annual report for 1994 that a sense of responsibility was developing among learners and that a 'school culture' seemed to be developing in the rural areas, a slow and difficult process with many setbacks still lies ahead: even today, schools continue to suffer from a lack of discipline, above all from vandalism. The biggest challenges and tasks facing the MBEC seem to lie precisely at the level of re-educating all parties involved in the educational process.

Despite the many efforts undertaken by the MBEC – the publication of copious information materials, the Five Year Programme for Teacher In-Service Training (INSET), many workshops to familiarise teachers with the new IGCSE and HIGCSE curricula and examinations, the establishment of the Namibian Institute for Educational Development (NIED) to develop curricula and teaching methods – the results of the first IGCSE examinations in November 1995 were worse than disappointing. Only 5% of the 9 768

candidates who wrote these examinations obtained a Grade C or higher in English as a Second Language (ESL), with regional disparities – from 15,9% in Keetmanshoop to 0,2% in Ondangwa West. Only 2,2% of the candidates who wrote the History exam achieved a Grade C or higher, 9% achieved this for Economics, 3,8% for Geography, 13,4% for Physical Sciences and 3,7% for Business Studies (MBEC 1996b).

In her study titled *The Teaching of English in Namibian Secondary Schools, with Suggestions*, Pflaum (1996: 14-15) points to the low success rate in English and the above-mentioned subjects in order to highlight a discrepancy between the learning goals set out for ESL as a subject and the linguistic competence taken for granted in these other IGCSE subjects:

[I]t is clear that considerable sophistication is required of candidates on the IGCSE examinations in History, Economics, Geography, Developmental Studies, and Physical Science. Learners must read expository texts with comprehension and be able to critically analyse them; they must be able to present complex ideas in writing; they must be able to interpret information and synthesize different sources. (Of course there is no indication as to whether classes in these subjects include attention to language development along with the study of the content.) It is clear that the ESL curriculum and texts do not provide many experiences through which learners can acquire these academic language skills. Indeed it seems that the ESL curriculum is not intended to fulfil these functions, given the emphasis on communicative language use. Finally, the African language subjects do promote language development in the direction needed, but there is some question as to the transfer of English use.

One is left with the impression that in the process of framing syllabi and curricula, the MBEC did not fully cope with its role as a coordinating authority. It is understandable that having obtained political independence, Namibia would strive for independence in educational policy matters as well, and in the shortest possible time, but it is unacceptable that for a few years at least, thousands of Namibian learners will have to suffer for the mistakes made by educational planners. Although better performances can be expected, since teachers will gain more experience of examinations and learners' competence in English will improve, there is no way of relieving the MBEC of its responsibility.

Pflaum (1995: 1) states that '[since] the results of the November 1995 IGCSE exams are broadly known – the specific results in the educational community, and more general results among the public', the Ministry must

not waste any time in rectifying this unsatisfactory situation. In addition to dissatisfaction about the language policy in terms of which the mother tongue may be used as the medium of instruction only to the end of Grade 3, many parents are now voicing their concern regarding the level of linguistic and subject-related competence of government schools. In the last few years a few speech communities have decided to establish private schools in terms of Article 20 of the Namibian Constitution. But if, as the Constitution allows, a national language other than English becomes the medium of instruction beyond Grade 3 in a private school, such a school would take on an exclusive character by virtue of its medium of instruction. Some speech communities with the necessary funds might even try to continue the disastrous tradition of segregation or discrimination via the medium of instruction.<sup>3</sup> Article 19 of the Constitution states the following:

Every person shall be entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution and further subject to the condition that the rights protected in this Article do not impinge upon rights of others or the national interest.

Schools with different media of instruction may hold the view that their prime task is to conserve and promote their own culture, tradition and language, even though this may be to the detriment of others. If the members of a particular language group are committed to fostering their mother tongue without taking into account the restrictive provisions of Article 19, and if the future fate of education in Namibia is assessed against the background of the current population growth, such a development is bound to give rise to a new conflict potential.

Namibia is not a rich country. Being a developing country with very limited water resources, Namibia has no significant processing industry, and its exports are almost exclusively raw materials and unprocessed meat and fish products, the prices of which are subject to fluctuations on world markets. Up to now, 70% of the population is active in agriculture, and the birth rate has ranked a high 3,2% per annum. Namibia is in the grip of declining income, education deficits, unemployment and a steeply rising birth rate. Notwithstanding the constitutionally guaranteed rights to education and the Government's policy on schooling, culture and language, Namibia's system of education may deteriorate owing to budgetary constraints, a constant push in the number of births, rapidly increasing student numbers

<sup>3</sup> The German-speaking community has established private schools in Omaruru, Otavi and Grootfontein over the past three years. The first privatisation efforts have also begun within the Afrikaans-speaking community.

and a declining proportion of educated people among the total population. Although Government is aware of and outspoken about the dangers of a population growth which remains unchecked, there seems to be a lack of urgency in addressing this problem, since there are as yet no coordinated programmes for bringing down the birth rate, which is one of the highest worldwide.

## TEACHER TRAINING AND UPGRADING

Another focus for government action is bound to be public school teachers' educational standards, which need to be upgraded urgently if the quality of teaching and tuition is to improve. Here the MBEC finds itself trapped in a vicious circle:

... 71,6% of all teachers had professional training in teaching. The proportion of teachers who are professionally qualified varies from Region to region. For example, 92% of all teachers in Khomas are qualified, whereas only 40% of those in Okavango are qualified.

Levels of academic training provide another way of looking at teachers' qualifications. The proportion of teachers who have completed Grade 12 varies from Region to Region. While 92% of the teachers in Khomas have a qualification of Grade 12 and higher, only 32% in Okavango and 44% in Omusati have this level of qualification. Nationally, about 59% of teachers have Grade 12 or a higher qualification (MBEC 1996a: 18).

As can be gathered from these statistics, most of the inadequately or ill-trained teachers work at precisely the rural schools that were underprivileged during the apartheid era. Yet the best-trained teachers should be sent to these educational institutions in order to reduce the existing quality gap. Since Article 141 of the Constitution guarantees that all public servants shall retain the post they held on the day of independence, and since they cannot be retrenched on account of inadequate training, there is no way to replace these teachers by highly qualified ones. The MBEC therefore tries to prepare them adequately for their new tasks by providing further education and training, such as the INSET programme. But the number of teachers taken in for further education and training sessions must not negatively affect the regular functioning of the schools from which they are drawn. Practical considerations of this nature restrict the scope of such sessions in terms of

time and the number of participants, making progress in further education and training extremely slow. It is therefore not surprising that 88,5% of all teachers interviewed by Pflaum disagreed with the following statement: 'The Ministry is providing sufficient in-service training in English.' (Pflaum 1996: 18) One can safely assume that this assessment in respect of English as a subject can be applied to other IGCSE subjects as well.

At independence the Colleges of Education in Ongwediva, Rundu, Katima Mulilo, Khomasdal, and Windhoek, each of which had been administered by the relevant competent ethnic education authority, were at last brought under one central ministry – up to 1995 the Ministry of Education and Culture and thereafter the Ministry of Higher Education, Vocational Training, Science and Technology. The introduction of national 10-year basic education created the need for a new national teacher education programme that would take due account of the new teaching and learning objectives. Hence the standard Basic Education Teacher Diploma (BETD) introduced by the MEC at all colleges of education. In the 'Broad Curriculum' for this diploma, the MEC (1992b: 2) sets out the 'Rationale for a new teacher education' by stating, *inter alia*, the following:

The programme will be a unified study for all teachers in Basic Education, combining a common core foundation for all, with opportunities for specialisation in relation to phases of schooling and subject areas. It will strike a balance between professional insight and skills, and subject knowledge. There will be consistency between the aims and objectives and the structure and implementation of the programme. Various types of exposure to the classroom situation will be a closely integrated aspect of the study. The student teacher's actual achievements and competencies will be assessed in a variety of ways, giving an all-round picture of their development.

The training is based on a democratic pedagogy, a methodology that promotes learning through understanding, and practice directed towards the autonomous mastering of living conditions, and [it] will relate closely to the curriculum intentions of Basic Education, and to the context of the school in society.

These welcome and also modern pedagogic objectives are to be met through three years of training. However, one cannot help questioning the feasibility of such a programme if the minimum requirements for enrolment are 'Grade G passes at IGCSE including English and Mathematics' (*ibid.*: 7). During their three years of training, BETD students are expected to acquire not only a sound knowledge of pedagogics, didactics and teaching methods,

along with practical experience gathered by means of classroom observation and teaching under the guidance of a tutor, but also well-founded and up-to-date knowledge of their chosen subject. Whether aspirants to the teaching profession with a Grade G pass in all the six IGCSE subjects have sufficient basic knowledge to embark on such an ambitious course may legitimately be doubted. Performances for Grade G in IGSCSE are defined as follows (UCLES undated):

The IGCSE examination is suitable for a wide ability range. It has a 7-point scale of grades: A, B, C, D, E, F and G. Grade A is awarded for the highest level of achievement; Grade G indicates minimum satisfactory performance. Candidates failing to reach the minimum standard for Grade G will be ungraded.

Aside from the colleges of education, teacher training is also provided by UNAM under its reformed structure. Aspirant teachers can enrol in the Faculty of Education for a four-year BEd degree, or for a one-year Postgraduate Diploma in Education if they already have a BA degree. In terms of the respective educational missions laid down by the law, the colleges of education are responsible for training all teachers for basic education (i.e. for teaching Grades 1 to 10), whereas the training of teachers for Grades 11 and 12 (which correspond with the IGCSE or HIGCSE courses) falls under the exclusive competence of UNAM.

Such a clear-cut division of competencies between these two tertiary institutions makes sense against the background of basic education for all and secondary education for a limited number of learners. However, if this training structure is set against its implementation at schools, yet another inconsistency becomes apparent: Apart from those catering for special and specialised education, there are two types of schools in Namibia, i.e. the primary level (Grades 1 to 7) and the secondary level (Grades 8 to 12). At the majority of schools teaching IGCSE and HIGCSE courses, however, in most cases teachers are expected to teach the subject corresponding with their academic training in both the junior secondary phase (Grades 8 to 10) and the senior secondary phase (Grades 11 and 12). But, neither the colleges of education nor UNAM equip their trainees to cover both these secondary phases. In this respect the two institutions should urgently come up with a solution in keeping with the school system.

## VOCATIONAL TRAINING

A recent report on vocational education and training (Hultin-Craelius 1990: 5) drew the following conclusions:

There is, to summarise the situation, a need in Namibia to develop a VET (Vocational Education and Training) system which is based on a unified non-discriminating policy with public and private VET schools and training centres offering a flexible formal as well as non-formal course programme of varying duration for teenagers and adults of both sexes depending on needs. ... There should be close cooperation between schools, labour market and employers. ... Curricula, teaching methods and examinations should be made relevant to Namibian needs and not unduly be based on foreign models.

The required framework was provided by the long-awaited National Vocational Training Act of 1994, and the Ministry of Higher Education, Vocational Training, Science and Technology (MHEVTST) was set up in 1995. The legislators' intentions were as follows (Republic of Namibia, Act 18 of 1994):

... to make provision for the regulation of the training of apprentices and vocational trainees; to provide for the establishment, powers and functions of a Vocational Training Board and trade advisory committees; to provide for the establishment and approval of vocational standards and the designation of trades and the establishment and approval of training schemes in respect of such trades; to provide for the establishment of a National Trade Testing and Certification Centre and trade testing and certification of apprentices; to provide for registration of vocational training centres; to provide for the imposition of training levels and the establishment of a Vocational Training Fund; ...

The following brief summary provides an overview of vocational training in Namibia today. A range of public institutions, located in all parts of the country including the rural areas, are competent to provide technical training leading to the Trade Certificate.<sup>4</sup> Furthermore, all major Namibian

<sup>4</sup> Zambezi Vocational Training Centre, Katima Mulilo; Rundu Vocational Training Centre, Rundu; Okakarara Vocational Centre, Okakarara; Valombola Vocational Training Centre, Ongwediva; Windhoek Vocational Training Centre, Windhoek; and Arandis Skills Training Centre, Arandis. A similar image prevails in the agricultural training colleges at Aussenkehr/Orange River, Rehoboth, Rundu, Khorixas, Oshakati and Okahandja.

companies, such as Namdeb Diamond Corporation (Pty) Ltd at Oranjemund or Tsumeb Corporation Ltd at Tsumeb, train apprentices. The Namibian Institute of Mining and Technology at Arandis trains not only technicians for Rössing Uranium Ltd, but also apprentices sent by many minor and even major companies (42 thus far). In the tertiary sector, the commercial banks offer in-house training for their clerks, and parastatals like NamPort, NamPower and Trans-Namib also run internal training programmes. The same applies for jewellers, the tourism industry, the carpentry guild, etc.

The MHEVTST, which has to coordinate all training programmes provided by state, parastatal and private sector institutions, and also ensure that trainees receive the appropriate certificates, can rely on advice from the Vocational Training Board. The board members represent employers and employees of public as well as private sector institutions, and are appointed by the Cabinet for a three-year period. It must be noted as a positive step that these training facilities seem to meet the demands of Namibia's labour market. What is worrying, however, is the fact that there are far from enough vacancies for all school leavers interested in pursuing such careers, so a great many students are released into unemployment. It goes without saying that highly qualified specialists still have to be trained outside Namibia.

### CONCLUDING REMARK

It is hoped that the preceding account, which in no way claims to be exhaustive, has sufficiently sketched the successes and deficits of Namibia's education system, and made clear that this 'young plant' has taken strong roots in the country's semi-arid soil and produced some fragile, green and promising shoots. But it should also be clear that the plant will blossom only if all participants continue tending it with love and dedication.

## 7

# The University of Namibia

Brian Harlech-Jones

Universities are contested places, because they are prestigious. They are prestigious for at least two reasons:

- They create, articulate and validate knowledge, by which societies advance in power and prosperity. In addition, that knowledge provides an important point of reference in the contentions that characterise all societies.
- Universities formally confer their prestige upon their graduates, who thereby gain economic and social advantages.

Universities are also sites of contention within themselves, not only because of these and other external forces impinging on them, but also because they are staffed by highly educated people – a significant component of the national intelligentsia – who, by the nature of their pursuits, are frequently highly individualistic. Moreover, they have at hand the means by which they can press and pursue their interests.

In developing countries, universities are contested places not only for the reasons outlined above, but also because of the stark conditions that are the lot of most of their population. Sandbrook (1993: 98) characterises the format of most African societies as follows: 'A large and impoverished peasantry, a small industrial working class, an expanding urban sub-proletariat, and a tiny privileged group of largely state-dependent businessmen, bureaucrats, politicians, professionals, and landowners ...'. Under such conditions, says Sandbrook, 'Victors gain access to economic resources as well as power', but 'losers have virtually no alternative sources of upward mobility' (ibid.). From this situation springs the 'diploma disease' syndrome: 'Each worsening of the employment situation calls forth an increased demand for (and supply of) more formal education at all levels. ... The diploma and degree thus become requirements for employment, not the education they were intended to signify.' (Todaro 1981: 304)

There is therefore continual pressure on the political establishment to provide ever more educational places, which usually leads to an obsessive concern with quantity at the expense of quality. The state budget is overstretched, and in this situation universities evince the same maladies as do the other formal education sectors: there are cutbacks in library stocks, equipment and maintenance; reduced salaries encourage talented academics to seek positions elsewhere, or to leave the country; others supplement their incomes by moonlighting, at the expense of their academic performance; and research suffers.

There is also the vexed question of university autonomy to consider. In my view, autonomy is to be valued not simply as a token of a liberal dispensation – a feature of a society in which there is a balanced distribution of functions – but rather as an essential condition for the effective functioning of a university. Autonomy is necessary for the reasonably unfettered pursuit of knowledge, by which a university might fulfil its social role in the broader and deeper sense of developing the critical consciousnesses that could address with incisiveness the multitude of questions that face a developing society. Some of the constraints on autonomy have been referred to above; others are the substantial dependence on state funding, and the political pressures on a university to be simply one more arm of the national development scheme as dictated by the politicians. In fact, in the face of declining budgets, poor facilities, low expectations and dispirited morale, a university easily surrenders autonomy without much effort at resistance.

None of the conditions outlined above are unknown at the University of Namibia (UNAM), as will be seen. However, perhaps the dominant motif in recent years has been that of *authenticity*. This has been conditioned by the colonial past – and the particular nature of that past – as well as by the specific fact that UNAM was not founded *de novo*, but rather it developed from other institutions that were closely associated with the ideological struggle that preceded Namibia's independence.

### PREDECESSORS OF UNAM

The immediate predecessor to UNAM was the Academy. When UNAM was formally instituted on 1 September 1992, it inherited by law<sup>1</sup> all the property, assets and liabilities, programmes and staff of the Academy. The latter was founded in 1980 as an institution to provide tertiary education in the country, without specifying what types of education. During the early years of its existence, three directions were identified:

- Teacher training at a post-Grade 12 level, as well as training for other public sector spheres (the nursing profession and civil service administration).
- Training of the type provided by the technikons in South Africa.
- Pre-tertiary training for artisans and for commercial fields, as well as teacher training for students with a Grade 10 qualification (in what became the College for Out-of-School Training).

Space does not allow me to address the development of the latter two branches of the Academy. It may be noted that during 1995 the Technikon was separated from UNAM, becoming the Polytechnic of Namibia, and the College for Out-of-School Training was taken over by the Ministry of Education and Culture (MEC).

By 1986 each of the three branches of the Academy had its own head, who functioned under the overall administrative and academic control of the Rector and the Council. The tertiary education branch initially had a voluntary relationship with the University of South Africa (UNISA), which provided almost all the tutorial material and also did the examining. The teacher-training curricula were developed by the Academy itself, but they were modelled on the curricula provided for white students in South Africa, with a view to complementarity. Sufficient subjects were offered under the arrangement with UNISA for students to take basic degrees such as the BA, BSc and B Comm, and a few students who qualified for this route did in fact do so in the early years. In 1986, after a change in the Academy's legal status,<sup>2</sup> the university was formally instituted as a component of the Academy, as were the other two branches. The university section continued to focus mainly on teacher training, along with tertiary nursing training, and degrees like the B Admin and B Comm, to satisfy the demand in the newly localised civil service. By 1989 the university component had 1 927 students, registered as follows:

TABLE 8: NUMBER OF STUDENTS ENROLLED AT UNAM IN 1989

Faculty	Student enrolment
Economics & Management Sciences	143
Education	446
Arts	238
Nursing & Medical Sciences	450
Science	65
TOTAL	1 927

<sup>2</sup> In terms of the Academy Act, No. 9 of 1985.

<sup>1</sup> The University of Namibia Act, No. 18 of 1992, promulgated on 31 August 1992.

Progressive forces in Namibia never accepted the Academy as a truly 'legitimate' institution. They pointed out that it had been founded to counter the attraction of the United Nations Institute for Namibia (UNIN),<sup>3</sup> and was a mere token of any beneficent interest that South Africa might have in the welfare of the people of the territory. Of course it was also true that the Academy was part of South Africa's scheme to create a black middle class in view of an internal settlement. The Academy courses and curricula were conservative: teacher training, for instance, was informed by the ideology of Christian nationalism, this being the philosophy underlying apartheid. The majority of the staff members were white, even if many of them were Namibian. Relatively few of the academics had PhDs, one reason being that in the early years of the Academy's existence, a proper departmental structure had not been established. Instead, the subjects were organised into clusters, with a number of relatively junior staff teaching a number of subjects under a head of section and the overall tutelage of UNISA. Another reason was that the main source of academic staff recruitment was South African institutions, because few academics from elsewhere wanted to be associated with a South African-ordained institution in non-independent Namibia. In addition, as is the case even at present, there were very few black Namibians with higher qualifications, and many of those who did have these qualifications were in exile or otherwise reluctant to be associated with the politically questionable Academy. Given the above factors, it could be expected that the research and publication output would be generally uneven and low. The medium of instruction was Afrikaans, but in 1988 it was changed to English, after years of student protests. Indeed, Afrikaans was perceived as 'the language of the oppressor' and as a device to restrict the students from accessing all but conservative, South African-produced academic materials and ideas.

UNAM's *First Five-Year Development Plan (1995-1999)* makes another cogent criticism of the Academy: that it did not provide training for the indigenisation of key areas in scientific and technological management and development of the infrastructure and economy:

It is disturbing, therefore, that the University component of the Academy did not have Departments of Fisheries and Marine Biology, Geology, Mining Engineering, Architecture and Town Planning, or a Faculty of Agriculture and Natural Resources. For tertiary level training in these fields, there was over-dependence on institutions in the Republic of South Africa, which served to perpetuate the dependency syndrome (UNAM 1995: p.3).

<sup>3</sup> UNIN was established in Lusaka, Zambia, in 1976, to provide higher education for Namibians in exile.

Space does not permit an analysis of how the ideology of apartheid was reflected in education in Namibia. However, it is worth noting here that entrance to tertiary-level studies in scientific and technological areas requires good performances in Mathematics and Science-related subjects. School statistics for Namibia in 1986 (RSA 1987) show that out of 3 106 scholars in the final year of schooling at that time, 36% were studying Mathematics and 22% Physical Science and Chemistry. Significant here is that about half of each group of scholars came from the white minority (6,5% of the total population in 1986 (ibid.)). The poor examination pass rates among non-white scholars – ascribable largely to extremely poor facilities and an almost total dearth of qualified teachers – meant that few of them qualified for admission to tertiary courses in Technology and the Sciences. White scholars enjoyed a much higher pass rate, and almost all of those who qualified would proceed to South African institutions, access to which was as unrestricted for students from Namibia (particularly whites) as for South African students themselves.

As the 1980s advanced, the Academy became a new site of the wider struggle being waged in and for Namibia. The SWAPO-aligned Namibian National Students' Organisation (NANSO), founded by Namibian students in South Africa, became increasingly active on campus after a successful campaign to gain the formal recognition of the Academy authorities. NANSO representatives dominated the democratically elected Students' Representative Council (SRC), through which they were able to mobilise students both politically and culturally. NANSO and the SRC led a number of demonstrations on campus, and the repressive actions of the security forces served to further enhance the sympathy felt for the positions that NANSO represented.

Many members of the academic staff worked closely with NANSO, or their pro-independence sentiments led them to become active in the wider political field. There were much-publicised visits to UNIN in Lusaka – these were attacked, even vilified, by most of the local media organs, dominated as they were by interests inclined towards South Africa – and in 1987 and 1988 a number of senior members of the academic staff participated in high-level conferences with SWAPO in places like Zambia and Sweden.<sup>4</sup> The Academy became a place of lively if sometimes acerbic debate over issues such as academic freedom and autonomy, politics and the academic enterprise, and the contextualisation of knowledge. This fluidity, this problematising of the image of the Academy as a prime instrument of colonial oppression, was viewed ambiguously by the SWAPO leadership in exile,

<sup>4</sup> Among those visitors was Professor Christo Lombard (see his chapter in this volume), who was personally welcomed and embraced by SWAPO President Sam Nujoma in front of hundreds of guests attending UNIN's 10th anniversary celebration in 1986.

who encouraged the mobilisation of demonstrations in opposition to South African rule, but were less enthusiastic about the development of internal leadership and home-grown critiques (cf. Leys & Saul 1995: 66).

UNIN was sometimes viewed as a 'university-in-waiting' for Namibia's independence. In truth, however, it was not a university, and perhaps not even a tertiary institution in the regular sense, in that few – if any – of its students entered with a qualification approximating the completion of 12 years of schooling. Most of the UNIN students took a three-year diploma in administration, with a minority doing teacher training and secretarial courses. A large proportion of the teaching staff was non-Namibian. UNIN did produce a substantial output in the field of applied research, however, in the form of studies designed to facilitate the social and economic reconstruction of an independent Namibia. Nonetheless, notwithstanding the UNIN imprint, these were primarily produced by non-Namibian specialists contracted for the purpose. In the event, UNIN disbanded with the advent of Namibian independence, and had little actual influence on the ongoing debate about and transformation of UNAM – except that two members of the UNIN staff became members of the UNAM Vice-Chancellor-designate's transitional team, and gravitated in September 1992 into influential positions in UNAM, where they remained for about two years.

SWAPO leaders remained hostile to the Academy's existence, though they had dealings with a number of its staff members. For instance, shortly after he returned to Namibia from exile, SWAPO President Sam Nujoma stated in an interview that, 'We will have to build a university; this Academy we have here is not a university. The people trained here cannot match the Namibians who have been trained by SWAPO.' (*The Namibian* 20/9/89) Nujoma also called the Academy 'a deceptive exercise'.

### THE TURNER REPORT AND THE 'INTERREGNUM'

With independence in 1990 the Academy found itself in limbo: disapproved of by the new Government, but a fully functioning institution instructed to carry on with its task until its future had been decided. The first move in this direction came in January 1991 with the appointment of the Presidential Commission on Higher Education. Composed of Namibians and foreigners, this Commission took evidence widely and produced a voluminous report (the 'Turner Report', named after its Chairman) which said, in effect, that there should be a university as well as a separate polytechnic. Thorough and conscientious though it was, the Turner Report very much stated the obvious. It had little leeway on the key question of whether or not Namibia *should* have a university at all, since at just the time that the Commission began its

work, President Nujoma announced the appointment of a Vice-Chancellor-designate for the new UNAM. This was Dr Peter Katjavivi, a returned exile who was a Member of Parliament at the time.

Katjavivi composed a transitional team to assist him in planning. With little experience of university management among its members, this team became the focus of intense media interest over the next 18 months. It made little attempt to establish meaningful contact with the staff at the Academy, certainly not at faculty level. This evoked insecurity among staff who also resented the attitudes of higher moral ground evinced by some members of the transitional team. *The Namibian*, for instance, which was generally supportive of the Government, soon raised the issue in front-page and other articles as well as editorials, the following being extracts from articles published on 13 and 15 November 1991:

- The team members were said to be receiving US\$5 000 per month each (a very substantial salary in Namibia).
- ... unknown composition of the six-member team comprising only two Namibians.
- ... team members' unknown academic qualifications. At least two of the consultants could have 'their knives out' because they were refused jobs at the Academy.<sup>5</sup>
- To whom were they accountable?
- Staff members felt that the team, 'composed largely of foreigners, is apparently the sole source for Government on a fundamental issue affecting all Namibians'.
- The team had already prepared for Cabinet a response to the Turner Report, still under wraps and, hence, inaccessible to interested parties and the public at large.

Widespread insecurity deepened because the Turner Report recommended that in view of the new University of Namibia Act, all members of the Academy staff should be employed temporarily – for a period of two years – pending an evaluation of their qualifications and abilities. The situation was not exactly improved by the almost farcical secrecy surrounding the Turner Report once it had been submitted to the President. The following extract from *The Times of Namibia* (Chris Coetzee 13/11/91) typifies media reports published at the time:

Staff members complained that the report was available at embassies and even circulating among the students, but it was withheld

<sup>5</sup> It is certainly true that at least one was found to be unqualified for an academic position when he applied for a job at the Academy soon after the dissolution of UNIN.

intentionally from those who were directly involved. The *Times*, without much trouble, obtained a photocopy of the report from among the ranks of the students. Should the recommendations on the staff's immediate future be implemented, some staff members openly threaten legal action ...

The *Namibian* (15/11/91) complained in an editorial that the delay in making the report public showed a lack of democratic accountability. It also stated that important interest groups such as NANSO and the Namibian National Teachers' Union (NANTU) – 'and even the Academy' – had not been properly consulted when the report was compiled.

Suspensions at the Academy were not eased by the strident tones in which the first draft master plan for UNAM, prepared by the transitional team, deplored 'the poverty of the quality of staff', dismissing their qualifications and experience as 'scant teaching experience', and in many cases as 'Bantustan experience'. Members of staff at the Academy struck back in various forums, accusing the consultants of being inexperienced, under-qualified and self-seeking themselves. The media were delighted with this war of words and cultivated the public mud-slinging. All in all, it was not an auspicious beginning to a relationship between two parties who would soon have to work together in the same institution.

### UNAM OFFICIALLY ESTABLISHED

The new management took over on 1 September 1992, and one of its first actions was to remove or sideline most of the Academy's top management and replace them with the consultants from the transitional team. All the Academy committees were disbanded and replaced by interim committees chaired by the consultants or others on the new staff. The Senate and its attendant committees were suspended, to be replaced by a committee chaired by the Vice-Chancellor.

The issue of authenticity soon became most apparent in the manner that personnel were managed. An early draft of the *Master Plan for UNAM* (October 1991: 23) had stated:

In its appointment of staff, and the staff development plan of the National University of Namibia, a conscious effort would be made to help and facilitate the inclusion and sponsorship of members of previously discriminated groups, by providing them the chance to appointment and staff development facilities where their qualifications permit such consideration. This would need

to be done in an open and transparently unbiased fashion, subject to examinations of probity and ethically defensive principles and processes.

These intentions were repeated in all other drafts. The question dealt with, of course, is the intractable one that troubles all societies trying to make their way out of colonial and/or discriminatory situations: how to bring about an equity that is not only felt but also seen, while at the same time not impeding efficiency, and in a democratic dispensation such as that in Namibia, not transgressing principles of fairness. In the event, 'openness' and 'transparency' were not realised during the early years. Appointments were made without the positions being advertised and without any visible selection process.<sup>6</sup> It was clear that management was vigorously attempting to do two things: firstly, to surround itself with people who could be trusted to share the same objectives – not only to feel reassured, but also to reduce as far as possible the influence of the 'old' staff; and secondly, to increase the proportion of black academic staff members, though ironically – in view of the salience that affirmative action was assuming in Namibia – few of the new appointees were Namibian, simply because there were few qualified black Namibians available, many having already been employed elsewhere, such as in the civil service and parastatals. Management therefore appointed foreign Africans to fill many of the positions available at UNAM, thereby continuing a process already begun by the Academy in its later years as it attempted to become more 'representative', and as Namibia became more acceptable and desirable as a place of employment for people from elsewhere in Africa.

Apart from appointments, the new management focused on two other issues: structural reform and the curriculum. Plans were made to introduce a Faculty of Law with an associated Justice Training Centre and Human Rights Documentation Centre. A Faculty of Agriculture was also discussed as a possible later addition to the academic structure.<sup>7</sup> Under review was the possibility of a full Medical Faculty to function in collaboration with sympathetic foreign universities that would provide part of the training.<sup>8</sup> A Public Service Training Centre and Multidisciplinary Research Centre were to be introduced, as well as a Language Centre. These decisions were discussed at a number of 'think-tank' sessions during late 1992 and early 1993, which, the new Vice-Chancellor expressly declared, were intended not only

<sup>6</sup> A submission in May 1994 to the UNAM Commission of Inquiry (see later) provided details of 15 such appointments, most to senior positions, and stated that the list was not exhaustive.

<sup>7</sup> The Faculty of Agriculture and Natural Resources registered its first students in February 1996.

<sup>8</sup> A Medical Faculty might be introduced in 1997.

as planning forums, but also as exercises in building understanding between the 'old' and 'new' staff.

Under the new management's pressure for thorough structural revision, proposals were made for the amalgamation of existing departments into cognate clusters, on the grounds that most departments were too small to be viable since as they consisted of between two and four members of staff. Various suggestions called for the radical reorganisation of existing faculties. Neither proposal succeeded, although some faculties changed their names – for example, the Faculty of Arts became the Faculty of Humanities and Social Sciences – and a few departments either moved to other faculties or were absorbed into larger departments. A sceptical analysis of this situation might conclude that the academics within the faculties, mainly consisting of 'old' staff, closed ranks and resisted these proposals in order to prevent the new management, still then distrusted, from gaining too much influence within the essential academic loci. The proposals were motivated by strategic considerations and also countered on that basis.

As for curriculum reform, there was reason for concern. For instance, most syllabi and curricula still reflected the period of the Academy's association with UNISA. Reform before independence had been constrained by the need to keep programmes fairly akin to the South African models, if only because they were the only immediately available points of reference. Since independence there had been no reforms because academics would not invest time and effort in a large enterprise that might be discarded when the new management took over. Whatever the causes, academic programmes had stagnated over a period of about 10 years. However, with the school system changing over to the IGCSE model (cf. Gretschel in this volume), there was another (practical) reason for reforming: to accommodate entrants with the IGCSE qualification, the undergraduate degrees would have to be of four years' duration instead of three.

So the university had a prime opportunity to do not only what was necessary, but also what was desirable. It was also an excellent opportunity to kindle the academic dialogue within and across faculties so as to raise the academic discourse among a rather demoralised group of lecturers and professors. It was a fine opportunity to revitalise the university, but the occasion was squandered by the unsuitability of the 'foreign consultant' appointed to lead the effort – he was a member of the former transitional team. The process dragged on through 1993. The first 'consultant' was replaced by another, but nothing happened until the beginning of 1995 when the process was reinitiated by the Deans Committee. Since large numbers of IGCSE-qualified entrants were expected in 1996, action and dialogue quickened, but it was too late for substantial cross-disciplinary and inter-faculty cooperation.

The new curricula were ready by the end of 1995. Some are innovative and seek to address the needs of the students and the wider context in the light of years of experience, some are lazy reproductions of the former ones and some are a blend of innovation and reproduction. Although the great majority of the new curricula and syllabi are academically respectable, all suffer from the same shortcoming: each was designed more or less solely by the individual faculty concerned. In general, the module system was adopted at undergraduate level so as to allow students greater flexibility in compiling their curricula. Another advance was the drafting of regulations on higher studies, which allow faculties to offer postgraduate diplomas as well as masters and doctoral degrees, as and when approved by the Senate.

## STRAINS AND TENSIONS

Parallel to the aforementioned debates on academic restructuring, there were numerous accusations of corruption, misallocation and inefficiency at UNAM, which were carried by the media within a few months after the new management had settled in. The leading accuser was NANTU's branch at UNAM, supported by its Central Executive. Public criticisms levelled by NANSO also appeared, and individuals joined in with gusto. The image projected in the media – which was not far from the truth as will be seen – was one of management versus staff and students.

Major reproaches were that: large salaries and expensive cars had been provided to consultants and others recently appointed to senior positions; most of the recent appointments had been made without advertisement and without regular selection procedures; and though NANTU had raised all these issues with management, an answer had never been received.

Vice-Chancellor Katjavivi replied point for point, denying the high salaries and defending the car benefit scheme on the grounds that it was inherited from the Academy and that UNAM was in line with other major institutions in the country. Other issues, for example the proposed academic evaluation committee, the lack of accommodation for students and the lack of instructional equipment, would be addressed in due course. Katjavivi also cautioned critics not to jeopardise UNAM's chances of receiving assistance from abroad and deplored the leaking of official internal documents to unauthorised persons, advising them to utilise the existing channels of communication rather than writing anonymous letters to newspapers (see *The Namibian* 18/2, 19/2, 22/2, 26/2 and 9/3/93).

After more than a year of controversy simmering both publicly and on campus, and in the absence of a commission of inquiry which both NANTU and NANSO had requested many months before, the SRC took a decisive

step: in collaboration with NANSO, it organised a march to State House (29/4/94) to petition President Sam Nujoma in his capacity as Chancellor of UNAM. This led to a commission of inquiry (chaired by Ombudsman Kozonguizi with lawyer Bience Gawanas and businessman Peter Böttger – also a UNAM Council member – as its members). At NANTU's request they were later joined by a fourth member, namely Auditor-General Fanuel Tjingaete who had both an academic and a financial background, and who had worked as an Associate Professor in Economics at the Academy. This appointment was criticised by SWAPO Secretary-General Moses Garoëb, who demanded in a memorandum to the UNAM Council that Tjingaete be removed from the Commission on the grounds that he was biased against the Vice-Chancellor as well as the Government.<sup>9</sup> Labelling the Auditor-General as 'unprofessional', Garoëb further stated that the inquiry into UNAM's affairs at this transitional stage was unnecessary, and that the demands for an inquiry had emanated from students who had been misled by former Academy lecturers who resisted change.

In his public retort Tjingaete claimed that Garoëb's attack was due to the fact that he as Auditor-General had uncovered cases of corruption in the Ministry of Foreign Affairs headed by Garoëb's relative, Theo-Ben Gurirab. Tjingaete also stated that Garoëb had misused his position 'for his personal, tribalistic purposes' by issuing a statement ostensibly on behalf of SWAPO, when in fact he had not formally consulted with the party's Central Committee (*The Namibian* 7-10/6/94).

The controversy continued, with political opposition parties suggesting that Garoëb was condoning corruption at UNAM, but ultimately Tjingaete's appointment was maintained. The UNAM Council discussed the commission's report on 16 September 1994, and agreeing with almost all of its substantive findings, stated to the press that where not yet put into practice, the recommendations were being attended to.

The Commission's main recommendations pertained to an administrative reshuffle, as follows:

- Units attached to the Vice-Chancellor's office should be relocated.
- The Management Committee should be reconstituted and its role clearly defined, and the Vice-Chancellor's powers should be prescribed, with the two Pro-Vice-Chancellors empowered independently and made accountable to the UNAM Council.
- The committee system should be resuscitated because 'then you will not have this autocratic regime ...'.

<sup>9</sup> Tjingaete had been in exile, but as a member of the South West Africa National Union (SWANU), not SWAPO.

- The Deans Committee should coordinate all research and consultancy activities, which should be better marketed.
- Personnel should be recruited and evaluated according to a regular system.
- Tender regulations should be strictly adhered to.
- The Bursar should be fully acquainted with the budgeting requirements of the Ministry of Education and Culture and the Ministry of Finance.

The findings acknowledged that the complaints laid before the commission were justified on the whole: even after the evaluation exercise, the 'inherited staff' had been made to feel like outsiders; 'transparency was conspicuously absent' when appointments were made; and the placing of consultants in 'line functions' had a negative effect on relationships. The Commission furthermore found that one of the consultants, holding the post of Director of Strategic Planning, had indeed seen his application to the Academy turned down and that the evidence he gave before the Commission boiled down to a systematic hostility towards the Academy. 'The distrust thus caused was perhaps the single most important factor which led staff to question the actions of the Vice-Chancellor representing his team ...' and it degenerated into wholesale suspicion culminating in a paralysing division between staff and management.

The Commission found that the Vice-Chancellor had met the students, NANTU and other members of staff on various occasions to discuss the issues, but that there had been 'a communication gap' on these occasions.

## SETTLING DOWN

Earlier I referred to *authenticity* as a prime motive in establishing 'the new UNAM'. Overcoming the colonial deficiencies by educating an increasing number of Namibians so as to qualify them to manage key areas in national development is a leitmotif running through all UNAM planning documents.

But perhaps the most immediate and visible step towards authenticity was the change in the skin colour of staff, especially those occupying higher positions. Since it is clear that most Namibians are dark-skinned, for which they were massively disadvantaged under apartheid, and that the Academy employed relatively few dark-skinned staff members, particularly in higher positions, the new management targeted this most obvious sphere as a visible manifestation of its reforms.

However, for all its defects the Academy was a functioning institution with considerable expertise. It is probably objectively true that the relevant

expertise and knowledge of the 'inherited staff' far outweighed that of the 'new staff' at the time that the new management took over: this was the point tacitly made by the commission of inquiry in referring to 'the enormous pool ... waiting expectantly to be used'. The 'old' staff could not be summarily dismissed for practical and constitutional reasons alike, and also due to the policy of national reconciliation: in fact, the evaluation committee of mid-1993 confirmed almost all of the 'old' staff who were Namibians in their positions.

Another factor was that Namibian independence, although the product of substantial compromises, was (and is) an essential part of SWAPO's political attractiveness and helps to propagate its image – its mystique – of being not just a political victor but the national liberator. As such, SWAPO had to act decisively in key areas – the national university being one. To admit people who were not associated with that image into inner counsels would dilute the effect. In fact, it might dilute the decisiveness of desired action. But what of the many foreigners who were installed in positions of responsibility? That could be justified since SWAPO had frequently made the point that one of the aims of transformation was to bring Namibia into the international community – away from the isolation and inwardness of the apartheid era. Also, 'Africanness' is a component of authenticity.

However, from this arose a contradiction that was thoroughly exploited by aggrieved parties to the dispute over UNAM's management and format. Internationalism is a strategy to effect change and mark the new polity off from the past one, but *nationalism* is the dominant ideology of Namibia, as it is in most newly founded nation states. Furthermore it is a nationalism informed by a liberal Constitution and democratic dispensation. Formally, to be Namibian is sufficient reason to be entitled to all rights, privileges and benefits of the State, irrespective of allegiances, personal particulars, etc. It is illegitimate – indeed illegal – to exclude people from participation simply because of their skin colour, and it is dangerous to accuse others of discriminating in this way. Hence, in the discourse of the dispute, the new management and its political supporters laid charges at the door of 'conservative forces' and 'inherited staff', while the people designated by these and other similar appellations protested that they were Namibians and thus more authentic than the foreigners being favoured. Never from any party was there any public or direct mention of skin colour ('race') as an important ingredient in the dispute, since to do so would be to exceed the bounds of legitimacy and unleash passions whose course could be fearsome and unpredictable.

Am I implying that the dispute was informed by racism? I could not – even if I wanted to – speculate on the motives of the many parties to the dispute. In any case I am not convinced that employing a connotatively loaded term like 'racism' is conceptually helpful in analysing so complex

an issue. What I am saying is that skin colour was an important motif in the dispute, because changing the balance of authority in terms of skin colour was a primary symbolic act – a strategy – in making the transformation visible and immediate. But it was certainly not the only factor. It should be clear from the record provided above that political affiliations and conceptions of professionalism and institutional efficiency, among others, were equally important themes in the dispute.

What were the effects of the commission of inquiry? In my opinion, traumatic though it was, the effects were salutary. There were abuses and inefficiencies which had resulted from the phase during which symbolic transformation was taking place. Although the UNAM Council was muted in its response to the Commission's recommendations, there is no doubt that the shortcomings were noted by Council members as well as management. In addition it gave all parties the opportunity to lay their respective cases before a tribunal which was trusted to act impartially, and the sheer volume of evidence presented attests to this opportunity having been utilised. It should also be noted that the Commission came at a suitable juncture in the process of transforming UNAM, in the sense that the essential act of consolidating control in new hands had already been accomplished, and the next essential step was to place UNAM on a sound professional footing: the institution could not become reputable if it continued to embody a personalised style of management, ad-hoc staff appointments, a suspected lack of financial probity and an 'us and them' division between management and staff. In my opinion, as a staff member and party to all the events thus far outlined in this treatise, there has been a marked improvement in the management of the institution at all levels, as well as a marked escalation of trust and cooperation between management, staff and students.

In mid-1993 the staff inherited from the Academy were subjected to an evaluation by a committee composed mostly of foreign academics of seniority and repute. The evaluation concentrated on professional aspects, such as qualifications, experience, publications and teaching ability, and was conducted in a manner that raised no complaints even from those who might have something to lose. In the event, almost all the Namibian staff members were confirmed in their positions, with some being advised that they needed to improve some aspect of their professional capacity before they would be appointed on a permanent basis. The foreign staff, most of whom held permanent appointments under the Academy, were placed on two-year contracts, and some were advised that renewal of the contract would depend in part on improvements in their qualifications and/or performances.

In 1995 two major events took place: Firstly, the Technikon became the Polytechnic and separated from UNAM under an Act of Parliament. This step, recommended in the Turner Report, was necessary to improve the professional capacity at this level of training. Secondly, UNAM moved

from the 'City Campus' – the site that had been occupied by the technikon and university components of the Academy – to the campus in Pioneers Park on the southern edge of the city, which had previously accommodated the Windhoek College of Education. Admitting only white students, this campus had been designed to serve well over 1 000 registered students, but averaged an annual enrolment of about 150. Controlled by the Ministry of Education and Culture since independence, the college became racially integrated and was moved to a smaller campus at the end of 1993. New residential accommodation for students on the UNAM campus was opened at the beginning of 1995, and more and larger lecture theatres and a new library complex are in the planning phase.

### SOME SUBSTANTIVE ISSUES

Completed in 1995, UNAM's First Five-Year Development Plan is designed to integrate developments at UNAM with the greater National Development Plan and Policy. The Vice-Chancellor maps out the general idea as follows (UNAM 1995: vi):

The Plan document begins with a general outline on the roles of universities in national development. It then describes the historical background of UNAM; the institution's mission statement; the key challenges currently confronting the University and the Namibian nation; and the key objectives and goals for implementation, which have been proposed.

This Five-Year Plan comprises a useful compilation of data together with statements of intention. However, in my view it suffers from significant shortcomings. Universities are expensive institutions in any context, and especially so in a context such as Namibia, where the small size of the population produces limited enrolments in many programmes. Also, the nature and size of the economy means that the demand for university-educated people is restricted in many sectors. Yet Namibia can no longer rely on South African universities to provide places for Namibian students in specialised disciplines as they did in the past, and certainly not at subsidised rates. Nor is there any indication that universities in other southern African countries are prepared to take significant numbers of Namibian undergraduates. The upshot is that as a condition in developing self-reliance, Namibia wants to train and educate ever more of its higher-level specialists itself, but doing so will result in many programmes having very high unit costs. The Five-Year Plan says this (UNAM 1995: 70):

One of the approaches UNAM plans to adopt in reducing unit costs, is to expand her training facilities, thereby enabling higher student enrolments. The development of additional laboratories in the Faculty of Science (and related faculties) will therefore be one of the critical areas of focus during this period.

This is cogent reasoning if it refers to plans to retain a greater proportion of the better-qualified school-leavers in Namibia in future – a large number of them having previously enrolled in the more prestigious South African universities – but it is specious reasoning if it means that enrolments will be expanded with the main aim of improving unit costs, since in effect this would mean that unit costs dictate the format of the university without consideration of demand, quality and appropriateness to context.

A major shortcoming of the plan is that it does not envisage an upper limit to expansion, and at present there are no substantive data available on which to base reasonably accurate projections. UNAM is not essentially at fault here, because a number of faculties do provide professional training for producing such projections, but the responsibility and facilities for doing so rest with the state and professional bodies. The overall projection provided in the plan (4 290 students in 1999) is based on the discrete and generally uncoordinated forecasts of internal departments and centres, which they extrapolated from growth experienced in the years preceding 1995.

A more substantive question arising from the plan concerns the nature and role of university education. With the founding of the Polytechnic, the question becomes more salient because it appears that scant attention has been given to defining the essential nature and purpose of each type of education. This question is surely a philosophical and ontological one – concerned with the nature of each type of institution and how each might focus best on doing what it should do. At the moment there is no clarity as to the bases on which each institution will provide courses of study, nor even as to a simple division of educational functions, for example UNAM focusing on more philosophically or theoretically oriented education and the Polytechnic focusing on more 'practical' and 'technical' education. The likely result is increasing competition between the institutions for students and resources, instead of a partnership of complementarity.

The Five-Year Plan reviews a number of critical issues and recommendations, and the relevant section places a strong emphasis on material and/or infrastructural development (UNAM 1995: 68):

Since the key mission is to serve society in Namibia, topmost priority will be accorded to departments and programmes which are likely to play the greatest roles in promoting education and training, improving the health and economic performance of the

nation, enhancing sustainable natural resources development, promoting agricultural and livestock productivity, and curbing environmental degradation.

The commitment to providing more programmes in the fields of Science and Technology, and to increasing the number of students taking these courses of study, has already been noted. There is also a commitment to according high priority to staff development; promoting extension services, i.e. adult education and distance education; strengthening research capacity; improving library facilities; reducing unit costs; and diversifying sources of finance for the university. A further commitment discussed in the plan is to address regional imbalances in student enrolment. A table of analysis reveals that about half of the students in every faculty, and sometimes more than half, give Windhoek as their home area. This is a striking imbalance given, for instance, that about half of Namibia's population lives in the northern areas previously known as Owamboland.

Finally, I will deal with the question of autonomy. Despite an inauspicious start in this regard – I refer to the President having made a political appointment to the post of Vice-Chancellor and to his own installation as Chancellor – there have been few direct pressures felt. I stated earlier that autonomy is not a virtue in itself, but a condition in which the academic task might be better pursued in terms of critical enquiry and fruitful contestation about knowledge. These qualities of thought and discourse, when adopted by students, equip them better to deal with the complex, intractable and often paradoxical issues facing a small and economically weak country.

It is my impression that autonomy will not be directly threatened by actions of the State, but rather that it could, in a sense, become superfluous, to the extent that the university commits ever more of its programmes and resources to serving primarily the material and infrastructural development of Namibia. For then it is likely that received knowledge, in terms of what is approved and what is not, will be uncritically valued due to its apparent certainties, and will be conveyed uncritically to students at the expense of problematising and discriminating discourse. Technicism will be dominant and autonomy will be not be an issue ...

In conclusion, writing at the end of the 1996 academic year, it seems to me that UNAM has withered the storms of contestation and transformation, and is now reasonably well set on a path to improving its managerial efficiency and capacity to deliver its programmes. But it should be clear from my concluding remarks that I am concerned: amidst all the reports, consultations, contestations and planning, insufficient attention has been given to thinking through – rigorously and comprehensively – what it is that this large and expensive endeavour can best do for Namibia, and how it can best do it, in terms of the elusive attribute that is academic quality.

## 8

## Political culture and civil society: on the state of the Namibian State

Reinhart Kößler and Henning Melber

### INTRODUCTION

Southern Africa is one of two regions in the world today where fundamental socio-political transformations have taken place on a large scale in the recent past. In contradistinction to the other large region, eastern Europe, in southern Africa social and political movements, or their representatives at any rate, have been converted into holders of state power and there seems no realistic prospect of the old elites re-emerging at the seat of political power. Whereas the development of Angola and Mozambique since independence in 1975 was characterised by attempts at radical breaks with the colonial past, by outside intervention and civil war, in the three other and more recent cases of transformation a different approach has been chosen. This applies to South Africa since 1994, Namibia since 1990 and reaching back ten more years again, to Zimbabwe. The importance of these countries even today, and in the case of Namibia clearly in excess of its weight in terms of population or economic power, may be seen, to a considerable extent at least, in these exemplary transition experiences.

On a formal level, all these three cases may be considered as instances of a successful democratic transition. In Zimbabwe, regular elections have been held ever since independence, and Namibia has duly passed the test of the periodic re-election of the National Assembly after the expiry of the term of office of the first Parliament elected in 1989. In South Africa this question does not yet arise. If we look at political culture and the material conditions behind the smooth formal functioning of the institutions, things do not look quite as rosy.

Whereas the situation in South Africa still seems to be very much in flux with the Constitution just finalised and a Truth Commission having been established in December 1995, Zimbabwe represents the case of a well-entrenched, practically one-party regime centred around the dominating

figure of President Mugabe. In Namibia, while SWAPO is the undisputed holder of government power and President Nujoma seems poised for a third term only one year into the second, the future course does not seem quite as decided yet. There are clear and disquieting tendencies for the top echelons of the ruling party to stifle public criticism and to evolve into self-serving attitudes along the lines of so many African and generally, developing country regimes. There are countervailing forces as well, however.

In the remainder of this article, we would like to give a brief overview of the situation in Namibia as we see it in late 1996, which will lead us to a brief theoretical reflection on the meaning of *civil society*. We shall then exemplify our argument by taking a look at some of the more important cases of corruption in high places and especially, at their handling by the SWAPO Government during 1995.

#### GOVERNMENT, ADMINISTRATION AND CIVIL SOCIETY SINCE INDEPENDENCE

In the three cases singled out in the introduction, power did not fall into the hands of the representative organisations of the national liberation movement lock, stock and barrel. Rather, the transition towards an internationally legitimate independence in Namibia and Zimbabwe, and towards majority rule in South Africa, was in each case the result of a compromise which left large parts of the old state machines intact and provided for their gradual transformation rather than for sudden and abrupt change. This was due mainly to existing power relations: the wholesale overthrow of colonial and apartheid regimes by the liberation forces did not seem feasible at any point. Further, the experiences of Angola and Mozambique had brought out the risks associated with such abrupt changes, such as the disorganisation of the economy and the breakdown of bureaucratic processes. The spectre of prolonged civil war and the need to keep the economies running prompted policies of compromise. This came also as a result of pressure exercised on the liberation movements by international actors. Both the Lancaster House Agreement in the case of Zimbabwe and the independence arrangements negotiated by the United Nations for Namibia contained constitutionally entrenched provisions designed to severely limit the options of the independent Governments, especially in such an important area as land reform. The installation of the Transitional Government of National Unity and the Transitional Constitution in South Africa served a similar purpose: while the decisive step towards 'one person, one vote' is taken, the potential consequences of majority rule are constrained.

At the political level, such compromise was formulated, particularly in Namibia, in a concept of *reconciliation*. For all practical purposes, this laid and still lays the main onus of forgiveness and concessions on the shoulders of the black majority (cf. Diescho 1994: 88-90; Melber 1996b), while the – mainly white – privileged groups still retain most of their former economic and social spoils, being joined by those graduating to the echelons of state power from the ranks of the liberation movement. Political transformation on the one hand and social change on the other are thus clearly severed from each other. The former still remains a necessary condition of the latter, but since successful transformation and betterment of the lot of the great majority are seen as contingent on a functioning and expanding economy; even for that reason the exigencies of those in command of that economy remain paramount. Effective social change and the redistribution of wealth can thus be a long drawn-out process at best. Furthermore, in the course of this process, new vested interests are established, and new informal as well as formal interest groups emerge.

The transformation of the organised liberation movement into a ruling party, which since the 1994 elections holds a two-thirds majority in the National Assembly, has turned out to be a complicated and risky process. In this process of building a government and injecting some new blood into the existing administration, various forces were moulded together. The top echelons were clearly drawn from SWAPO's leadership formerly in exile. The representation of former internal SWAPO leaders at Cabinet level has been reduced to two through a reshuffle following the second National Assembly elections. To these are added a fair number of adherents who joined SWAPO shortly before or after the attainment of state power. In the lower strata of bureaucracy, two exigencies have been particularly prominent. As in South Africa later on, the transition was premised, *inter alia*, on the condition that there would be retrenchments in the civil service only by voluntary departures. This provision has been enshrined in the Constitution. It has cast serious and legitimate doubts about the loyalty of the civil service and led to a tendency of doubling up by appointing additional personnel to key posts at least. Therefore, the inflation of the civil service that has taken place since independence cannot be attributed to a 'spoils mentality' alone. Rather, there was a combination of recompensing cadres of the liberation struggle for their merits, and of creating counterweights to the appointees of the old regime within the administration. Recruitment of loyal personnel into the Government Service and parastatal institutions had a further important consequence in the realignment of social and political forces in Namibia.

Given the extreme scarcity of skilled and trained human resources, the Government Service started to drain off people who had gained some expertise in grassroots organisations and NGOs that had been critical towards

the colonial Government. This can be understood as a process of draining important sectors of civil society of their critical potential. It is indicative that shortly before and since independence, even some of the more important NGOs found themselves in trouble or even ceased to exist. In the case of the vociferous Namibian Women's Voice, a general distrust of autonomous community organisations and initiatives of the SWAPO leadership clearly played an important role in the dissolution of one of the most important women's groups in the country (Becker 1995: 217-226). One particularly telling, and worrying, example of the siphoning off of human resources from vital parts of civil society is the recruitment of consecutive General Secretaries of the umbrella union organisation, the National Union of Namibian Workers (NUNW), into the Government and National Assembly. Once he or she had become a deputy with a good chance of moving up into the ranks of government, the General Secretary would relinquish the union post. The unions, even at the top, are thus deprived of invaluable experience accumulated over years of hard struggle.

All these tendencies and developments may have contributed to the persistent weakness of structures and organisations of civil society, especially where they represent popular interests and movements. They certainly did not *per se* weaken the political and social strength of the representation and organisations of all socio-political groups and forces connected with or consolidated under the old regime. Notwithstanding the electoral decline of the Democratic Turnhalle Alliance (DTA), which retains its role of official opposition in a rather marginal way, the various cultural and professional associations, ranging from the Bar Association to German school societies, exert considerable influence. Indeed they provide well-established informal networks that are well suited to put pressure on the bureaucracy and also on the Government. The long drawn-out process of admitting black lawyers to the Bar is an important demonstration of the impact of informal influence and established privilege. This, as well as central issues such as the land question, which has been left pending for over four years since independence and which is far from any large-scale redistribution or even the restitution of lands as demanded by some traditional communities, all underscore the limited effects of the transition to legitimate independence on a 'one person, one vote' basis (Melber 1996a).

Seen from the angle of socio-economic structures, of material power relations, of equity, of the meeting of basic needs, and above all, of plain justice, the transition on the level of formal institutions has only been one necessary first step. 'One person, one vote', despite its overriding and vital importance, cannot by itself solve the vital questions that the majority of Namibians face today – just as they did at the end of South African rule. For continued legitimacy, further steps, including tangible redistribution, will be indispensable, and they will have to be enacted by vigorous government

policy. In mid-1995, a first sign of massive discontent were demonstrations in Windhoek by destitute former fighters of the People's Liberation Army of Namibia (PLAN), who confronted the President and members of the Government on various occasions and demanded redress of their miserable situation, also as a recompense for their part in liberating the country. One might well ask why this kind of thing happened only at such a late stage. A glance at the situation in South Africa suggests that there, popular patience is at a much lower ebb, and things might move faster once people do not see their lot improving. One further important lesson to be learnt from this nascent movement is the difficulty of the former PLAN fighters, and many others, to make their grievances heard, to organise, to find a mouthpiece. This is in clear contrast to the interest groups mentioned before with their rather well-oiled and long-established machines.

It is not enough to point out that the majority of the population, as in most African countries, still live in rural areas, and that interest groups and other forms of civil society are usually an urban occurrence (see, for example, Neubert: 1996). During their long struggle for independence, Namibians at various times and places demonstrated remarkable organisational skill and resilience against very heavy odds, and not only in the main urban centre, Windhoek. In the final decade of that struggle, the churches, organised in the Council of Churches of Namibia (CCN), played a very important role all over the country (cf. Steenkamp 1995). There were several waves of vigorous student movements which spread to all parts of the country (cf. Maseko 1995). Important centres of internal resistance were established in rather isolated places in the arid and sparsely populated South such as Gibeon, and later also in Berseba (Leys & Saul 1995: 75ff). Generally, the 'dramatic expansion of ... 'community-based' activism' from the mid-1980s noted also by Leys and Saul (*ibid.*: 82) was certainly centred in, though not limited to, Windhoek. A more important problem that seems to have prevailed since independence is the suspicious attitude of the ruling party vis-à-vis these autonomous groups, which have been generated by a 'spontaneity out of necessity' (Strauss 1987: 187). In a contradictory process, these vital groups and networks have been dried up by the drain of personnel into Government, and subjected to attempts of centralisation and ensuing control by forming them into one national body, the Namibian Non-Governmental Organisations' Forum (NANGOF).

More fundamentally, the weakness of the popular organisations must be understood as a graphic illustration of the relationship that Italian Marxist theoretician Antonio Gramsci had in mind when he wrote about the struggle for 'hegemony' in his contemporary Italy under fascism. In existing structures of civil society, Gramsci saw above all the entrenchment of bourgeois hegemony, i.e. of the powers-that-be, in a multifaceted network of class dominance. This generated the stability of the 'historical bloc' once estab-

lished (Gramsci 1967: 291). To overcome this situation, where the forces of the old society are still very much in effective control, Gramsci saw the need for a 'struggle for a new culture' (1983: 108). What is important in these considerations for our present context is the clear assertion that civil society is a vital field of interaction and struggle for conflicting social forces. It is vital as a space for organising and articulating various and – of necessity – frequently mutually countervailing interests. It still remains marked by a basic and inevitable ambivalence, however (cf. Bobbio 1988; see also Kößler & Melber 1996).

In the present Namibian context, the question of hegemony is brought out graphically if one looks at the situation of the media. Apart from the parastatal Namibian Broadcasting Corporation (NBC) and the Government-owned weekly newspaper, *New Era*, the most important media are the four daily newspapers published in Windhoek. By far the largest circulation is concentrated in the hands of Democratic Media Holdings (DMH), a firm affiliated to the DTA, which also owns the only newspaper printing press in the country. DMH publishes *Die Republikein* in Afrikaans, which is the largest paper in the country by far, *The Windhoek Advertiser* in English and *Die Allgemeine Zeitung* in German. Together they have a circulation of some 18 000 copies. Besides this, *The Namibian* represents a lone dissenting voice. Founded as a mouthpiece for the struggle to implement the UN Peace Plan in 1985, the paper has been an important ally for SWAPO, though it has never succumbed to party discipline. Today it represents the only serious organ of investigative journalism in the country. Besides, it is also the only daily paper running a section in an African language, Oshiwambo. A measure of outreach into the population centres of the north can thus be achieved. Still, the national press of the country clearly brings out, by its proportions and orientation, the opportunity for differing voices and interests to make themselves heard. It is all the more remarkable that in a situation where there is no viable parliamentary opposition, *The Namibian* has in various instances been able to play the role of a critical forum, taking the Government to task on vital issues. In contradistinction to the DMH media, this has been done not on a – largely discredited – party political agenda, but on the principled basis of minimal standards of transparency and good governance. The following examples may also underline the vital importance of this kind of voice in a situation where these standards seem to be in jeopardy. Above all, we hope to demonstrate our points about the workings of vital aspects of civil society – in this case, critical media – in a hegemonic, historically heavily charged environment.

## WATERGATE AT ETOSHA<sup>1</sup>

The affair to be outlined below was aptly dubbed by *The Namibian* as 'Watergate'. This is not only creative and witty, but it also drives home the disturbing fact of how power is handled at Cabinet level along with concomitant access to material benefits. Of course, in the Namibian context, *Watergate* is pronounced like 'watergate' ('boreholes') in Afrikaans. Boreholes in Namibia are vital for the effective use of grazing in practically the entire area in the country that is suitable for extensive farming with large or small stock. By means of such boreholes, which sometimes are several hundred metres deep, water is transported to the surface and used for the watering of stock as well as for human needs.

One can justifiably draw a parallel between the borehole affair and the notorious Watergate scandal in the USA. The point is not so much corruption as such, but the way it was handled by the SWAPO Government. Given SWAPO's enormous parliamentary power base after its electoral success in 1994, winning a two-thirds majority in the National Assembly as well as the political and conceptual weakness of the parliamentary opposition, the way the Government lives up to its constitutional obligation of accountability is of critical importance. In addition, as serious critics will rather make their voices heard outside Parliament, and above all in the media, it is of equal importance how the Government deals with them.

### Drought relief for better-off recipients

At the beginning of 1993, it transpired that Minister of Justice Tjiriange and then Deputy Minister of Home Affairs Ithete had had two boreholes drilled on their jointly owned ostrich farm just outside the famous Etosha National Park. For this, relief money earmarked for alleviating the consequences of the severe drought that had hit the country during the early 1990s had been used. Meanwhile, it also became known that these two officials' application to establish a firm by the name of Etosha Domesticated Ostriches (EDO) had originally been turned down. The committee concerned with the matter had ruled that 'people are more important than ostriches'. This decision was later reversed, under circumstances that are still quite unclear.

The report of a commission of inquiry which was tabled much later showed that the drilling of the two boreholes had been ordered by the

<sup>1</sup> The following is a slightly revised version of our text 'Watergate at Etosha: Government and public sphere in Namibia: A critical review of political culture', published in *The Namibian* of 21/12/95. It is based on current newspaper coverage of the events described.

Deputy Permanent Secretary for Water in person, and by word of mouth. The cost was almost N\$200 000. While not large in absolute terms (some US\$60 000), this sum is quite considerable when set against the Namibian Gross National Product of N\$10 billion (10<sup>9</sup>).<sup>2</sup> When the commission of inquiry questioned the Deputy Permanent Secretary about the circumstances of his change of mind, he referred to 'an order by telephone from the north', and claimed he could not remember who had been on the other end of the line. In any case, the two Ministers' boreholes were suddenly upgraded to priority 'B' and later even to 'A2', which meant they had been included in the emergency drought relief programme.

Charges that profits had been made from similar transactions spread to a further Cabinet member and to the Deputy Minister of Finance, as well as to one of the 13 Regional Governors and the present General Secretary of the Southern African Development Community (SADC).

The Government called in a commission of inquiry to look into the matter. However, the findings of this Commission, which became known as the 'Brits Commission' after its chairman, were kept secret for a long time. Instead of making the Brits report known publicly, the Government called a further commission, this time made up of Cabinet members. Its report was tabled in April 1995.

### Official whitewash

Meanwhile, more than two years had passed since the accusations against Tjiriange and Ithete were first made. SWAPO had brought home its election victory. In the Cabinet reshuffle which followed, charges of corruption were evidently of no importance. In any case, none of the accused lost their posts. Quite to the contrary; it does not reveal much sensitivity to shift Deputy Minister Ithete from Home Affairs to the Ministry of Environment and Tourism, since this is the very portfolio charged with investigating matters relating to suspected irregularities at the ostrich farm. According to a police investigation that had been drawn out for more than 20 months, as well as a subsequent charge laid by the Prosecutor-General which became public knowledge only in October 1996 (*The Namibian* 21/10/96), the farm management, in violation of existing laws, had bought wild ostriches and ostrich eggs caught and collected by local people in the vicinity.

Based on the Cabinet Commission report, Minister of Information Ben Amathila declared his colleagues and other high officials who had been

<sup>2</sup> N\$1=R1. Projected proportionally on the conditions in an industrial country like Germany, it would amount to something like DM80 million. (We owe this point to Dr Peter Oesterdieckhoff, Gaborone.)

charged in the Brits Commission report (by then still unpublished), to have been cleared wholesale of all charges. It was argued, inter alia, that the boreholes had meanwhile been made accessible to 'local communities'. In one case, that 'community' comprised no more than 14 people. President Nujoma continued to treat the Brits Commission report as a closed file. The Namibian public was to be denied any detailed knowledge of the charges contained in that report, and further names of implicated persons were also to be kept secret. The entire operation amounted to a self-absolution by Cabinet. In early May 1995, the independent and increasingly critical *The Namibian* responded with the banner headline 'Whitewash!'.

This whitewash strategy seemed quite promising at first. The DTA, as the official parliamentary opposition, ailing from a crushing defeat in the recent elections, is no real challenge to the ruling SWAPO party and will probably never be able to overcome its lack of credibility. Viable criticism is more likely to arise from the extra-parliamentary public, and here *The Namibian* in particular has affirmed its position as a critical voice in one further instance: by unearthing and presenting, over and over, additional information on the background of the affair and by championing the conclusion that the borehole chapter could only be closed after thorough and exhaustive clarification, the scandal was kept in the public eye. Even before, Government has had occasion to experience the sting of critical media upon the high and mighty, when voting for the purchase of expensive aeroplanes for the needs of the President and later the Prime Minister. This sting may be all the more effective when the media, as in the case of *The Namibian*, are ancient allies in the struggle for a democratic conclusion of South African colonial rule.

Finally, in mid-June 1995, in the face of continuing pressure from public opinion and especially from *The Namibian*, Prime Minister Hage Geingob was obliged to table the Brits Commission report. This enabled the newspaper team under the direction of its editor, Gwen Lister, to detail to the concerned public the heavy charges contained in the report, which implicated several leading politicians. Apart from public glee, there were still no consequences for the culprits.

There may be some spice left in the fact that John Mutorwa's appointment in the March 1995 Cabinet reshuffle as Minister of Basic Education and Culture came as a surprise, even to insiders. Although he had previously been responsible for drilling boreholes as chief of the drought relief programme, he came to be one of the main beneficiaries of the reshuffle.

### Cracks in the wall of silence

Disciplinary action, as demanded by *The Namibian* in its closing comment on the affair, has not taken place. Still, by and large, the course of the Namibian Watergate affair may be seen as a success for the critical public. After all, the attempt to silence the scandal by (self-)condoning statements and wait for the rest to subside was unsuccessful. Also, the affair could not be restricted entirely to the limited scope of Namibian internal politics.

When newspaper reports appeared in Botswana and South Africa on the implication of SADC General Secretary Kaire Mbuende<sup>3</sup> in the affair, he saw a need to defend himself publicly against the Brits Commission's findings regarding his role. Two other persons implicated also presented their own versions before the public, but their pleas could hardly silence the critical voices. Mbuende bemoaned – with evident justification – the Namibian Government's inept handling of the public controversy, and further pointed to the weakness of the borehole which had been drilled for him.

Others had meanwhile abandoned the farms in question, or they had subsequently paid for the boreholes, or they had given the communities which had been targeted for relief in the first place access to the boreholes. At the end of the day, all this served to corroborate the facts of malpractice and private appropriation of relief money.

Government sought refuge in the rather hapless argument that (predominantly white) commercial farmers had also been among the recipients of drought relief. This allegation turned out to have referred to the receipt of fodder worth some N\$20-25 000 in each case, whereas a borehole costs between four and even ten times that amount.

Furthermore, it can hardly be denied that drilling boreholes on private farms contravened the guidelines of the drought relief programme, which was aimed at local communities targeted for emergency drought relief. On top of that, the Ministers had violated the Namibian Constitution. Article 42 clearly stipulates that ministers must not, during their incumbency, pursue private business interests which might place them in a conflict situation between their duty as ministers to aim at the public good on the one hand, and their private concerns on the other.

The Minister of Agriculture and Water Affairs who held office at the time of the drillings in question, Anton von Wietersheim, made it clear beyond any doubt that there had been no 'misunderstandings' which might have occasioned individual favours for politicians. He brought it home that the guidelines for the allocation of relief had been discussed and fixed on all levels, including Cabinet, at the time in question. Late in May 1995, he

<sup>3</sup> Author of *Namibia – The Broken Shield: Anatomy of Imperialism and Revolution* (Lund 1986).

pointed out in *The Windhoek Advertiser* that his erstwhile Deputy, Kaire Mbuende, who had taken up his prestigious post as SADC General Secretary only at the beginning of 1994, had profited from the borehole issue without his knowledge. This was a gross violation of existing rules of procedure.

The former Minister was well motivated to be enraged. He himself had fallen victim to the conviction that his office as Minister obliged him to take a stand against corruption. In another affair, acting on a report by the Attorney-General, Von Wietersheim had temporarily shifted one of his top officials, against whom an investigation had been launched in respect of the misuse of public resources and violations against the existing public service code of conduct. However, the Minister had underestimated the protection that the official in question obviously enjoyed in the highest echelons. When he was forced in Cabinet to repeal his disciplinary measure, and dared to criticise the move and protest against it behind closed doors, President Nujoma instantly dismissed him. This happened in November 1993.

The official in question remains at his post at the government veterinary laboratory. After dragging along for more than two years, the investigation finally led to official charges being laid against him in May 1995, but the matter has as yet not resulted in formal court proceedings.

Former Minister Von Wietersheim, who up till March 1995 was still an elected Member of Parliament for SWAPO, has meanwhile dropped out of official politics and is drawing a pension. At the time he had considered it a matter of loyalty not to make public his ignominious removal from office, and only during the concluding session of the first National Assembly in February/March 1995 did he take the floor. In his speech he castigated the growing corruption in the country and recalled the lofty ideals once propounded by the political dignitaries of the liberation movement. He also lashed out at the self-service mentality which had become evident when the deputies of both the ruling party and the opposition had voted in favour of a salary hike of 20% for all political officials immediately before the end of their five-year term of office, thereby also raising their pensions, which are computed on the basis of the last salary.

### Is the President always right?

A seemingly entirely different issue generated additional evidence of the remoteness of President Nujoma and his Government from public scrutiny. Contrary to mounting international pressure to isolate the Nigerian military regime, Nujoma not only praised the friendship between the two peoples and Governments after visiting Abuja in mid-May 1995, but also invited military dictator Abacha to pay a state visit to Namibia. Even on the morrow of the fateful day when the Commonwealth Summit awoke to the horrible news

of the execution of journalist Ken Saro-Wiwa and his friends, Nujoma was pictured chatting amicably with the Nigerian Foreign Minister, about to be sent packing by the conference. Even after the Commonwealth verdict and South African President Mandela's clear turn away from the blatantly failed 'softly, softly' tactic to confrontation with the Nigerian regime, Nujoma still advocated amicable means and an early readmission of Nigeria into the Commonwealth.

Apart from an obvious confusion between the present blood-stained dictatorship, former Nigerian regimes that had assisted in the struggle against apartheid and had supported the Nigerian people, the President's response to instant criticism at home was disconcerting. In May he did not divulge anything about his talks in Abuja, apart from a meagre communiqué, and this did not mention the human rights issue at all, while others at that stage, above all Archbishop Tutu, saw an advocacy of human rights as the only justifiable reason to maintain relations with the Abacha regime.

To justify his handling of the matter, President Nujoma summarily pointed to his executive prerogative. He himself, as well as SWAPO spokespersons, insisted that the President was not publicly accountable for his talks with his Nigerian partners. Later, SWAPO circles concocted the justification that Namibia should not succumb to US pressure in isolating the Nigerian regime. To depict the executions as an anti-imperialist achievement would almost have been in keeping with this line of argument.

The Namibian Government's apparently sustained rapprochement policy towards the Abacha regime undermined attempts to isolate that dictatorship, above all within Africa. The policy is questionable, even considering the short and medium-term interests of Namibia as a recipient of Nigerian development aid. The internal corollary of this policy is the way in which it is hammered through in the face of criticism. This provokes the same questions of how Government relates towards a critical and active public, as does the treatment of corruption in high places.

### Control of public opinion

Members of the Cabinet increasingly strike out against reports in the media. Generally, politicians bemoan the lack of 'constructive' criticism. This may also betray an increasing touchiness on the part of politicians. Rather than welcoming or at least respecting criticism as a sign of a nascent civil society, critical voices are discredited as traitors to the cause and accused of lacking loyalty towards the new independent State.

Where the opportunity exists, direct control of public(ised) opinion by the political potentates is also employed. This became evident with the recent renewal of the NBC's board of directors. The 10-member board was

completely renewed in April 1995, shortly after the Cabinet reshuffle. This was done although the Minister of Information and Broadcasting, who makes recommendations on potential candidates, had insisted on continuity and had recommended many of the former members for another term. Seven of the newly appointed board members were either active SWAPO members or high-ranking state officials. Moreover, none of the NBC board members commands the relevant experience.

It may just be a coincidence, but after the new appointments to the NBC board, direct political interference increased. For example, the Chief of Protocol in the Office of the President forced the NBC's TV news desk to broadcast, in its entirety, a video report of a press conference held by Presidents Nujoma and Mandela during the former's state visit to South Africa. The then NBC Director-General, Nahum Gorelick, subsequently voiced concern that in the face of stronger interference from Government, tendencies towards self-censorship within the NBC might increase. Shortly after this, in early June 1995, Nujoma met the new NBC board to convey his own suggestion regarding the future activities of the institution. Director-General Gorelick had been fired by the end of July 1995, and in September he was succeeded by Daniel Tjongarero, formerly the Deputy Minister of Information and Broadcasting. Besides that, the designation as 'autonomous' had been cancelled from the NBC regulations as early as April 1994.

In early August 1995 there was excitement when the evening TV news broadcast an interview with the Minister of Trade and Industry, Hidipo Hamutenya, which contained some questionable political statements by him. The tape of the interview was later found to have disappeared from the TV archives. When it eventually resurfaced, the incriminating statements, which were meant to be used for a documentary programme, had been deleted. This internal dealing with documentary material prompted two prominent NBC journalists to resign with immediate effect for ethical reasons.

Another example of undue control exercised over the media in general and over NBC TV in particular was President Nujoma's televised speech on 6 March 1996, which came as a reaction to Pastor Groth's book exposing SWAPO's record of repression while in exile (cf. Lombard; and in this volume, Tapscott: footnote 35):

... the broadcast amounted to a serious abuse of public broadcasting, with the medium effectively being commandeered by State House for what turned out to be a personal attack on the author of a book and one of his supporters in an address on what is essentially a party issue. Yet it was presented in the form of an address to the nation (*The Namibian* 8/3/96).<sup>4</sup>

<sup>4</sup> Cf. Lombard, as well as Tapscott (footnote 35), in this volume.

At the same time, the overall treatment of the infamous 'detainee issue' confirms the dangerous attitude among many of SWAPO's leading cadres towards sensitive issues and publicity. Also in this case of human rights violations, they first responded to charges by attempts to remain silent and foreclose questions, but this was no longer possible once the English edition of Groth's book had reached relevant parts of the Namibian public, thus triggering the presidential attack (Köbler 1996).

### Pretension and reality

The actual importance of these and many other developments that might be quoted may well be a moot point. Tendencies towards the misuse of power, state control of the public sphere and self-aggrandisement are undoubtedly universal phenomena. Simply then, Namibia is no exception – certainly not when compared to other states in Africa.

On the contrary, one might well object that malpractices are comparatively innocuous and that strictly speaking, the corruption cases are about peanuts. Compared with kleptocracies such as Zaïre, that may well seem persuasive. However, apart from the argument about proportions cited above, this whole line of reasoning seems deeply problematic. Measured against the declarations of intent made by Government itself, i.e. its own pretensions and promises, the performance of that Government clearly falls short of its own proclaimed objectives. The much-acclaimed democratic Namibian Constitution can only be given life and legitimacy in the medium and long term if all participants – including, in the first instance, elected government representatives – respect the letter and spirit of its principles.

This also encompasses the need to support critical and active watchdogs in the media, albeit at times rather bothersome to do so. In the Namibian case, support for the media is even more important on account of the low quality and the well-deserved toothlessness of the official parliamentary opposition.

There is one further crucial point to make. In this case, to be effective, a vital part of the critical portions of civil society needed not only its own resilience, but also international support and cooperation. It may well be doubted whether the Brits report would ever have been made public without newspapers in other southern African countries taking up the issue. Also, the nascent cooperation of southern African countries was to all appearances important enough to effect the first crack in the wall of silence around the borehole affair, when SADC General Secretary Kaire Mbuende was forced to go public under the pressure of regionally organised public opinion.

## 9

# The detainee issue: an unresolved test case for SWAPO, the churches and civil society

Christo Lombard

### INTRODUCTION

In writing about Namibia since its independence in 1990, and in assessing the role of the churches in the ongoing liberation process, it is impossible to ignore the impact that the so-called SWAPO detainee issue has generated, and still may have on the shaping of a just and democratic culture in post-apartheid Namibia. From the perspective of the churches as part of civil society, the crux of this matter lies in the fact that the ecumenical churches, which stood firm in the struggle for justice and liberation in Namibia,<sup>1</sup> allowed the liberation movement, SWAPO, and the present Government, to cover up atrocities and human rights abuses perpetrated against large numbers of their own followers. Many Namibians are disappointed, if not disillusioned, with the churches and especially some church leaders, since they were expected to act as consistent custodians of truth and reconciliation, whatever the circumstances.

In those difficult years, when South African hegemony, torture, murder and abuse were running rampant in beleaguered Namibia, this lapse of integrity could have been understood to some extent, if not excused. But since independence, more than enough has been revealed about SWAPO's

<sup>1</sup> This was especially true after the famous 'Open Letter', addressed to Prime Minister John Vorster and signed by Bishop Auala and Pastor Gowaseb on behalf of the then ELOC and ELC on 21 June 1971. In this prophetic letter, these leaders clearly spelled out the churches' concern for social justice, which henceforth brought the ecumenical churches into direct conflict with the colonial oppressors.

own culture of authoritarianism and the churches' complicity in silencing voices of critique. Thus it can be understood why a critical researcher writes sharply about 'SWAPO and the churches: An international scandal'.<sup>2</sup> There are currently signs that forces within civil society, and within the churches, are strongly at work and may force Namibians to reconsider their handling of the so-called 'detainee and missing persons issue', and related key words such as *truth, reconciliation and justice*.

The detainee issue has become a test case, not only for the churches' integrity and witness, but also for civil society as such. The overall Namibian handling of the detainee and missing persons issue may become the acid test determining the nation's future.<sup>3</sup> The central role of the Christian churches in the development of this national dilemma, but hopefully also in resolving it, is therefore the focus of this contribution.

### THE PROPHETIC WITNESS OF THE CHURCHES DURING THE STRUGGLE

The Namibian churches have been hailed for their strong stance against the apartheid regime. Since the famous 'Open Letter' of 1971, the churches fulfilled the typical role of 'the voice of the voiceless', and the ecumenical movement in Namibia became the carrier of the message of hope, justice and freedom for Namibians. That first prophetic statement served as an ice-breaker for many such statements to follow.

The words of the 'Epistle to the Namibians', explaining to congregations all over the country why the churches simply had to speak out, receive increased prophetic significance in the current 'culture of silence' in independent Namibia – a culture which in effect covers up the grave human rights abuses that took place under the SWAPO leadership in exile and which helps to ensure the firm political grip of the authoritarian leadership

<sup>2</sup> See also Trehwela (1991: 65) for a similar assessment.

<sup>3</sup> The detainee and missing persons issue is a result of SWAPO's unfortunate history since the 'Kongwa Crisis' of the late 1960s, of detaining hundreds, even thousands, of its own members, accusing them of being dissidents, rebels, traitors and spies. Not only were these people detained and tortured in the most inhumane fashion, but many are still considered to be 'missing persons', unaccounted for by SWAPO. After protracted investigations by the International Committee of the Red Cross into this issue, the ICRC report, issued after its search deadline of 30 April 1993, still considered 1 605 out of 2 161 tracing requests as unaccounted for by SWAPO, where the previous South African government still had to account for 34 persons. SWAPO's book, *Their Blood Waters our Freedom*, released on Heroes' Day (26 August) 1996 and containing lists of almost 8 000 fallen heroes, unfortunately still does not provide a satisfactory answer to these grim statistics.

elite.<sup>4</sup> In this 'Epistle', sent out by the Lutheran church leaders on 30 June 1971, the message was clear: 'We are concerned about the future of this country and about the future of the various peoples who live here. ... We feel that if we, as the Church, remain silent any longer, we will become liable for the life and future of our country and its people.'<sup>5</sup> Following the Open Letter to Vorster, the mainline churches, representing more than 80% of Namibia's population, consolidated their cooperation towards the liberation of the oppressed masses in Namibia and jointly launched an impressive ecumenical programme, which cannot be dealt with in any detail here.<sup>6</sup>

In 1974 an ecumenical Christian Centre was founded in Windhoek to provide a forum for ideas and strategies for the churches' participation in the struggle for independence, with the formidable Tauno Hatuikulipi (who went into exile in 1977 and is believed to have been murdered by SWAPO in January 1984) as its Director.<sup>7</sup> The Lutheran and Anglican Bishops (Auala and Wood respectively) successfully took legal action against the new practice of public floggings of suspected SWAPO members and sympathisers that was implemented in 1974. In 1975, Catholic Vicar-General H Henning issued a statement titled 'Conditions for reconciliation in SWA', which called for an end to the use of violence in keeping the majority down, equal human rights for all, a fair trial for all political prisoners, and free and fair elections of the true leaders.<sup>8</sup> Father Heinz Hunke and Justin Ellis (from the Christian Centre) published a booklet titled *Torture: A cancer in our society*, and in May 1977 the major churches issued a joint statement on torture in Namibia, with advice for victims.<sup>9</sup> When one reads the barrage of statements prepared by the church leaders of Namibia on behalf of 'the voiceless' during the time of the struggle for independence, the overall impression is one of tremendous courage, commitment and clarity of purpose. After the establishment of the Council of Churches in Namibia (CCN) in 1978, a

<sup>4</sup> This is the overall drive of the analysis given in the authoritative publication of Leys and Saul on the legacy of Namibia's liberation struggle: that the same authoritarian leadership style of the 'Old Guard' may be allowed to continue unabated within the rhetoric of democracy (see, for example, 1995: 1-8, 196-203).

<sup>5</sup> 'Epistle to the Namibians', quoted in Katjavivi (1989: 136-138). It is interesting to note how many prominent church leaders were speaking out against 'neutrality' and 'silence', for example Kameeta (1986: 53): 'A prophetic voice can never be neutral in a situation of conflict. Neutrality has in fact no place in the vocabulary of God.'; Maasdorp (in Katjavivi 1989: 23): 'In the matter of racialism, no one may ever be neutral or silent.'; see also Dr Lukas de Vries in Töttemeyer (1977: 243).

<sup>6</sup> For a more detailed analysis, cf. Lombard (1997).

<sup>7</sup> See Trehwela (1991: 71).

<sup>8</sup> See Töttemeyer (1977: 245-248). *The Green and the Dry Wood* (1983) gives a comprehensive summary of the contributions of the Roman Catholic Church towards the ecumenical agenda of liberation.

<sup>9</sup> Cf. *LWF Documentation* (1987: 75-79).

number of statements were sent to the South African Prime Minister, for instance on 4 October 1978, after SWAPO's acceptance of the West's peace plan for Namibia:

At this decisive time and mindful of the ongoing suffering of our people, we call upon you, Mr Prime Minister, to accept this opportunity for peace under the guarantees provided by the United Nations. We feel compelled to caution that should your Government not make use of this opportunity, you will be held responsible worldwide for the escalation of an unavoidable, terrible and tragic war in this country.<sup>10</sup>

For a fair evaluation of the detainee crisis, especially as it developed on the basis of the 'spy drama' within SWAPO in the 1980s, these prophetic admonitions are extremely important.<sup>11</sup>

Many similar bold actions were still to follow, such as the Maseru Statement of the Anglican Church (July 1978), in which the Western Contact Group was criticised for their selfish interests in the Namibian dispute,<sup>12</sup> and for allowing South Africa to register voters without the United Nations' supervision and with its army still fully deployed in Namibia.<sup>13</sup> In 1983 the Synod of Bishops of the Church of the Province of Southern Africa also broke the silence on the Namibian agenda, by calling for the withdrawal of South African troops from Namibia and urging the South African Government 'to take immediate and urgent steps to ensure the independence of that country' (*LWF Documentation* 1987: 83-84).

Ecumenical solidarity was strengthened through the Southern African Catholic Bishops' Conference *Report on Namibia* (published in May 1982), which contained details of South African atrocities in Namibia.<sup>14</sup> Ever since Pope John Paul II's visit to the World Council of Churches (WCC) and the Lutheran World Federation (LWF) in Genève in 1984, the central authority

<sup>10</sup> See Kameeta (1987: 209). In February 1982, the CCN issued another statement to the South African Prime Minister in Windhoek, challenging him to allow free and fair elections in Namibia.

<sup>11</sup> The Minister of Higher Education, Vocational Training, Science and Technology, Nahas Angula, has recently argued that after this specific opportunity was missed, the Namibian liberation war really turned ugly, leading to the excesses of which both South Africa and SWAPO should be ashamed (cf. *Windhoek Observer* 12/10/96).

<sup>12</sup> See *LWF Documentation* (1987: 80-82). The statement also deplored the mass massacre at Cassinga, which took place in southern Angola on 4 May 1978, and again spoke out strongly against the continued use of torture and violence by South Africa. The statement ends with a significant sentence: 'Reconciliation will only come to Namibia when true justice is accorded to the oppressed.'

<sup>13</sup> The scam elections which followed at the end of 1978 confirmed these suspicions.

<sup>14</sup> Hanks in *LWF Documentation* (1987: 35-45).

of the Roman Catholic Church has been strong in its support of the Namibian cause.

After the failure of the 1978 initiatives on UN Security Council Resolution 435, and the South African answer of 'internal' elections and an 'interim' government, the CCN suffered internal division, sparked by the escalating violence of the struggle for liberation and the ghosts of Marxist ideology observed within SWAPO.<sup>15</sup> However, these internal problems did not prevent the CCN from amplifying its voice in the international arena.<sup>16</sup> Whatever the analysis of the bigger political powers at work behind the scenes of the successful implementation of Resolution 435 and SWAPO's subsequent hour of glory, the CCN contributions on behalf of all Namibians must be acknowledged as very direct moral and political factors that tipped the scales in favour of a peaceful settlement of the Namibian quest for independence.

Indeed the churches in Namibia had to pay a heavy price for their involvement. False propaganda against the 'liberation theologians' was put in motion; bishops were banned; pastors were detained, harassed and tortured; and infrastructure was destroyed.<sup>17</sup> In line with Bonhoeffer's three options for churches in their confrontation with a state abusing its political power, the Namibian churches questioned the legitimacy of South Africa's actions, came to the aid of victims of state action, and courageously took the ultimate step as well: 'not just to bandage the victims under the wheel, but to put a spoke in the wheel itself through direct political action'.<sup>18</sup>

The Namibian churches broke the silence with a strong prophetic voice, offering not only an ambulance service for the victims of oppression, but also serving as an avant-garde movement for social justice and political liberation. They fulfilled the role of an internal ally of SWAPO, even as an alternative political opposition to South Africa and its proxy representatives. Through their contacts in the LWF and the WCC, the ecumenical churches in Namibia created an international platform for the Namibian cause. However, always under the scrutiny of SWAPO's external leadership, internally the churches took on the same type of role that SWAPO-in-exile played from the outside. In its control of donor aid, development policies and practices before independence and the political process in Namibia, the CCN developed the

<sup>15</sup> Steenkamp in Leys & Saul (1995: 97ff).

<sup>16</sup> See the many 'Open Letters' to members of the Western Contact Group, the Christian Churches in Europe and North America, and the report of the WCC Washington Hearings on Namibia (2-4 May 1988). For these documents, see Katjavivi (1989: 145-206) and *Hearings on Namibia* (2-4 May 1988). For these documents, see Katjavivi (1989: 145-206).

<sup>17</sup> Cf. Winter's description of the harassment, including arson (1981: 48-50).

<sup>18</sup> Bonhoeffer, as quoted by Kameeta (1987: 212). Steenkamp (1995: 94) also presents a useful typification: there were three distinct facets of the church's role in opposition to the authoritarian regime - institutional, ideological and operational.

same paternalistic top-down culture as the SWAPO movement itself.<sup>19</sup> The massive structures developed by the CCN before independence (for legal aid, education, contextual theology, community development, social services, youth work, women's affairs, displaced persons, etc.) will nonetheless always testify to the fact that its influence was not restricted to words: the CCN has in fact become the prime implementor of the churches' involvement with the Namibian people in their cause to entrench peace and justice.<sup>20</sup>

## THE QUESTION OF PROPHETIC CONSISTENCY

It is against this undeniable involvement of the churches in the Namibian struggle for liberation that the question of consistency must be addressed. Could the churches maintain the agendas of justice, human rights and prophetic criticism after independence as before? Namibian church historian Nambala (1994: 159) makes interesting remarks on this challenge:

The ministry of the church ... is not caged. It is directed to all people of God, irrespective of their political affiliation. Moreover, the church is a 'thorn in the flesh' to those who love injustice and violate human rights. The church ... indicates how SWAPO is 'godless' or 'godly'.

He concludes his book on the history of the church in Namibia as follows (1994: 169):

It is important for the church to be constant and faithful ... We hope the church in Namibia will be wise enough to assess these things rightly. But in the face of injustice a neutral stance will always be evil. The hope is that the church in Namibia will in all situations continue to be a voice of the voiceless and oppressed.

In their testimony during the WCC Programme to Combat Racism Hearings on Namibia, the Namibian church leaders said this:

The stands taken by individual Christians, bishops, international church bodies, and later by whole churches have also influenced SWAPO's perception of Namibian society and the possible nature of Namibia as an independent state. The churches do not believe

<sup>19</sup> Cf. Steenkamp in Leys & Saul (1995: 107-111); also Trehwela (1991: 67-72).

<sup>20</sup> Cf. Kandetu's article on the work of the CCN in Katjavivi (1989: 207-214).

naively that SWAPO will bring a utopia to Namibia. They hope to continue the positive relationships which have been developed. However, there is also a realisation that, as the churches in other parts of Africa have shown, the churches may also have a prophetic role to play in opposition to any new tyranny that may emerge (Katjavivi 1989: 190).

Peter Katjavivi was bitterly criticised by Paul Trehwela<sup>21</sup> for not even mentioning the detainee issue in his book, *Church and Liberation in Namibia* (published in 1989), when there could not have been any more doubt about the reality of severe human rights abuses perpetrated by SWAPO in exile, and in view of the knowledge about it in church circles in Namibia and internationally, but Katjavivi himself ends his introductory article with two quotations which jointly pose crucial questions to the churches as well as SWAPO:

Only if the Church is, and is seen to be, on the side of the revolution in Southern Africa, suffering and sharing in the guilt of spilt blood, can the church then, from within the situation, judge the situation, then judge the revolution ... Revolution inevitably involves suffering, death, separation and the ruin of human lives ... It seems likely that only a church within the revolution can help to humanise it.<sup>22</sup>

It is only after being faithful to this overall imperative of truthful confrontation, and after having defeated the system of injustice and lies, that the churches will be able to work towards a further step of liberation – the work of Namibian nationbuilding in the light of national reconciliation. Oppressor and oppressed, aggressor and aggressed cannot be reconciled by the Church except in the context of a just society under the scrutiny of truth.<sup>23</sup>

The crucial questions, implicit in these striking quotations but still largely unanswered, are the following: Are the churches, which shared the suffering and the guilt of spilt blood in defeating the previous system of

<sup>21</sup> Trehwela (1991: 65): 'The complicity of the churches – their refusal to speak out and the sanitary screen they provided to the torturers – is continued in this book, which serves to perpetuate the offence. Like the churches, the editors of the book are culpable. The book is a knowing deception, offered to readers at the moment when the truth could no longer be concealed.'

<sup>22</sup> Katjavivi (1989: 24), taken from *Violence in southern Africa* (1970: 73).

<sup>23</sup> Katjavivi (1989: 25); quotation from the Statement by the Church Group at the International Conference for Solidarity with the People of Namibia, Paris, 11-13 September 1980.

injustice, now judging the revolution fearlessly as to its outcome; are they taking the further steps towards nation-building and reconciling the aggressor and the aggressed under the scrutiny of the truth and in the context of a just society? Have the churches played their part, as before independence, to ensure this new context of justice, truth and reconciliation?<sup>24</sup>

## THE CHURCHES AND THE NEW CHALLENGES SINCE INDEPENDENCE

The churches and the CCN shared in the euphoria that spontaneously swept through the previously suppressed Namibian society once it became clear that the UN-supervised elections had resulted in a democratically elected Government, a model Constitution, the rule of law, and at least in principle, a peaceful and just society. A sense of accomplishment and vindication was naturally part of the festive mood of liberation. However, the CCN was not only immediately saddled with the challenging task – by way of the Repatriation, Resettlement and Reconstruction (RRR or '3Rs') Committee – of dealing with more than 41 000 returnees,<sup>25</sup> but it also had to face the severe challenges of a new role and status in a liberated society.

Although donor funding still helped the CCN to retain a high profile during the first few years of independence, especially through the commendable work of the 3Rs Committee and the revamped Communication Unit,<sup>26</sup> it was already apparent after the conference on the future role of the Church in Namibia in 1990 (27-31 March) that a drastic financial and organisational reorientation was inevitable for the CCN.<sup>27</sup> The follow-up Round Table Consultation on the same theme in September 1990, and the visit and report by the Christian Organisations Research Advisory Trust (CORAT-Africa) in February 1991, resulted in radical changes in structure and budget for the

<sup>24</sup> Independence obtained, the real test would be exactly whether or not the churches would still be the voice of the voiceless, the thorn in the flesh of those who violate human rights, a prophetic opposition to any new tyranny that may emerge. If the churches fail to address the issue of justice and human rights within the legacy of the liberator, of SWAPO itself, they would be guilty of contributing to a cover-up of injustice, endorsing an authoritarian political tradition and a false basis for true reconciliation in Namibia, in spite of the sound Constitution and the rhetoric of democracy, as endorsed by SWAPO. Cf. also Winter (1981: 46).

<sup>25</sup> Cf. the article on the work of the RRR Committee in the *CCN Messenger* (August 1991: 16).

<sup>26</sup> Cf. publications such as the *CCN Messenger* (which was produced monthly as from August 1991, unfortunately only for some months) and *CCN Documentation* (a series in which various high-profile CCN conferences and annual reports were highlighted).

<sup>27</sup> Cf. the conference report, 'Together in Jesus Christ: The role of the Church in the transformation of the Namibian society'. Windhoek, 27-31 March 1990 (1990: 55-56).

CCN. After five years of painful reorientation, 1996 saw the inevitable implementation of these drastic prunings, resulting in a CCN with a core staffing of 10 instead of more than 50 (89 in its heyday) full-time members, with only a handful of 'facilitating' clusters remaining.

In spite of these sobering realities, the CCN and its member churches managed to address many burning issues, such as the churches' contribution towards a democratic and human rights culture, as well as national reconciliation.<sup>28</sup> Important issues highlighted in the short lifespan of the CCN publication titled *CCN Messenger* were: children's rights, drug abuse, AIDS and disabled persons. A concise *CCN Documentation* was also dedicated to the ideological abuse of religion by right-wing political groups.<sup>29</sup> Initiatives indicative of the contextual involvement of the churches were, for example, the Day of Prayer and the conference dealing with unemployment, as well as the AFALMA workshop and festival on the theme, 'Worshipping God as Africans'.<sup>30</sup> These initiatives, however, also illustrate the weakness of the CCN in addressing relevant issues: restricted by funding, resources, and perhaps also lacking vision, the churches since independence could hardly manage to move beyond fruitful debate at conferences, with scarce effective implementation of good recommendations.<sup>31</sup> Although the 1994 report of CCN General Secretary Dr Ngeno Nakamhela still provides details of a variety of activities, the restrictions brought about by financial constraints shine through. From the report it is also clear that an ambiguous relationship with the SWAPO Government needs urgent clarification.<sup>32</sup>

<sup>28</sup> Cf. the contributions in *Together in Jesus Christ* (1990: 20-32), as well as the *CCN Messenger* (September and October 1991), the focus of which was 'national reconciliation'.

<sup>29</sup> *CCN Documentation* (March 1991): 'Focus on right-wing religion in southern Africa'.

<sup>30</sup> *CCN Documentation* (February 1994): 'Towards ministry with the unemployed'. a report of the October 1993 conference, and Lombard (1995).

<sup>31</sup> If the recommendations of the Unemployment Conference – where the churches, trade unions and NGOs shared a common vision for challenging the government to create joint development ventures instead of buying expensive presidential jets – could be acted upon, the churches could have played a major role in consolidating donor interest in the real problems of the Namibian nation. The same applies to the laudable joint venture of the DRC, the RCC and the Lutheran churches: a national conference on 'Morality – no option, but a necessity', held in Windhoek on 28-29 October 1993.

<sup>32</sup> The report mentions the Prime Minister's consultative meeting with church leaders held on 28-29 July 1993, merely listing concerns that were discussed – alcoholism, child abuse, pornography, rape and other socio-economic problems facing Namibia – without acknowledging the crisis for the churches: that they could offer very few initiatives to help solve these issues; or the bigger crisis that they could merely respond passively to a summons from the political authorities (*Proceedings of the Ninth Ordinary General Meeting of the CCN*, 1994: 30-45).

A positive development for the ecumenical movement in Namibia was the admission of the 'apartheid churches', the Dutch Reformed Church and the Reformed Church as observers at the CCN.<sup>33</sup> This provides a new context for a truthful process of reconciliation, in which many outstanding issues related to these churches' pro-apartheid stand of the past can be addressed. In principle it seems as though there is a determination from both sides to work through this agenda, which may contribute meaningfully to the process of national reconciliation.

Maintaining the churches' contextual involvement,<sup>34</sup> despite its economically clipped wings the CCN in crisis was dealt another severe blow by the so-called 'drought relief and food aid scam' in which individuals from the CCN's Food Management and Logistics Unit (FMLU) were implicated. The ongoing investigation also points to corruption and collaboration by high-ranking government officials, and it may still lead to court cases and indictments, but it has not helped the image of the struggling CCN itself.

To add to the woes of the CCN, the year 1996 has squarely placed the neglected detainee issue once again on the churches' agenda. It seems fair to say that more than any other single issue or event, this issue has exposed dangerous cracks in the edifice of independent Namibia. The policy of national reconciliation, to be tested for truthfulness and consistency, came under pressure. The churches' inadequate contribution towards the process of true reconciliation and reconstruction is all too obvious. The lack of the erstwhile prophetic stamina vis-à-vis the powers-that-be is tragically evident. Indecisiveness and uncertainty, and even blatant differences about the way forward, seem to have replaced the conviction and courage of yesteryear.

## THE CHURCHES AND THE DETAINEE ISSUE

With the evidence now available, it is clear that the Namibian churches and their ecumenical allies, such as the LWF and WCC, received details from impeccable sources regarding disappearances, detentions and torture within SWAPO already as far back as the mid-1970s. Considering, retrospectively, how differently the detainee issue could have developed if only the churches had addressed it with the same prophetic vigour as was deployed against the

<sup>33</sup> Various articles, interviews and confessions by the Reverend Peet Strauss were aimed at facilitating the process of reconciliation between the mainline churches and these reformed churches (cf., for example, Strauss 1991).

<sup>34</sup> Such as the 'Faith, Justice and Society' cluster which launched an initiative to establish regional ecumenical fellowships, and an intensive AIDS awareness campaign with pastors and church workers.

South African atrocities, it must be admitted that there are simply no excuses for the universal conspiracy of silence on this matter.

Consider, for example, the very clear language of Rev. Salatiel Ailonga, the first Namibian pastor-in-exile, who had to flee Zambia after taking up the detention issue with the SWAPO leadership in a letter dated 24 May 1977 and addressed to Bishop Leonard Auala:

As you know, since 1976 there was a conflict among the Namibians in Zambia. This led to many members in SWAPO and my Chaplaincy being imprisoned on the request of SWAPO's leadership. First, eleven leading members of the Party and the Youth League, then forty-eight from the front, talking on behalf of the soldiers, and later on over one thousand Namibians disappeared. In the wake of this I had to leave Zambia and since June 1976 I have been staying in Finland ...

After giving Bishop Auala many details, especially about who were involved and where they were imprisoned, including some SWAPO Youth League leaders who challenged the leadership in exile to call a congress, he urgently requested his Bishop to find a way of seeing some of these people while attending an LWF conference in Dar-es-Salaam, Tanzania, as head of a Namibian delegation. The occasion offered the perfect opportunity not only to address the issue, but also to visit places of detention, including the Mboroma camp north of Lusaka where the 'over one thousand' were kept.

The rest of Ailonga's letter proved to be almost visionary in its clarity:

According to the proofs and my knowledge, this is not a purely political case or internal SWAPO affair. It is a case concerning the wellbeing of the Namibians and their human rights, which touches the church and its responsibility to a great extent. The imprisoned in Tanzania and Zambia are members of all churches, including Lutherans, Anglicans and Roman Catholics. The reason for the imprisonment is not yet known to the world, and there is no legal ground to hold people without trial. This needs to be said with all seriousness even at the present meeting ... If there should be any fault or crime, not all the thousand could be held responsible. There is a reliable report that at Mboroma camp in August last year many people were shot at, many were wounded and some died ... In matters like these, which may have the most serious effect for the future, the church should not be silent. All these thousand may be lost within a short time and never to return to Namibia. But there are thousands of families, friends and relatives of these people, and their voice will be demanding an

explanation. What will the answer of the church be? I would say that in every leadership, church or state, the leaders have to be led and shown the truth without fear or partiality. That shows not enmity but love for the leader you correct, because you care about what he is doing. If you as leaders of the church in Namibia will fail to go with love into the question in SWAPO, which is a small group, how will you be able to cope with the problems which will arise on a much larger basis within a free Namibia, be it under the leadership of SWAPO or someone else? I request you in all humility to take this matter seriously and prevent more vain bloodshed.

Parallel to this letter, which was also sent to Dr Lukas de Vries (then President of the Evangelical Lutheran Church), to Rev. Albertus Maasdorp (a Namibian church leader then serving as Assistant Secretary-General of the LWF) and to Prof Mikko Juva (then President of the LWF), are the many occasions on which the other well-known pastor-in-exile, Pastor Siegfried Groth, gave even more detailed accounts to church leaders from Namibia and abroad of the same events reported by Pastor Ailonga.<sup>35</sup> Sensitive letters to and from Pastor Groth, and other confidential documents of his, were included in the shock publication by Erica, Attie and Hewat Beukes titled *Namibia, a struggle betrayed* (1986), in which a detailed analysis is given of the ruthless suppression of the attempts by some SWAPO Youth League and PLAN cadres towards democratic reform and consolidation of the struggle by what has come to be known as the 'Old Guard' SWAPO leadership. The publication of these clandestinely obtained documents broke the silence on the open secret of SWAPO's scandalous handling of criticism and dissent once and for all.<sup>36</sup>

A Committee of Parents was formed to act on behalf of the parents and relatives of 'missing persons', and to seriously challenge SWAPO, the churches and the international allies of Namibia's liberation struggle, to address the human rights abuses within SWAPO. Following a meeting in Lusaka in 1984 between internal and external partners in the Namibian struggle, at which the partners from 'home' were informed about many details of the crisis by numerous friends in exile, one would have expected the churches to support and even spearhead investigations into and counter-

<sup>35</sup> For details of Groth's 'revelations' in the 1970s and 1980s, see Trewhela (1991) and Steenkamp (1995).

<sup>36</sup> Steenkamp (1995: 104-107) gives a useful summary of the 'detainee crisis', the attempts of Erica and Attie Beukes as employees of the CCN to get the churches and the ecumenical world to react effectively, and their summary dismissal from the CCN on account of their 'very serious allegations, inter alia, in regard to the role of the Churches and its commitment to upholding basic human rights'.

measures against these atrocities. However, this shameful truth could simply not be faced at that stage. It was played down, ignored and even opposed energetically in lieu of another 'truth':

Some church leaders, while aware of SWAPO's abuses, believed that only SWAPO was capable of bringing peace, and that any public action by them on the detainees issue would have weakened the movement fatally, leaving the DTA, backed and financed by South Africa, to win any UN-sponsored elections. They were not prepared to allow this to happen for the sake of exposing a few 'bad apples' in SWAPO. Their conviction that SWAPO and liberation were inseparable led them to sacrifice their religious principles on the altar of political expediency (Steenkamp 1995: 107).

Once this political agenda was endorsed by the churches and other international partners, it became more and more difficult for them to admit and to confess their complicity, and to raise a new critical voice. That is why the same pattern of discrediting efforts such as those of the Committee of Parents has befallen similar critical voices and movements up to this day.

Fortunately, due to a convergence of important factors,<sup>37</sup> the quick turn of events leading to the implementation of the UN Peace Plan in 1989 also saw the return of at least 200 of the detained 'spies', who publicly verified the earlier allegations of human rights abuses in SWAPO with gruesome details of their fate at the hands of the SWAPO security system.<sup>38</sup> The first response came from the Justice and Peace Commission of the Catholic Church on 12 July 1989, which mentioned 'great pain and deep disappointment' about the stories of suffering and torture, but also denounced the misuse of the detainees' suffering for party-political gain (against SWAPO). After meeting with a group of detainees and SWAPO leaders (on 23 and 24 August 1989), the CCN Executive issued a cautious statement, conceding on the one hand that many of the victims of the vicious cycle of wars were innocent, but on the other hand also blaming apartheid for the suspicion and

<sup>37</sup> For background, see the analysis in *Namibia Peace Plan 435 or society under siege* published by the NPP 435 group early in 1987, as well as the strong resolutions of the Aigams Meeting (composed of all the pro-435 parties, including the churches) held in Windhoek in April 1986.

<sup>38</sup> In the context of the international peace plan for Namibia, SWAPO was forced to release more than 200 detainees from its prisons (the 'dungeons') in Lubango in Angola on 19 April 1989. The first reports of these persons' testimonies sent shock waves through pro-SWAPO circles, but it was the press conference of the first group of 153 in Windhoek on 6 July 1989, where some of them showed their torture scars, that forced the churches and other SWAPO allies to break their silence publicly as well.

distrust that led to the destruction of the unity of the oppressed. While stressing the need for forgiveness as the basis of nation-building, the CCN leaders 'failed to acknowledge their own failure to respond earlier' (Steenkamp 1995: 107), endorsing a policy of reconciliation in which confession and apology, as correlatives for forgiveness, are played down.

These double standards by the churches and international partners of SWAPO made it possible for a deadly pattern to develop: with SWAPO from time to time under pressure of detailed revelations of internal problems, first strongly denying and then later admitting these in a very qualified way, only to allow the 'silent complicity agenda' to prevent a public scrutiny of the underlying issues. This strategy in effect actively fostered the avoidance of a true confrontation with the darker side of Namibia's struggle for liberation. The pattern was illustrated in February 1986 when two senior SWAPO functionaries, Theo-Ben Gurirab and Hidipo Hamutenya,<sup>39</sup> announced in London that SWAPO was detaining at least 100 of its own members as South African spies, paving the way for CCN General Secretary Dr Shejavalu to brush aside the Committee of Parents' charges as mere allegations and defend SWAPO's right to protect its people from collaborators with the enemy. The same pattern was revealed after the shock revelations by ex-detainees back home from Angola, when SWAPO reacted with a strongly worded election statement in the media in July 1989, denying all allegations, but leaving to Mr Gurirab the uncomfortable task of qualifying this hardline stance by admitting publicly at meetings in Rehoboth that 'the issue of the former detainees was a painful subject affecting virtually every family in Namibia', that it would not go away by being ignored, and that the time for dialogue on this painful issue had arrived:

At the end of the day we will have to sit around the fire and take inventories: who is alive, who is dead, how did it all happen? As a SWAPO leader I will never defend the humiliation and suffering of torture. If the allegations are true, I apologise to the victims and to their parents and pledge to you now that the SWAPO leadership will take the necessary steps to bring those involved to book (*Times of Namibia* 10/7/89).

The detainee issue became a hotly debated election campaign topic. The Parents' Committee and the Political Consultative Council<sup>40</sup> pursued the demands of justice as civil society action groups, and political parties such

<sup>39</sup> Senior Cabinet members since independence.

<sup>40</sup> The PCC was a political lobbying and conscientising group formed by ex-detainees with the express purpose of revealing SWAPO atrocities and enforcing a public apology from SWAPO and a permanent solution to the detainee issue.

as the Patriotic Unity Movement launched by some ex-detainees and the United Democratic Front placed tremendous pressure on SWAPO and the churches to follow up on Gurirab's admission.<sup>41</sup> All these efforts, combined with the public outrage as reflected in the Namibian press, resulted in public statements from, inter alia, the Green Party in Germany, the UN, the LWF and the German Evangelical Churches (EKD), condemning the human rights abuses of SWAPO in exile. However, this overt politicisation of the issue again led to the negative effect of a renewed implementation of SWAPO's culture of silence and denial. It also diverted the praiseworthy policy of national reconciliation in a dangerous direction: one where those responsible for atrocities (the SWAPO security agents and the Koevoets of South Africa) could easily agree on a shallow conciliation of 'forgive and forget', without truth and justice; one in which injustices of the past could simply be swept under the carpet and the wounds of war left to heal by themselves.<sup>42</sup>

Even Pastor Groth's publication during the crucial election period (September 1989), *Menschenrechts-verletzungen in der namibischen Exil-SWAPO – die Verantwortung der Kirchen*, with 27 addenda of letters and relevant substantiating documents, giving a clear picture of the complicity of the churches in promoting the deadly 'culture of silence', was attacked immediately by his colleagues from Germany: 'Groth's statements did not support reconciliation, but division, suspicion and non-peace. With this publication he does not only discredit the party that, for decades, has carried

<sup>41</sup> Ex-detainees, working together in the PCC, issued detailed statements and documents, giving grim details of torture, lists of missing persons and names of torturers and high-ranking SWAPO officials who knew about or who were even actively engaged in torture practices: see, for example, *A report to the Namibian people* (1989); *Appeal for the release of over 1 000 Namibians in detention in Zambia and Tanzania* (1977); Kaakunga (1989); Mnakapa (1987). See also Niddrie (1989).

<sup>42</sup> Interesting in this regard is the strong reaction by Bishop Dumeni in *The Namibian* (16/10/89) to a letter by the Rev. Salatiel Ailonga challenging his view that the churches were silent. Dumeni stated that the Namibian churches and the LWF on occasion did speak to SWAPO and did book a measure of success through this approach. Going on to reject human rights abuses from whatever quarter, calling on anyone who may still have prisoners or detainees to release them, and rejecting torture unequivocally, he went on to say: 'It is now time to confess the truth on all sides, to ask and grant forgiveness, to put the past behind and to start anew. The future is very important. The people of Namibia have suffered tremendously over the years of colonialism and foreign occupation. It is now our task to build our nation on the firm foundation of peace, justice and respect for human rights. It is for this very reason that through the CCN and within my own church, we are now engaged in a process of trying to heal the wounds, for we regard this to be very important for the future of our country.' The question, however, remains whether the churches could not have initiated this process of healing, of 'telling the truth', of asking for forgiveness, by admitting openly that they did not speak out loudly enough (instead of silently addressing the issue with those ultimately responsible for the torture, disappearances and even murder of SWAPO cadres) when people cried out for help – people like the Rev. Ailonga and the Rev. Groth, and scores of Namibians in exile.

the main burden of the liberation struggle, but also the churches in Namibia, who expect definite signs of solidarity from us.<sup>43</sup>

Today, looking back at this very intense period during Namibia's first free and fair elections, it is easy to see how proper pressure from the churches in Namibia could have redefined the whole process of reconciliation. Whatever the motivations and rationalisations at the time, SWAPO was let off the hook, allowed to continue its authoritarian and uncompromising culture, and to take over the governing responsibility without having accounted for its own human rights abuses.

As Peter Koep argued in March 1992, SWAPO came closest to accepting responsibility for any abuses committed prior to independence during the run-up to the elections in 1989-1990.<sup>44</sup> After winning the elections comfortably, just short of a two-thirds majority, the detainee issue was buried by SWAPO and the 'Butcher of Lubango', Jesus Solomon Hauuala, was appointed as Commander of the Namibian army in October 1990. At that stage, the protests of Dr Shejvali on behalf of the CCN fell on deaf ears: the CCN style of 'discussing' such issues with the SWAPO leadership had no effect. What Roy Enquist has aptly called 'politics of reconciliation, Namibian style', and Gwen Lister has called 'reconciliation without any stocktaking exercise, without an attempt to come to terms with the past', was already firmly in place, with the churches' complicity (cf. Enquist 1995: 300-301). Steve Titus's assessment is that in terms of the Kairos theology, the Namibian churches have lapsed into a 'state theology' accompanied by a

<sup>43</sup> 'Siegfried Groth taken to task' (*The Namibian* 20/10/89). This reaction differs markedly from that of the Green Party in Germany which criticised SWAPO's statement of 7 July 1989, saying that it 'does not contain a single word of self-criticism' and asking for immediate action on four crucial points: that SWAPO provide reliable official information on whether – and if so, how many – prisoners were still being detained in SWAPO camps, and that these should be released immediately; that an independent commission of inquiry be set up, as promised, without delay; that the responsible persons be identified and called to account as soon as possible (including security chief Jesus Hauuala, whose continued employ as a high-ranking officer 'would augur ill for SWAPO's willingness and ability to subject what has happened to a critical and impartial examination'); and that the victims of torture and the members of their families be rehabilitated and given adequate compensation (*The Namibian* 21/8/89).

<sup>44</sup> Koep (1992: 59-61) states: 'In retrospect, I believe this was the only real opportunity to have revealed the truth'. The only alternative he sees would be a so-called Truth Commission in Namibia, similar to those established in Chile and Argentina (and now, more recently, also in South Africa). 'The objective of such a commission would be to ascertain the truth about human rights abuses committed by Namibians on Namibians prior to independence, as well as abuses committed by South African forces on Namibians, to expose the perpetrators to the public as well as to make known the atrocities committed by them. The ultimate aim would be to reveal the truth in order for it to act as a deterrent to society and to ensure that abuses of such nature never occur again. This process would serve primarily to educate, inform and to heal society.'

'church theology' – both of which compromise the churches' true prophetic witness (Titus 1996: 1-6). In Steenkamp's judgement (1995: 111-112), the churches had fallen prey to the same authoritarian culture as their political partners and therefore could not speak the liberating word in time. As with apartheid, religion once again could not break through an ideology of self-interest, and could not liberate people to a culture of truth and justice. The churches were part and parcel of an international scandal which cannot be rationalised (Trewhela 1991).

### NEW INITIATIVES WITHIN CIVIL SOCIETY AND NEW HOPE FOR TRUE RECONCILIATION

Just when it seemed as if Namibians had accepted to live cynically with all the skeletons of war in the national cupboard, a book by Pastor Siegfried Groth, first published in German<sup>45</sup> but soon also in an English translation, stirred up the emotions, memories and discussions. In *Namibia – the Wall of Silence* (1995), Groth simply related the stories of approximately 100 SWAPO detainees or dissidents – their struggles to survive the SWAPO security system, the torture chambers of Lubango and the desperation of people seemingly forgotten by the outside world. My review of the German edition of the book published in *The Windhoek Observer* (24/6/95) was given a provocative caption: 'Shattering SWAPO's wall of silence', which inspired the English title of the book and sparked intense public interest. When the English translation became available towards the end of 1995, Namibia's bookstores could not cope with the demand, and ex-detainees who were hopeful that the issues involved would at last receive due attention in Namibia began discussing the idea that the CCN should be approached to launch the book, and that it should use the opportunity to publicly confess the churches' guilt in this sad chapter and simultaneously initiate a process of national reconciliation and healing.

After an inspiring keynote address by Namibian academic Joseph Diescho at the CCN's Annual General Meeting early in December 1995, the detainee issue was discussed seriously. Dr Shejvali, CCN General Secretary at the time when the detainee issue first surfaced before independence, openly admitted that he had been misled by SWAPO counter-propaganda such as the enforced videotaped 'spy confessions'. He also stated that the time had now come for the churches to face the issue and come up with new

<sup>45</sup> *Namibische Passion: Tragik und Größe der namibischen Befreiungsbewegung*. The term 'Passion' conveys both the Christian notion of suffering and the general sense of strong emotion.

initiatives to address it squarely. The AGM also noted a decision to this effect. In mid-January 1996 the CCN received a formal request signed by 42 ex-detainees to launch the Groth book, described as 'just the tip of an iceberg', which could be supplemented with many living testimonies as to the hell experienced in Lubango and other SWAPO detention centres. They also asked for an audience with the CCN Executive, to ensure that these church leaders were in a position to make a well-informed decision. On 19 February 1996 the CCN Executive issued a statement explaining that the CCN had decided not to launch the book (which was seen as 'a commercial venture'), but to organise a national conference 'somewhere between May and July 1996' to address 'the serious issues raised by the author of the book ... more fully'. At the same time the Executive encouraged leaders and ordinary members of churches and the public at large to read the book for themselves.

In the meantime, a new civil society movement, the Breaking the Wall of Silence Movement (BWS), was growing rapidly. Since January 1996 a group of ex-detainees had been meeting regularly and soon elected a committee to coordinate the new initiative. The BWS actively engaged in the ensuing public debate through the media. A pledge was made that the BWS would contribute as far as possible towards the success of the proposed church conference, and the negative utterances by some bishops about the Groth book were challenged.<sup>46</sup>

Suddenly, the nation realised that Namibia was confronted with some very important unfinished agendas. Esau Mbako, a TV reporter for the National Broadcasting Corporation (NBC), screened a long interview with members of the BWS Committee, some ex-detainees and CCN General Secretary Rev. Nakamhela, all of whom spoke out straightforwardly on the human rights abuses within SWAPO and the need to address this shameful history and its possible effects on post-colonial Namibia's political culture. The next evening, on 6 March 1996, the nation was surprised when President Nujoma himself appeared on TV for an unscheduled attack on the Groth book, speaking as 'the President of SWAPO and the Commander-in-Chief of the Namibia Defence armed force', and denouncing the book as 'false history'. His 15-minute speech was characterised by a scathing attack on the person of Pastor Groth, who was described as 'never a friend of SWAPO and thus never a friend of Namibia's liberation struggle'. The President stated that 'Pastor Groth's agenda will only lead to bloodshed in our country'.

<sup>46</sup> BWS media release (29/2/96). Bishop Dumeni, for example, stated that the Groth book was 'one-sided', 'not written on the assignment of the CCN', 'even written by an outsider' and was 'disturbing the policy of reconciliation in the country'. It soon transpired that selected church leaders were summoned for 'talks' with President Nujoma, the content of which is unknown.

something that would not be tolerated.<sup>47</sup> He also construed the author of the present article as someone 'assigned to work as an apostle of apartheid to ensure that Bantu education and white domination were perpetuated in Namibia', who 'dutifully served that apartheid system' and who had to remember that he was not dismissed from his work at the university because of the policy of national reconciliation.<sup>48</sup> When I reacted in the media with a personal letter to the President, pointing out that he had not addressed the real issue at stake – the truth about SWAPO atrocities against Namibian compatriots – a heated debate was sparked in the media.<sup>49</sup>

Realising that what was thought to be a buried issue had been resurrected almost overnight, SWAPO reacted with even stronger language, again using the politics of fear-mongering. On 12 March 1996, SWAPO Secretary-General Moses Garoëb issued a statement on behalf of the party, making it very clear who was in control: 'SWAPO cannot allow this country to be made ungovernable and be turned into a chaotic and lawless society by irresponsible, unpatriotic elements and foreign remnants of fascism and apartheid'. An attack was also launched on the current General Secretary of the CCN, Rev. Nakamhela, who was described as 'the nonentity unknown in the long journey to freedom of our people who is under the influence and control of renegades and foreign finance', and who 'is viciously engaged in wanton destruction of the unity of the church, good relations between SWAPO and the church, the policy of national reconciliation, peace, stability and fomenting hatred among the people of this country'. The offensive attitude of the statement, which closed with a call to compatriots 'to rise and defend the gains of our revolution', was supplemented by Garoëb's comments that perhaps Namibia needed 'a new revolution', 'a civil war', to sort out the issue.

<sup>47</sup> This ignores the fact that South Africa banned Groth from Namibia for almost 17 years, exactly because of his involvement with SWAPO and Namibia's liberation struggle.

<sup>48</sup> This came as quite a shock and surprise for many, since Namibians know that I was one of the few Namibian whites who travelled to Lusaka and Stockholm to discuss the implementation of UN Resolution 435 with the SWAPO leadership (including the President) and who, together with figures like Adv. Bryan O'Linn and other professional people, launched NPP 435, a group that campaigned successfully, nationally and internationally, for the scrupulous implementation of the Namibia Peace Plan 435.

<sup>49</sup> In my 'Open Letter to the President' of 9 March 1996 I explained the motives for the BWS's pressure that the truth be revealed for the sake of true reconciliation, pointing out that SWAPO's policy of national reconciliation had up to then not provided for mechanisms to handle this issue: 'I agree with you that we can be victorious as a nation, but I urge you to take the real process of reconciliation seriously; admitting first of all where things went wrong, confessing those mistakes in humility, restoring the honour of those affected and making good as far as possible. ... I urge you to have SWAPO participate in the CCN conference and to trust God and "the way of truth" to help us clear this serious hurdle to real reconciliation. If we fail here, the tradition of fear and authoritarianism will simply continue in our beloved Namibia. Then all SWAPO's good work would have been in vain.'

Through the enormous reaction in the media, especially in the so-called 'radio chat shows', it soon became evident that SWAPO had miscalculated the national mood on the detainee issue, and that the personal attacks were counter-productive. In a spirited show of civil courage people simply spoke their minds. Even the SWAPO-affiliated umbrella body for NGOs, the Namibian Non-Governmental Organisations' Forum (NANGOF), responded critically.<sup>50</sup> The National Society for Human Rights energetically took up the agenda, responding with various pointed media statements such as 'Civil war against the truth?'<sup>51</sup> Many individuals, some of them strong SWAPO supporters, rallied on behalf of the detainees and the Groth book, and religious bodies such as the local Quaker group issued supportive statements. A debate on the merits of the Groth book was also sparked in German church circles.<sup>52</sup>

Amid these hectic debates the BWS pushed ahead and organised a very successful launch of the Groth book at a well-known hotel in central Windhoek on 30 March 1996. The public interest at the launch, from which hundreds of people had to be turned away due to limited space, but also after the launch, was simply enormous. The book was translated into Afrikaans in record time, and all English copies were time and again sold immediately upon receipt of stock.<sup>53</sup> An Oshiwambo translation is still in progress. After the book launch and the ensuing debates in the Namibian media, the detainee issue also attracted international attention. The BBC broadcast several in-depth reports, and German, British, South African and American newspapers and church magazines published critical articles on the developing debate.<sup>54</sup>

The detainee saga saw a new twist when it became apparent that the CCN itself was divided on the viability of its own proposed conference. The division was brought about by the hesitancy of some bishops, who are not always directly involved in the decisions of the CCN Executive. Having built up a sound relationship with SWAPO and with President Nujoma personally, some church leaders showed reluctance to force the issue with SWAPO.

<sup>50</sup> For selected documents reflecting the enormous national debate, see the two documents prepared by the BWS: *BWS Statements and Clippings: February-April 1996* and *BWS Statements and Clippings: August-November 1996*.

<sup>51</sup> Cf. NSHR documents (1995, 1996a-c).

<sup>52</sup> Cf., for example, Braun (1996), Kössler (1996), *Ökumenisches Forum Rheinland* (1996) and Weiland (1995).

<sup>53</sup> Initially there were critical questions posed at the University of Namibia where the Ecumenical Institute for Namibia (EIN) under the directorship of Prof. Christo Lombard took responsibility for the translation and publication of the book in Afrikaans. Academic freedom seems to be restored after the EIN board affirmed and explained its endorsement of the project as an approved and donor-funded EIN programme.

<sup>54</sup> Particularly influential was the in-depth article by David Miller in *The Lutheran*, an American-based church magazine with a circulation of some 250 000: 'Tortured by the past: Can Namibian Lutherans free themselves from their liberators?' (July 1996).

The internal debate within the CCN, in which the unity of the ecumenical movement remains a serious consideration, resulted in a postponement of the proposed conference and the appointment of a special committee.

At the CCN Annual General Meeting in December 1996, a proposal to dedicate 1997 as 'A Year of God's Grace' in Namibia and to mandate the General Secretary to take personal responsibility for a national conference on reconciliation after holding meetings with all relevant parties, was accepted. Significantly also, Bishop Dumeni was elected as the new CCN President. Thus there seems to be a new resoluteness about the role of the churches in contributing towards national reconciliation and the healing of the wounds.

An interesting development came on the commemoration of Heroes' Day on 26 August 1996 when SWAPO launched a book of its own, *Their Blood Waters Our Freedom*, containing the names of almost 8 000 'heroes of the liberation struggle' who had paid the ultimate price. Before the content was known, the BWS and NSHR cautiously welcomed the idea of SWAPO's accounting for those who died in their care during the struggle. However, the book unfortunately remains very controversial due to glaring omissions, repetitions, obvious mistakes, the inclusion of the names of people who were previously branded as spies and traitors (such as Tauno Hautuikulipi, the former Director of the Christian Centre), and then of course the exclusion of other names.<sup>55</sup>

In the debate following this publication, Prime Minister Hage Geingob challenged the opposition parties in the National Assembly, especially the DTA which was responsible for the formation of an 'interim government' under the auspices of South Africa, to come clean on their own involvement with human rights abuses before independence and to account in similar fashion to the Namibian people, so that reconciliation would not depend only on SWAPO's one-sided revelations and confessions. This proposal was strongly supported by Deputy Speaker Dr Zephaniah Kameeta, who urged that the SWAPO book be corrected where necessary and supplemented with 'Book Two', to be supplied by South Africa and the opposition parties. He proposed that the 'revised book' should be supervised and published by a government body, and that it should be 'launched at a solemn occasion of forgiveness and reconciliation, and the brave people of Namibia will close this chapter of our liberation history in unity' (*The Namibian* 16/10/96).

Minister Nahas Angula made a remarkable contribution in Parliament and in local papers when he described the 'long, tortuous road' that led to

<sup>55</sup> See especially the NSHR's media statements of 4 September 1996, calling the 'Book of the Dead' a massive cover-up, and 29 October 1996, in which SWAPO is called upon to apologise to the victims of its human rights abuses and to meet such victims under the auspices of neutral mediators. On 1 October 1996 the Prime Minister admitted that the SWAPO book contained mistakes, and also regretted that some innocent people might have been branded as spies.

independence, and pointed out that the ugly turn of events in the war could have been avoided if South Africa and the internal parties in Namibia had accepted SWAPO's ceasefire in the early 1980s instead of forcing the liberation movement to react to their dirty war tricks and 'Total Strategy against the Total Onslaught'. His suggestion for a solution to the present impasse was simple:

In my view the best way to turn a new page on this issue is for those who were responsible for imposing the war on the Namibian people to come clean by opening their records truthfully and sincerely, and to make available the names of those who worked for them. I see no reason why they should not be able to give the list of all their agents.

He said he did not want to simply shift the responsibility from SWAPO, but rather he wanted 'a way to close the tragic chapter in the history of our country'. He suggested that while apartheid was discredited as a crime against humanity and South Africa was fighting an illegal war against the Namibians, 'at the end of the day ... the people of Namibia have a right to demand the establishment of an International Tribunal to try the crimes of apartheid and illegal occupation'. He ended off by saying, 'To those innocent people caught in the cross-fire, I want to say: 'Human is error, forgiveness divine (sic).'<sup>56</sup>

With the contributions of the Prime Minister, Dr Kameeta and Minister Angula, there seemed to be some hope that a compromise solution would be found. However, directly after an analysis by Joseph Diescho<sup>57</sup> of the role of fear in Namibian politics and a call from the CCN President for dialogue rather than confrontation, SWAPO officially called for a boycott of any conferences organised by the CCN. But as already noted, the CCN now seems to be working independently on its own role and task in the process of national reconciliation, and it will be very interesting to see how the new chemistry of Bishop Dumeni will influence the strategies and processes.

### A TEST CASE STILL WAITING FOR A SOLUTION

Whether Namibia will eventually go through a formal Truth and Reconciliation process, as South Africa was prepared to do, remains to be seen. The BWS will probably proceed along its course of pushing for a meeting

<sup>56</sup> Full speech in *The Windhoek Observer* (12/10/96).

<sup>57</sup> Cf. his booklet (1996) and 'The role of fear in politics' (*The Namibian* 25/10/96).

between SWAPO and the detainees, and for a just and honourable solution to the dilemma. The CCN will pursue 1997 as 'the Year of God's Grace'. Politicians may toy with the idea of an international tribunal, or forcing the opposition parties and South Africa to deliver a 'Volume Two' of 'missing persons'. As Bronkhorst has indicated in his analysis of similar problems elsewhere in the world (in Chile, Argentina, Peru, Philippines, Guatemala, etc.),<sup>58</sup> all conciliation processes, industrial or political, have four crucial elements that need to be addressed: *investigation* (through which the truth should be established), *mediation* (requiring grace and the preparedness to reconcile, apologise and forgive), *adjudication* (which could mean legal action for the purpose of doing justice to victims) and *settlement* (aiming for redress, retribution and restoration of peace).<sup>59</sup>

A significant development recently has been the establishment – quite independently of the CCN, the BWS and also party politics – of a Project for the Study of Violence and Reconciliation, the purposes of which are to establish the truth about atrocities committed by both SWAPO and South Africa, to have the stories of the victims recorded and made known, to cater for counselling of victims and their relatives, and to prepare sworn legal statements.<sup>60</sup>

For people interested in the role of religion and morality in society, this Namibian test case poses many interesting and vexing questions. Truth and justice are obviously of paramount importance. Although forgiveness, as seen in the Christian context at least, is not dependent on confession or apology, of course the process of reconciliation is incomplete without both. A reconciliation process cannot seek revenge, nor attempt to keep open a can of worms forever. It also cannot tolerate easy solutions such as 'forgive and forget'. Rather, it must seek a long-term solution, a permanent 'healing of the wounds', but wounds cannot be healed if their existence is not acknowledged.

Namibia is confronted with a real test case in which important religious and moral principles are strongly implicated: Will SWAPO admit its human rights abuses and democratise itself for the benefit of the whole nation? Will South Africa and the opposition parties in Namibia 'open up their books' and thereby contribute to a balanced approach to reconciliation? Will the churches regain their independent prophetic voice and lead the way as 'the Servant of the Lord', carrying the burdens of a nation vicariously?

<sup>58</sup> Bronkhorst (1995: Chapter 6, 'The Model of Conciliation').

<sup>59</sup> It is interesting to see how the four elements of Psalm 85:11 are all part and parcel of a truthful process of reconciliation (as depicted by experts from Amnesty International such as Bronkhorst, note 67): 'Love and truthfulness meet together, justice and peace kiss each other.'

<sup>60</sup> The board of trustees is composed of well-known and independently minded Namibians.

Will the media and the diplomatic world react responsibly, fairly and justly?  
Will civil society organise itself, allowing independent initiatives to develop their unique contributions to the 'common good'?

In this test case a lot is at stake: perhaps nothing less than the future of a nation!

## 10

# The changing status of women in Namibia and its impact on violence against women<sup>1</sup>

Debie LeBeau

### INTRODUCTION

This chapter reviews the changing legal and social status of women in Namibia and its impact on violence against women. It is divided into three sections which roughly correspond to the three socio-political environments which exist or have existed in Namibia: traditional, colonial/apartheid and independent. The basic premise of this chapter is that women's legal status has changed substantially since independence, but their social status remains relatively unchanged in many segments of the population. This divergence between women's legal status and social status is a contributing factor to violence against women. Better educated women in the middle- and upper-income brackets have experienced improvements in their socio-economic status and have benefited from an improved legal status, while many under-educated and poor women have experienced little improvement in their living conditions. This chapter concludes that Namibia's challenge is to provide a social and legal structure that empowers both women and men in a manner which allows female equality but retains male dignity.

<sup>1</sup> The German Agency for Technical Cooperation (GTZ) funded research on violence against women. The Women and Law Committee initiated research on violence against women and continues its work in support of Namibian women. Dr Wade Pendleton and Dr Pempelani Mufune read the chapter and gave valuable suggestions. I am most thankful to Dr Pendleton for frequent discussions which helped me to clarify concepts. Dr Heike Becker read the chapter, gave many valuable comments and pointed out women's roles as active agents for legal change. The editors also provided detailed comments on previous drafts of the chapter. Saara Witbooi, Naomi Pacheco, Pamela Mina Leopoldt and other Namibian women answered questions and gave valuable insight into the 'real' versus 'ideal' status of Namibian women.

As an emerging nation, Namibia is experiencing an unprecedented rate of social change as it struggles to develop and modernise. Namibians are re-defining their political, legal, economic, religious and social institutions, including those relating to women. The Namibia of today is very different from Namibia under apartheid rule (see Pendleton 1994). New laws and governmental decrees are being drafted and implemented daily while the average Namibian is redefining his/her own place within society. As this evaluation and re-definition takes place, previously held norms and values in relation to women are becoming obsolete, but new norms and values are slow to be defined, and without a change in norms and values, change in women's social status cannot fully take place. As male dominance becomes threatened by the elevation in the legal status of women, men become insecure about their own social status and roles in society and may resort to violence in an attempt to reassert their position (LeBeau 1996: 3). Many under-educated and poor women, who still have a lower social status relative to men, are frequently the targets of this violence. In addition, men's traditional roles as breadwinners and providers are undermined by poverty and unemployment (Republic of Namibia 1994: 26). These threats to the social status of men, exacerbated by poverty, unemployment and high rates of alcoholism, contribute to violence against women. It is therefore not surprising that Namibia has experienced a dramatic increase in cases of rape and domestic violence against women since independence (*ibid.*). Police statistics indicate that every day at least two people in Namibia are at risk of being sexually assaulted (Martin 1995: 4). In 1991 there were 564 rape and attempted rape cases reported, in 1992 there were 583 and in 1994 there were 740 such cases (*ibid.*). But these figures do not reflect the severity of the problem because many experts believe that less than half of all rapes are reported to the police. Although there are no formal statistics on the number of domestic violence cases since most incidents are not reported, research indicates that half the women and children in Namibia may experience domestic violence (LeBeau 1996: 23).

The following case study illustrates how one woman was abused for years and did not report the matter to the police, but even stole to keep her husband from beating her. Saara is a 40-year-old Xhosa-speaking woman married to a 43-year-old Oshiwambo-speaking Namibian man. She lives in a small house with her husband and their four children, plus twelve of his relatives. Saara has a Std 7 (nine-year) school education, while her husband has no education. She and her family are very poor. She currently works as a housekeeper in Windhoek, but her husband is not currently working. He has worked on and off a few times since they have been together. Saara's husband forces her to shoplift and beats her when she does not obey him. Saara is asked:

Do you think that this problem that you have with your husband forced you to go and steal, for example his drinking problem, or unemployment? Do you think this gave him a reason to take his frustration out on you and the children?

Saara replies:

Yes, because he even hit me with an electric pipe and he asked me what do I think the kids are going to eat. I asked him what does he think the kids are going to eat. He said I had to go and make a plan. He actually forced me to steal or he would beat me for not having food for him. So I had to steal many times just to satisfy him, while I said to myself that I don't want to do it again and just to hold that good communication between us at home (LeBeau 1996: 94-95).

The types of violence against women and children are manifold. The violence includes: physical abuse, ranging from beating, punching and burning to murder; psychological abuse, such as yelling and threatening; sexual abuse, including rape and genital mutilation; and financial abuse, where the man refuses to support his wife and children. In a study for the Women and Law Committee, LeBeau (*ibid.*) documented all the types of violence against women mentioned above with data collected from case studies, surveys, relevant literature and interviews. On the basis of these data it was concluded that violence against women and children (especially girls) is widespread (*ibid.*: 23). One case study quoted a woman as saying, '[A woman] is not safe anywhere; not in the streets, not in a taxi, not even in their houses' (*ibid.*: 22). The study reports that women who are victims of domestic violence come from all ethnic groups, all rural and urban areas, and all age groups.

Widespread violence against women must be seen in the context of legal change and its effect on the relative position and decision-making power of men and women within society (Tapscott & Hubbard 1991: 6). In the process of Namibia's legal reformation, a necessary step as the society emerges from the dark cloud of apartheid and attempts to right the previous imbalances, the rise of violence against women is an unexpected social consequence. It is anticipated that in the future these legal changes will help to combat this violence as their relative position and decision-making power in society improves.

## WOMEN IN TRADITIONAL NAMIBIAN SOCIETIES

Women's gender identity is influenced by their position in 'traditional' African society.<sup>2</sup> The word *traditional* refers to those attitudes and practices which are handed down from generation to generation, embedded in cultural beliefs and derived from the history of the ethnic group. Many of these attitudes and practices have been influenced by colonialism and apartheid, while others remain relatively unchanged from pre-colonial times. However, the important point is that these traditional attitudes and practices have the force of culture behind them and represent a socio-political environment in which gender identity is constructed, and it is within this environment that women must negotiate their legal and social status. For many black Namibians, especially among the rural population, traditional values and norms still apply today. This section is written in the present tense to show the continuation of many of these attitudes and practices.

### The legal status of women

The customs and laws of a particular group dictate the legal position of women within that group. However, most of these customs and laws strongly discriminate against women. Few women traditionally hold positions of political power,<sup>3</sup> although Becker points out that some individual women have political influence through their male relations (1993: 67). Customary laws are those sets of unwritten laws under which traditional African societies conduct their marriages, divorces, inheritance, land tenure and other such affairs (Hinz & Joas 1995: 9). These sets of laws have evolved within particular societies over time and typically reflect the 'collective consciousness' of the society at that moment in time (ibid.: 16-17). Many customary laws have been profoundly reinterpreted and manipulated by colonial rule. Colonial authorities with the cooperation of traditional leaders sometimes used customary laws to advance South African government policy (Republic of Namibia 1994: 52). For instance, there were floggings in traditional

<sup>2</sup> The terms 'African' and 'black' are used interchangeably to refer to the indigenous people of Namibia. Although some Afrikaans-speaking people refer to themselves as 'Africans', their traditions are derived from a European or mixed ancestry. In this chapter, people of European ancestry will be called 'whites' and people whose ancestry is mixed black and white will be called 'coloureds'. As Pendleton (1994: 2) so accurately points out, all of these terms are problematic due to the inequality they conveyed during the apartheid era.

<sup>3</sup> Several traditional African societies in Namibia had female chiefs in the pre-colonial era, but at independence only two had. Although the actual prevalence of female chiefs differs from society to society, female chiefs in traditional African societies are the exception rather than the rule.

Owambo courts, but some headmen used the floggings to punish SWAPO supporters for allegedly holding illegal meetings (Hinz & Joas 1995: 15).<sup>4</sup> Traditional courts are usually constituted by men in positions of power who hear disputes within the community and enforce customary laws (Republic of Namibia 1994: 53). The following case studies illustrate how men holding positions in the traditional courts can reinforce discrimination and domestic violence against women:

During an interview with a Herero community leader, who also presides over dispute resolution hearings in the Gobabis area, we learned that violence repeatedly inflicted on a woman does not serve as a good enough reason to ask for a divorce. This is because the woman is subordinate to her husband and the husband has a right to use any means he feels is appropriate to discipline or keep her in line. On the issue of marital rape he laughingly answered that the woman who refuses to have intercourse with her husband then deserves to be hurt as she is withholding what is rightfully the husband's (LeBeau 1996: 85).

The following case study illustrates the imposition of male dominance. Ellen is a 24-year-old woman of mixed German and coloured ancestry, who currently lives with her parents and three children. She has a matric (12 years of schooling completed) and considers herself a lower-middle-income person. She married her childhood sweetheart, who began abusing her four months after they moved in together. She explains how the abuse began:

From the beginning he always told me the woman should be the least and the man is the head and if he wanted to go out at night, he could. From the beginning he liked to push people around and tell them what to do. ... From the beginning he made me depend on him, everything was I just had to believe he was the head of the house and if he talked, I just had to sit and listen to what he was saying (LeBeau 1996: 121).

<sup>4</sup> Soggot (1986: 73) reports that according to the affidavit of ELOC Pastor David Shihepo, born in 1884, brought before the South African Supreme Court in 1974/75, 'corporal punishment was unknown until introduced by Hahn, a government official dubbed "Shongola Hahn" ("Sjambok Hahn")'. Other scholars disagree with Soggot's acceptance of this statement as fact and contend that historical data show the Owambo did have corporal punishment before Hahn (Pendleton, Hinz & Becker, personal communication 1997). The point here is that corporal punishment, whether or not it existed in pre-colonial Owambo society, was used as a political tool to manipulate people during apartheid rule.

Many customary laws are discriminatory. For example, in Owambo customary law, a woman can be punished or fined for not cooking or performing other household chores for her husband. In the following case study, Venezia, an Owambo woman who married her husband in the traditional Owambo style, reported that her husband beat her so badly that she has lost the use of one of her eyes and only has partial use of one of her hands. She explains why:

Sometimes when he came home he used to ask me, 'Oh, my clothes – are they washed, as they are here?' If I said, 'Yes, I washed them,' he used to say, 'No, they are not washed like this.' If I hung them, he took them out and put them again in the water and put powder in. He used to say, 'These things must be washed again, they are not clean.' He said, 'I beat you because the women are to be beaten, because marriage is to be beaten [women in marriage are to be beaten]' (LeBeau 1996: 140, 142).

Under customary law the distribution of common property after death or divorce depends on the particular practices of the society, but many discriminate against women (Republic of Namibia 1994: 52). In some traditional societies, all common property goes to the husband's kin group, leaving the wife without means of support. In these cases it is expected that the woman's adult male children will provide for her or that she will return to her father's house. In many traditional societies women are not allowed access to land in their own right and only have rights to land through their connections to men (ibid.: 52-53). For instance, in Owambo society the headman holds communal land in trust and the household head pays the headman for usufruct rights to the land for his lifetime. When the household head dies, these rights to the land revert back to the headman, who may reallocate the land as he wishes. The fact that only men hold communal usufruct land rights contributes to the subordination of women since they are deprived from access to their own means of production (Hishongwa 1992: 38).<sup>5</sup>

### The culturally defined status and role of women

There are many different ethnic groups in Namibia, and they have various customs and beliefs. Cultural attitudes towards gender in these different

<sup>5</sup> A new draft Communal Lands Bill is currently under review. If passed in its present form, it may reduce the power of chiefs and headmen to allocate land and may have a significant impact on the ability of women to acquire rights to land.

groups vary from relative equality to rigid inequality. Although pre-colonial San ('Bushman')<sup>6</sup> concepts of egalitarianism have been altered by the colonial influence, San men and women today still have relatively equal gender roles. In pre-colonial Herero society the gender distinction between men and women was weak, but in contemporary Herero society men are considered '*omuhona*' ('lord' or 'master') – a term once reserved for chiefs (Becker 1993: 86-87). In Owambo societies women are and have always been subordinate to men in all spheres of public and private life (Hishongwa 1992: 38).<sup>7</sup> Cultural attitudes towards gender also vary by urban and rural location. For example, urban Afrikaner women have a far more egalitarian position vis-à-vis men than does the typical Afrikaner farmer's wife.

Traditional African societies have a range of cultural practices that function as effective barriers to women achieving social equality with men. Traditionally, marriage is regarded as an arrangement between the kinship groups of the man and woman. The man's kin group pays a bride price (which the Herero call '*otjitungya*', the Nama/Damara call '*!gull!gab*' and the Owambo call '*iigonda*') to the woman's kin group (Pendleton 1994: 82-90). This payment establishes a social relationship between the groups and gives the man and his kin group certain rights of control over the woman, including though not limited to the right to her domestic service, sexual access and productive labour (Lau in Becker 1993: 65).<sup>8</sup> Furthermore, as head of the house and custodian of kin group and household property, the husband makes decisions about livestock and property disposal and acquisition. The woman's place is to do as the man says and not to ask questions concerning the disposition of property, even if his actions have adverse effects on the entire household. In many traditional societies there is rarely a time in a woman's life when she is not under the direct control of a man. A woman typically goes from her father's house to her husband's house, and after her husband's death or divorce she goes back to her father's house or otherwise to an adult male child's house. In Owambo society the husband is always the head of the household (or homestead). There are certain instances where a woman may become head of the household, but this is rare, and a divorced or widowed woman usually returns to her father's house (Williams 1994: 49-

<sup>6</sup> For a discussion on group names and labels, see Chapter 11.

<sup>7</sup> In traditional African societies, individual women do have de facto social power. Women exert considerable pressure on men both as mothers and wives. However, the point is that the social and political organisation of the Owambo, Herero and Nama, as well as most other traditional groups in Namibia, is that of male dominance.

<sup>8</sup> This discussion does not include the issue of affiliation of children into descent groups because it is not central to my topic. In Namibia this is a complicated topic because the Owambo, Kavango and Caprivi people are matrilineal, the Herero have a double descent system, the Damara and the San appear to have a bilateral system, and the Nama are patrilineal. Today, the importance of clan and lineage membership has declined.

50).<sup>9</sup> It is more common in Herero society than in Owambo society for a woman to head her own household, but in marriage the husband is still regarded as head of the household (Becker 1993: 64-65).

Much of the structure of traditional African society is based on a division of labour along gender lines. The lives of men and women are very different. Men spend much of their time with other men and do not see the world as women do. Men typically do not believe that their women are discriminated against, nor do they see the need for change. Men believe 'this is the way it has always been and this is the way it should be'. It is widely understood that the burden for crop cultivation, household chores and child care falls disproportionately on women. Women (and female children) do many more chores much more frequently than do men. They are required to cultivate fields, fetch water and wood, go to the shops and markets, make and sell baskets, process grains, feed the family and watch over the children. The following example illustrates how women carry out the task of crop production while men reap the benefits: In Owambo society men have control over arable land and divide their land between themselves and their wives. Although men allocate themselves a larger piece of the land, women are responsible for crop cultivation on all of the homestead's arable land. The men keep the produce from their land for their own use (frequently to make traditional beer), while women use their produce to feed the family (ibid.: 62-63).

### Traditional attitudes and practices regarding violence against women

The various groups in Namibia have differing beliefs about what constitutes violence against women versus what constitutes normal cultural practices. Some groups believe that the man is the head of the household and has certain rights of control over all the family members living in the household. However, most information sources indicate that with this power must also come compassion, love and tolerance (LeBeau 1996: 4). There appears to be a fine line between family control and family abuse. Once a man steps over the line, his behaviour is no longer acceptable in any Namibian society. In some traditional African societies any form of physical, psychological or sexual imposition of one's will onto another is seen as deviant behaviour (ibid.: 4). A Damara informant explained that the Damara have a word for

<sup>9</sup> For example, *okagumbo* is an Oshiwambo word meaning 'small' or 'little house'. If a man lives in a house, it is called *gumbo*, which means 'house'. The normal prefix *oka-* denotes a diminutive. Any home in which the woman is the head, in which no man lives, is called *oka-* ('small')-*gumbo* ('house'). The differentiation does not imply size, but rather the status of the household.

domestic violence, i.e. '*!igau !nabe !gomsib*', meaning 'house problems'. This informant said, 'It is not acceptable for a man to hit a woman in my culture.' A Tswana informant indicated that the Tswana have a saying to the effect that, 'If you cannot protect your wife, who is supposed to do it?'

In other traditional African societies, 'wife-beating' is considered an appropriate method of correcting a woman's behaviour. However, the act of 'wife-beating' is limited in that the woman is not supposed to show any clear or visible signs of the incident, thus the use of fists and dangerous weapons such as guns and knives is not acceptable (ibid.: 4, 74). The Owambo believe that the man has the authority to beat his wife for transgressions such as quarrelling with him, not preparing his meals on time or not washing his clothes. One Owambo woman said, 'Wife abuse is a sign that the man loves the woman; it is expected that the wife will feel rejected if not beaten' (ibid.: 73). As a previous example illustrates, many Herero believe that '... the husband has a right to use any means he feels is appropriate to discipline or keep her [his wife] in line' (ibid.: 85). Traditionally, if the 'beatings' get out of hand, the woman can go to family members, especially her in-laws, in an attempt to have the situation reviewed and possibly redressed. If a dispute arises between a couple, their extended family is close at hand to intervene and arbitrate the dispute. If one family member's behaviour is socially unacceptable, for example a man's excessive drinking or a woman's constant quarrelling, the family, and also the society through traditional courts, have mechanisms for reproaching that person and bringing them back into line with accepted norms and values of the society. Problems occur when traditional control mechanisms are no longer in place to ensure appropriateness in behaviour.

### WOMEN UNDER COLONIALISM AND APARTHEID

Although women in most traditional African societies were subject to male dominance, the superimposition of colonialism, including apartheid, further disempowered them (Becker 1993: 115). Women under colonialism held a lower legal and social status than they did under any other socio-political circumstances existing today or in the past in Namibia. Both white and black women were discriminated against on the basis of their gender, but black women were further discriminated against on the basis of their 'race'.

### The legal status of women

Most German colonial laws, and later apartheid laws, were written with the minority white males' interests in mind. Women were legally relegated to

positions as second- or third-class citizens. Under German colonial rule white women were excluded from political participation and legally discriminated against. For instance, German women were barred from higher education and legally prohibited from attending public meetings, and unmarried women were not allowed to own land. Later, white women under apartheid were also excluded from political power, and until 1939 they did not have the right to vote. In theory unmarried women over the age of 21 had most of the same legal rights as men, but they lost many rights when they married, due to the legal assumption that women were the dependants of men (ibid.: 80, 91-93). Tapscott and Hubbard report that at independence there were 13 civil laws and statutes that favoured men over women (1991: 4).

Under apartheid law African women were also legally discriminated against in employment and other aspects of life based on their 'race'. African women were required to stay in the 'homelands' unless contracted to work in the 'white' areas, but few African women were contracted to work outside the 'homelands'. This restricted rural African women's access to money. African and coloured women who lived in town and who worked as domestic servants, for example, had no legal protection from inhuman or inappropriate behaviour on the part of their employers. Many African women were subject to sexual harassment apart from poor working conditions. Working women did not have a legal right to maternity leave, social security, retirement or other benefits, and they worked for very low wages (Cleaver & Wallace 1990: 34).

For all women married under civil law,<sup>10</sup> the husband had rights of 'marital power' over the wife. All control over marital property, including the rights to enter into contractual agreements, to buy or sell property and to pledge property as collateral, was therefore the sole domain of the husband (Tapscott & Hubbard 1991: 4-5). With couples married under civil law, the husband had the decision-making power over the wife in all aspects of communal life. Men therefore had the ability to decide where and how a couple would live, and to make the decisions on matters concerning their children and the alienation of communal property (Hubbard 1991: 6). If the couple was married under community of property, all property owned before or acquired during the marriage became the joint property of the couple. However, since the husband had 'marital power' over the wife, this gave him control over all the communal property (ibid.: 6-7). Thus, within marriage, women were in a legal position similar to that of a minor child (ibid.).

<sup>10</sup> Both customary and Roman Dutch law, referred to here as 'civil law', were and still are enforced in Namibia. Under apartheid, civil law applied to the white and coloured populations, while Africans were governed by a 'confusing web' of both civil and customary laws (Republic of Namibia 1994: 52).

Due to the husband's 'marital power', title deeds to a house were required to be in the husband's name. A woman who obtained her own house prior to marriage was compelled by law to place the house under her husband's name. If the couple divorced, the man had an equal claim to the house. Since the woman's name did not appear on the title deed, the man had the right to sell the house without her knowledge or consent. Many men planning to leave their spouse sold the communal residence and left the woman, who only found out upon being evicted that she no longer had a home.

Divorce was and still is granted on the premise of 'guilt' or 'innocence'. In theory, if a couple married in community of property divorce, the property should be divided in half, but typically a larger share of the communal assets are awarded to the 'innocent' party. However, when the 'innocent' party is a man, he will frequently get a larger share of the communal property than when the 'innocent' party is a woman. In extreme cases all the communal assets may be awarded to the 'innocent' party, usually when it is a man. One explanation for the discriminatory distribution of communal property may be the prevailing attitude that assets are accumulated by the man's labour, while another common attitude in African societies is that failure in marriage is the woman's fault. Under apartheid, if the couple married under customary law, the 'native' authorities had the right to distribute the communal property under 'native law and custom', which frequently meant that the husband or his kin group derived the benefit of the communal property (Hubbard 1991: 10-11).

The following example shows how this discriminatory interpretation of the law is still practised today, since the incident took place in 1996. One woman interviewed described how her husband left her for another woman, filed for divorce, and through a series of legal actions was able to obtain 100% of the communal marital property, while she never spoke one word in the courtroom (facts corroborated by court documents). Her husband was able to afford a competent private lawyer while she, having to support the children, was forced to use an incompetent court-appointed attorney.

Due to economic considerations, many women experience domestic violence for a long time before deciding to leave an abusive husband. In the following case study, Francina, an Owambo woman who was abused for ten years, decided that the risk to her life was greater than her material needs and she left her husband Petrus. She views the situation as follows:

When I divorced I noticed that this communal marriage makes people to be robbed. I bought many things but Petrus took everything with him. He did not even give me anything. ... I came [to this house] with bare hands ... . Even a building we built in the north is his, the house at the north is his, the house here is his, the chairs are his, everything, everything ... . To take the thing into

court? ... Where can I find money to pay for that? I found out that, ah, it does not matter. Oh, the communal marriage, oh let the law look at it with big eyes and examine it. They used to blame the woman, that it is you who went out from the house. What takes a woman from the house is that she does not have strength. Will we not be killed? It is only me [a woman] who is powerless. He beat me deliberately because he knew that if I went out he would take everything from me (LeBeau 1996: 134-135).

### The social status of women

Although white women derived a higher social status than did African and coloured women by virtue of their 'race', they were gender-stereotyped in German colonial and apartheid societies. White women were stereotyped as bearers of children, preservers of civilisation through procreation and 'help-mates' to their men (Becker 1993: 92). Due to the prevailing gender ideology, African women were treated as dependants of men and male relatives exercised social control over them (ibid.: 91). Urban women under apartheid faced economic hardship since they were also discriminated against in the workplace. Under apartheid, African women's ability to gain formal employment was restricted and they were typically limited to work as domestic servants. Women were under-represented in virtually every other employment sector in Namibia and when they did get paid, their wages were substantially lower than that of their male counterparts (Tapscott & Hubbard 1991: 12). As a result, many African women resorted to brewing and selling beer in the privacy of their own home to earn money. However, it was also the abuse of this alcohol that contributed to violence against women. The women were caught in a vicious cycle: they had to sell beer to earn money, but the men for whom they produced beer abused them.

Women, especially African women, were also educationally disadvantaged (Republic of Namibia 1994: 15). The system of 'Bantu education' was designed to minimally educate Africans as workers for white production. Since most employment opportunities were for men, the education of women was seen as unnecessary. Thus women were not encouraged to further their education. Women were again caught in a vicious cycle: due to limited employment opportunities they received a poor education, which further limited their employment opportunities.

There were also many negative stereotypes of women that derived from their low socio-economic standing within the community. A study of ethnic stereotyping at Namibian independence found that 'stereotypes about women are the strongest, and no demographic attribute ... affects the stereotypes given. Stereotypes about females reflect the historical and contemporary

subordinate position of women in Namibian society. Changes in attitudes about women in an independent society could have a significant impact in this area' (LeBeau 1991: 72). The widespread shared nature of stereotypes of women in Namibia at independence implies that these stereotypes are learned through the person's culture and reinforced through socialisation, and are therefore difficult to alter (ibid.: 7-9).

### The impact of the contract labour system on the family structure

The colonial and apartheid systems had a devastating impact on the traditional African family structure and women's lives. Through a series of German colonial and later apartheid laws, families were separated and men were forced into servitude. Labour control was a central focus of most of the apartheid laws (Hishongwa 1992: 12). The migrant labour system, which started during the German colonial era, was refined and expanded during the apartheid era with the sole purpose of providing cheap labour for the colonial economy. Under the notorious 'contract labour system' of the apartheid regime, males recruited from the rural areas temporarily migrated to the 'white' areas for contract employment, and Africans were forced to stay in the 'native reserves' unless contracted to work elsewhere. The pass system prevented a woman from travelling and living with her husband who was contracted to work in the 'white' areas (ibid.: 60). Men were denied the right to dwell permanently in the towns in which they were contracted to work, and they were forced back to the reserves or to other labour sites once their contracts were finished. They were also denied the right to visit their rural families in times of need. This long separation of a man from his family frequently precipitated the break-up of the family. Some men abandoned their rural family or established a second family in the urban areas (ibid.: 87-89). Many contract workers were away from home for years, thus their children were deprived of a second parent and frequently did not know their father when he returned home (ibid.: 87-89). On many occasions a man had a cultural duty to his family and was expected to perform ceremonies (as in times of pregnancy and childbirth), but under the contract labour system he was frequently absent from these important events.

Hishongwa states that 'the labour system was the most fundamental factor affecting the economic and social lives of most Namibian women' (1992: 95). In the northern rural area where most contract labourers came from, it was estimated that about half of the adult men were absent from the homesteads on contract labour at any given time (ibid.: 95). The women were required to maintain their households by means of both domestic labour and subsistence agriculture. Traditionally, all activities associated with decision-making and livestock-rearing were the domain of men (ibid.:

37). Women were required to shoulder these tasks, which further promoted the break-up of the African family since women gained independence by assuming these new responsibilities. A returning husband might find that the wife had made inappropriate decisions or that his wife was too independent and could run the household without him (*ibid.*: 98-99). These circumstances frequently prompted arguments and led to the man's loss of traditional status. In addition, the colonial era and the contract labour system, in particular, contributed to widespread alcoholism (*ibid.*: 94-95). Men in the urban areas frequently drank due to loneliness and to drown the pain and embarrassment of living and working in inhuman conditions. Frequently, a man returning to the rural homestead after enduring such conditions, found his wife running his homestead, drank too much and became abusive towards her, causing further disruption in the family. Female-headed households in the urban areas were also a direct result of the contract labour system since men on contracts had to live in exclusively male hostels. For example, it has been estimated that, under apartheid rule, 36% of all households in Katutura were female-headed (Pendleton 1994: 91-92). Similar percentages of female-headed households were found in other urban areas.

### **The impact of the liberation struggle on women's status and role**

Women from both inside the country ('stayers') and women who chose to leave the country ('exiles') were participants in the liberation struggle. Due to the need for labour during the war and pressure from the SWAPO Women's Council, Namibian women took up non-traditional roles both inside and outside the country. The women who chose to leave the country typically worked in SWAPO-run refugee camps, and many fought in combat alongside the men. Many women were also trained in male-dominated occupations such as automobile and radio mechanics and electricians (Tamas & Gleichmann 1993: 11-15). Within the camps, 'women underwent the same training as men in SWAPO and occupied positions at all levels' (Cleaver & Wallace 1990: 6). In addition, many exile women studied abroad and received a higher education and training in top-level management positions. Inside Namibia, women were responsible for running their homesteads while the men were away fighting (Republic of Namibia 1994: 10). Stayer women, especially those in the northern war zones, gave material assistance and moral support to the Namibian liberation fighters, as well as moving guns and supplies (Cleaver & Wallace 1990: 6-7).

Women's willingness and abilities in performing wartime tasks and roles previously reserved for men gained them status. These women learned skills and professions that were not available to them in Namibia under the

apartheid Government. Exile women also had better access to all types of educational opportunities than women who stayed, and many were specifically targeted for training in western and former eastern-bloc countries. Of these women, more than 60% had academic qualifications above a Matric, and another 30% had vocational training (Tamas & Gleichmann 1993: 11, 26-29).

### **WOMEN IN NAMIBIA TODAY**

Namibia's women today are as diverse and unique as Namibia's cultures. A comparison between women living either in urban or rural areas yields the following general results: urban women are younger, not as poor, better educated, have less children and are more likely to have recently moved to the areas where they live than rural women. They are also more likely to be working outside of the home, have better access to many social services and a range of support networks than rural women. Urban women not only have the primary responsibility for the household and child-rearing tasks, but are frequently also involved in income-generating activities. Rural women spend much of their time doing tasks with other (usually related) women, and experience discrimination based on traditional values and norms of their male counterparts, while urban women are discriminated against by employers and fellow workers.

### **Changes in the legal status of women**

With the abolition of apartheid and the establishment of an independent democratic Government in Namibia, women's equality became enshrined in the Constitution (Article 10) which forbids discrimination based on sex. Furthermore, it recognises the previously disadvantaged position of women and encourages the implementation of affirmative action policies which advance women's social status and roles within society (Article 23). It also states that customary laws may be practised in Namibia, if they do not infringe upon rights granted to an individual through the Constitution (Article 66). Since independence, the Government of Namibia has been struggling with how to institutionalise the gender equality promised in the Constitution.

Namibia is now in the process of instituting legal reforms to address previous gender imbalances in Roman-Dutch Law. Several apartheid laws which clearly discriminated against women remained on the books in 1991 and have only recently come under review. The Income Tax Act, Labour Code, Married Persons' Equality Act and the Abortion and Sterilisation Bill

(yet to be passed) are some first steps (Republic of Namibia 1994: 53-55). However, these strides towards legal equality have been hard won since most lawmakers, still, are men, while most advocates for gender equality are women. The emotional pleas against the Married Persons' Equality Act, which is clearly in line with the Constitution, reflect the deeply ingrained cultural belief that the man should be the head of the household and have marital power over his wife. The following quotes demonstrate the prevailing attitude of male lawmakers (and many men in general): The Hon. Nathaniel Maxuilili of the National Assembly stated, 'We are not allowed to change the status of men and women, not at all. That is what God said. The women must be subject to their husbands as the head ... We must be very careful of women ... that women want to take over power ... We will never allow it!'. The Hon. Asser Hango of the National Assembly declared, 'The move behind this [Bill] is to legalise the women to ruin men in terms of property and run away after acquiring the property she was in need of ... We know the desire of certain women to have love affairs with young boys ... Is that what you are trying to get?'. The Hon. Erastus Hendjala of the National Council explained, '... this Bill is supported mostly by single women, by women who have problems in their families and by those who know that they are not going to marry' (Becker 1996: 7-8).

The Married Persons' Equality Act became law in July 1996. It makes men and women in marriage equal before the law. The Act abolishes marital powers which made the husband the head of the house, and provides for women married in community of property to have equal access to bank loans and ownership of property. Immovable property such as the communal house must now be registered in both spouses' names and the sale of such property needs the consent of both parties. However, there has been confusion on the part of both men and women as to what rights and obligations the new Act entails. Many women are not aware of, nor do they understand, their new rights.

A new draft Abortion and Sterilisation Bill was made public in June 1996 and has been the topic of heated debate ever since. Most debates which have surfaced in the local news, centre around the 'pro-life'/'pro-choice' controversy. 'Pro-life' issues have been raised by religious groups concerned with the moral implications of abortion, while the 'pro-choice' position is supported by most Namibian women's organisations, which assert that the Bill further empowers women since it gives them more control over their own fertility and lives. The proposed Bill would legalise abortion on demand during the first twelve weeks of pregnancy, without having to obtain the father's consent. Under the current Abortion and Sterilisation Act, abortion is illegal except in extreme circumstances. Currently, illegal abortion and infanticide are the only alternatives for desperate mothers, mostly single women, who cannot afford to raise a child, or who have been raped. As

pointed out by a TV news reporter, 'While the debate on the issue of abortion continues, two babies were abandoned on the weekend at the following places ...' (NBC News at 20h00, 23/9/96).

Namibia has made progress in legally enshrining women's equality, as promised in the Constitution. However, there is still a discrepancy between theoretical rights and legal reality. Recent interviews with poor urban women reveal that these women feel the law says one thing, but reality is different. Many women say they may have rights, but nobody tells them what their rights are, nor is there any easy way to access formal systems to secure them. Most women interviewed express the feeling that nothing has changed for them and that most women still 'get a raw deal' by both society and men. Many of these women also expressed frustration at not knowing what to do, or who to turn to for help. Throughout her interview, Ellen frequently states:

I really felt very desperate and all the things he had done to me really hurt me and I didn't know what to do (LeBeau 1996: 122).

Francina also felt she did not know what could be done for her and for other women in her situation. She states:

... but you know sometimes you do not know what the Government must do for us, because you do not know which things must be directed to the Government. [I] suppose I have to say that the Government must scold the men to stop torturing the women like that ... (ibid. 132).

### Women's movements and organisations

In addition to formal legal redress, there are several governmental, non-governmental and community-based organisations which were formed since independence to represent women's interests and to lobby for improvements. The Department of Women Affairs (DWA), which resorts under the Office of the President, plays a central role in bring gender issues into the national agenda. Both the domestic workers' union and the teachers' union deal with women's employment issues (Republic of Namibia 1994: 44-46). The Namibia National Women's Organisation (NANAWO) provides education to parliamentarians on gender issues. The Legal Assistance Centre advises women and conducts research on women's rights under the law. Many other organisations such as Sister Namibia and Women's Solidarity have mobilised to provide relevant counselling and education, and the University of Namibia set up a Gender Training and Research Unit.

Up until the late 1970s, isolation due to apartheid and international sanctions prevented women from access to knowledge and participation in women's social movements taking place elsewhere in the world. Thereafter, when authorities relaxed restrictions, women activists began to organise and address gender issues within the context of apartheid resistance (Becker 1993: 193). For example: several leading women activists from inside the country were educated at institutions abroad; the founder of the most important women's organisation of the 1980s, namely Namibian Women's Voice, was sponsored by international donors; churches encouraged women to unite into women's organisations; and thirty women activists from Namibia attended the 1985 Women's World Conference (Heike Becker, personal communication). At the same time, women in exile were also put in touch with international women's democratic and social movements (Cleaver & Wallace 1990: 99-101). Since independence Namibia's women's movements have steadily gained momentum. Probably one of the single most important events for these movements was their participation in the Fourth World Conference on Women in Beijing, China. Namibia sent a 56-person delegation to the conference headed by the Deputy Foreign Affairs Minister, Netumbo Nandi-Ndaitwah (Cupido 1995: 12). The major topics addressed by this delegation were violence against women, alcohol and drug abuse, teenage pregnancy, poverty among rural women and illiteracy. The primary goals of the delegation were to learn from other countries with similar problems and identify a Platform of Action for Namibia (ibid.: 12). Most of these social movements and organisations are spearheaded by urban, educated women. It is mainly due to the efforts of women activists in these organisations and social movements that legal changes have come about.

Regional hearings on violence against women were held throughout the country in November 1996. A second round of hearings is planned for 1997 and will culminate in a national conference to draw up a Plan of Action. One major theme in the hearings was dissatisfaction with the way police, investigators and courts deal with cases due to the prevailing gender beliefs previously discussed.

### Changes in the social status of women

In six years of independence, better educated, middle- and upper-income women have made strides in improving their socio-economic status in society, while many under-educated and poor women have experienced very little benefit from changes within the political-legal structure. Namibian women who have received secondary and tertiary education are in a good position to compete for employment in the modern economic sector. Some of the returning exile women, who also received higher education and em-

ployment experience while out of the country, have been able to successfully compete for and secure good employment. However, since girls and women inside Namibia frequently study a gender-biased curriculum, which focuses on learning skills for traditional female roles such as needlework and cooking, they often have not taken courses necessary to learn modern skills needed for employment. Such learning patterns are found at the primary, secondary, vocational and university level. In addition, more girls than boys drop out of school at all levels (Republic of Namibia 1994: 15-19).

Women bear the brunt of poverty due to a lack of educational and employment opportunities. In the rural areas about 60% of the communal farmers are women. Many of these rural women and children depend on the remittances of men from the urban areas and mines for access to cash. Although the contract labour system was officially abolished, the economic structure continues to reinforce migrant labour today (Tapscott & Hubbard 1991: 13). In the rural areas there are large proportions of *de facto* female-headed households due to the absence of men who have gone to find work. In the urban areas there are high percentages of *de jure* female-headed households since many migrant workers have urban 'families' they later abandon when returning to their rural families.<sup>11</sup> In Katutura today it is estimated that 25% of households are headed by women. The percentage of female-headed households has decreased since independence: however, they have the lowest income of all household types in Katutura and the greatest difficulty getting by on scarce resources (Pendleton 1994: 91-92). Women's significant workloads handicap their ability to pursue better education and higher-paying economic activities than what is currently available to them (Cupido 1995: 2). The 1991 Population and Housing Census shows that the Government employs one in every five people, of which only every third employee is female (ibid. 1-3). According to the Census, at least 21% of employed persons are classified as unpaid family workers, of which 70% are female.<sup>12</sup> Most office and clerical workers are women, while women account for only 20% of people in senior management positions (ibid.). Furthermore, women are under-represented at all political levels in the country. The Government has given only a few junior and senior positions to 'returnee' women in recognition for their contribution to the liberation struggle. After the most recent elections there are only 16.7% women in the National Assembly, whereas in the National Council they are less than 4%, and only 14% of Ministers and Deputy Ministers are women. In the Regional Councils women account for about 3% of the total members, while there

<sup>11</sup> In *de facto* female-headed households a man is attached to the household but typically absent, while in a *de jure* female-headed household there is no man attached.

<sup>12</sup> An unpaid family worker is someone who works without pay for a relative. This person may receive food and housing in exchange for the labour provided.

are no female Regional Governors (Ipinge, LeBeau & Awa, in press). At the local level, however, female representation is better, at 31.49% of the total.<sup>13</sup> In the private sector the figures for women in management positions are even lower than those in the public sector. Affirmative action as provided for in the Constitution has yet to be put into practice (Republic of Namibia 1994: 9, 41-42).

Beyond their disadvantaged position in the education and employment spheres, women encounter yet other significant social problems. Among these are the high rates of AIDS and HIV infection, high rates of teenage pregnancy and low rates of contraceptive use. According to the National AIDS Control Programme (NACP), as of April 1996 there were 21 737 confirmed cases of AIDS in Namibia. Almost half of all HIV-infected women are in the 25- to 34-year-old age group, potentially the most economically productive age group. Although there are equal numbers of men and women infected, women's inability to enforce condom use puts many women at risk of contracting the disease from their men, who tend to have many more different partners. Teenage pregnancy has frequently been discussed as a growing social problem. Currently a high percentage of girls aged 14-18 years are likely to be expelled from school due to pregnancy (Cupido 1995: 3). Teenage pregnancy, although prevalent, is socially unacceptable and the girls are blamed for their predicament. However, most males who get schoolgirls pregnant are not cohort schoolboys, but rather older men and school teachers. During one research session the author was present when a family learned that their teenage relative had fallen pregnant by one of the school teachers. The family was very angry at the girl, not only for having fallen pregnant, but also for having named the teacher as the father. The family discussed the fact that the teacher could lose his job since this was the second schoolgirl who had become pregnant by him and, '... isn't this a shame? This man has a wife and children to feed and now what will they do?' (spoken by the schoolgirl's aunt). Although this incident should not be misunderstood as representing a norm in Namibia, it does provide insight into the prevailing attitudes. Contraceptive use is a sensitive topic due to conservative cultural beliefs. The Namibian Demographic and Health Survey of 1992 found that 23% of Namibian women were current users of contraception, whereas 41% have used a contraception method at least once. These figures are lower than in many other sub-Saharan African countries (LeBeau & Black 1995: 3). Fertility preferences and attitudes differ between men and women. Men still see their masculinity as linked to the number of children they have, while women tend to concentrate on the well-being of their children. During an interview concerning contraception, one young *Owambo* woman observed that, 'Some men don't feel good because some

<sup>13</sup> Cf. Chapter 3 in this volume.

men believe that women using contraceptives are prostitutes,' while another woman stated that, 'A man will think his partner is not faithful if they use contraceptives because they think the woman does not care about the family.' Men frequently said that, 'Women are weak and will stray if they do not have to worry about becoming pregnant.' When asked why they would use contraceptives, women typically said contraceptives were good for their health and helped them to 'rest' (between pregnancies), while men said when they used contraceptives, it was because it was good for financial reasons, such as the high cost of a big family in an urban area (*ibid.* 21).

## CONCLUSION

In Namibia, violence against women has been influenced by the legal and social context of traditional African societies, the legacy of colonialism and apartheid, and the current situation of rapid social change. However, under-educated and poor women continue to be discriminated against in most social spheres, including employment, politics and decision-making. These women have the least ability to improve their socio-economic status through networks, and they have not been able to access the reformed legal system to exercise their rights.

Women experienced violence in the past but are experiencing it today on an unprecedented scale. Major factors within the context of rapid social change are urbanisation and changes in the extended family and close-knit social order, as well as the fact that traditional control mechanisms are no longer in place: new external social control mechanisms must be implemented by the nation state, which has assumed responsibility for those aspects of life. Unemployment, poverty and alcoholism, together with the effects of war, have been eroding men's traditional status of patriarchal superiority and have made them feel vulnerable. The recent elevation in women's legal status further fuels fears and frustrations, and hence violence.

Violence against women takes on many forms, is widespread throughout the society and is not going to subside of its own accord. It will require long-term study as to its origins and impact, and the possible solutions beg complex social policies.

So far, social change for Namibia's women lags behind political and legal change. Women's ability to access and improve structures for change does not match their aspirations. More importantly, one cannot legislate people's attitudes, but only the parameters that more or less influence them. Gender attitudes are core values, acquired during socialisation and modified to some extent by life experience and the norms of legal structure. Many Namibians call on the Government to act on the problem itself as well as on

its causes, namely unemployment, poverty and alcoholism, in order to bring about equality for all, as promised by the Namibian Constitution.

## 11

### Culture: which culture?

Werner Hillebrecht

Instead of an introduction, a personal anecdote. In early 1995 I visited South Africa for the first time. Pretoria, to be precise. This was supposed to be the new South Africa, even in Pretoria. And while walking around the streets to get an impression of the city, a most strange feeling crept upon me, something of a *déjà vu*, out of time, something definitely wrong. It took me a while to realise what it actually was. Coming from Windhoek, there was so much that was familiar, like the shops and advertisements – no wonder: almost all Namibian consumer goods come from South Africa. But the people looked different: I was missing the beautifully plaited hairstyles and the colourful West African attire that makes a lunch-time stroll through Windhoek such a pleasant experience. Everybody in Pretoria seemed to have a close-cropped haircut and to be wearing second-hand clothes from the 1950s. And the *déjà vu* effect? I had the same feeling of familiarity and strangeness combined when visiting the German Democratic Republic in the 1980s.

This anecdote has nothing to do with South Africa, actually. It only illustrates that things have changed in Namibia; in fact, that the culture has changed. Seven years ago this experience could not have happened. But what else exactly has changed in Namibia? The *flâneur's* impressionistic experience has to be substantiated. Which culture? Talking of culture in Namibia today is a rather puzzling affair. What culture exactly? Is there something like a Namibian culture? *In statu nascendi* at least? Where does it show up, besides on the streets at lunch time? Or is there rather a variety of cultures, unconnected, without dialogue or even without noticing each other, each one comfortably snug in its respective compartment? Is culture being perceived and discussed at all?

One can quite safely say that there is little discourse about culture in Namibia today. The more the word is used, the less the concept is reflected. The term 'culture' pops up most frequently in a repressive and reactionary context, together with the term 'tradition' whenever it suits someone to make a stand for patriarchy, against women's liberation, for corporal punishment,

against children's rights, against homosexuality, or whatever the agenda where the dominant patriarchy feels threatened. Most strangely, the same argumentation is usually invoked by people who see themselves as African traditionalists, against what they perceive as western influences, and by Afrikaner 'Christian Nationalists', who see themselves as outposts of European civilisation on a hostile, heathen and barbaric continent. The latter discourse has ceased to be the dominant one and is rarely formulated openly anymore, but it keeps cropping up from an underlying attitude or from a hidden agenda. Only second in frequency to the ancient morality context is culture mentioned in connection with tourism. 'African culture' as a value-adding asset to Namibia's second-biggest industry is certainly an important factor. Local culture is being set up in remote museum villages to benefit community-based tourism – but more on this later. A third context where 'culture' pops up is national reconciliation and nation-building: culture as a vehicle for the political unification of a nation scarred by decades of apartheid and officially promoted tribalism. The idea is that by learning about each other's cultural traits, mutual understanding and a common feeling of 'unity in diversity' will be fostered. This reasoning plays a significant role in official culture promotion, be it from the Ministry of Basic Education and Culture, or in 'cultural festivals' organised by the University of Namibia or the Polytechnic. Only seldom is there discussion on a more genuine view of culture, not as a vehicle for achieving moral, economic or political goals, but as a human right and fundamental means of human expression, communication, recreation and achievement. One will sometimes come across such deliberations in the regular satirical column 'Eksê Kuume', written in the local newspaper *The Namibian* by playwright Lazarus Jacobs, or in Ambrosius Amutenya's Oshiwambo column '*Omunamakutsi n'uuveko*'.

### THE APARTHEID LEGACY

One cannot help reflecting on the disastrous effect that apartheid has had on the cultural life in Namibia. While it is too convenient to blame all current shortcomings on the apartheid legacy, the far-reaching impact not only on infrastructure but also on attitudes and perceptions of both white and black must be recognised. The utilitarian attitude to culture can be traced directly to the Afrikaner use of '*kultuur*', which is not the means of expression common to all humankind, but which rather denotes '*Europese kultuur*' as a means of distinguishing between 'us' and 'them' – a boundary instead of a bridge. In the final ten years of apartheid rule in Namibia this concept was driven to the peak of absurdity with the infamous Proclamation AG 8 of 1980, which made 'cultural affairs' the exclusive administrative domain of

each 'population group'. In effect this proclamation reserved all money for cultural activities for the use of the Administration for Whites, which moreover claimed all cultural assets such as public libraries, the Conservatoire and the Theatre for itself. A body called the Department of Cultural Promotion (*Kultuur-bevordering*) of the Administration for Whites was created ad hoc, and it contented itself with little more than issuing a newsletter featuring recipes, the correct use of crockery and cutlery, and table manners. This was supposedly the '*Europese kultuur*' that elevated whites high above Africans who eat with their fingers. It is difficult not to be sarcastic about this concept, since it was followed with such doggedness that in 1990, just before the new Government took over, the Administration for Whites managed to 'donate' R8 million to a private foundation 'for European culture' named *Kultura 2000*. This act of unashamed corruption was contested in court by the new Government, against an international mafia which included the late Eschel Rhodie of the South African 'Infogate' scandal, and Professors Blaustein and Oriani-Ambrosini, the American constitutional advisers of Inkatha. The case dragged on over years and was settled only in 1995. In line with the provisions of Article 141 of the Namibian Constitution, the Government had to continue employing all public servants promoting this kind of culture. Although a few of them disappeared to South Africa literally overnight, the Minister of Education and Culture, Nahas Angula, was faced with tackling the mammoth task of integrating into a national service thousands of teachers and bureaucrats who had never wanted to integrate anything or anybody. In this task, basic education had to come first, while the unwilling 'culture' bureaucrats were perceived with justified suspicion and left in the cold as an unwanted and neglected appendage to the Ministry. Outside observers get the impression that this attitude persists, although the personnel set-up has definitely changed for the better in the meantime, in particular through early retirement packages. However, despite valiant efforts – especially by André Strauss, a former activist of the Katutura-based Bricks Community Project – to formulate elements of a cultural policy, one still cannot speak of a cultural policy being followed within the Ministry of Education and Culture (and since 1995 the Ministry of Basic Education and Culture). Though not much debated in public, it has come under scathing criticism: Lazarus Jacobs speaks of 'bureaucrats flying every second month overseas to "represent" Namibia. We know that all these things are done to balance the budget of the Department of Culture to keep the bureaucracy going.'<sup>1</sup>

<sup>1</sup> Lazarus Jacobs: 'Culture – the unfinished revolution' (*The Namibian* 1/3/96).

## THE FORMS OF CULTURAL EXPRESSION

### Writing and the book sector

Writing and publishing certainly belong to the most dynamic sectors of the new Namibian cultural life. While at independence there were three major publishers (one of them commercial), four larger commercial publishers plus a number of smaller publishing operations (including a substantial scientific output) have since emerged. The most recent *Namibian Books in Print* boasts 1 330 titles, including almost 600 in local African languages, which is quite substantial in view of Namibia's small and partly illiterate population. This success story has been made possible mainly by two factors: the expansion of the education budget, which affected the printing and buying of textbooks as well as local-language literature used as prescribed reading; and the skilful entrepreneurial use of foreign aid, particularly for the publishing of children's books. The publishers are now organised in the Association of Namibian Publishers (ANP), which was founded in 1991 and which is quite an active and unanimous body despite fierce competition in the market. This does not mean that the industry is beyond reproach; in fact, local writers complain that the publishers' cupboards are full of their unpublished manuscripts, and alternative venues for cheap self-publishing have yet to be found. This is one of the aims of the Namibian Book Development Council, an NGO founded with the aim of bringing the various role-players in the book sector together. Unfortunately the same favourable picture cannot be drawn for the book trade, which remains disorganised and has not kept pace with cultural challenges in the new Namibia. Bookshops are geared mainly to serve their traditional (and predominantly German-speaking) clientele, or to supply textbook. An ill-advised textbook tender policy that the Ministry of Basic Education and Culture introduced in 1994 has already resulted in trade monopolisation trends and the closing of small bookshops in rural areas, thereby worsening the situation. As writing in an environment with such a small potential readership does not really pay off in royalties, the writers themselves have thus far not managed to organise themselves effectively (cf. infra).

### Libraries

The picture in relation to libraries is also not very encouraging. Here the new Government inherited a particularly skewed service: all pre-independence public libraries had been run by the Administration for Whites; there was no public library in any black township; and worse still, not a single public

library north of Tsumeb, where more than 60% of the country's population reside. Radical changes to this picture were expected, but actual moves were very slow, apparently for two reasons, as follows. Firstly, public libraries are subsumed under the Directorate of Heritage and Culture Programmes in the Ministry of Basic Education and Culture, and this Directorate is generally poorly funded due to the Ministry's understandable emphasis on primary education. The fact that literacy skills acquired in basic education must be sustained through continued exposure to reading has been verbally acknowledged, but not translated into budgetary action. The other reason has to do with staffing problems. Despite all goodwill, the management structure in this sector, which was largely taken over from the defunct Administration for Whites, appears to lack the necessary vision and determination to initiate radical changes. The library profession is chronically underpaid in relation to comparable professions, so that especially young black foreign-trained librarians with qualifications and initiative tend not to take up jobs in the government library service. Instead they opt of jobs with NGOs, parastatals and tertiary education institutions which offer better pay, or otherwise they leave the profession altogether to take up managerial posts. A recent salary structure reform has rather worsened the situation. The result is that after six years of independence, only one new public library has been opened in the north (in Oshakati), mainly funded by Swedish foreign aid. Another library was taken over from a different ministry, while preparations for two more northern libraries are fairly advanced. These improvements are but a drop in the ocean, however. The only state-funded public library in Windhoek's Katutura township was established by another ministry, namely the Ministry of Youth and Sport.

### Theatre and dance

The National Theatre of Namibia (NTN) had to develop out of the South West African Performing Arts Council (SWAPAC), an institution created 25 years ago to wrestle theatre and music theatre out of the hands of the Arts Association, a private NGO, in order to have such matters under direct South African control. Despite some encouraging own productions, the NTN seems to survive mainly on shows featuring foreign companies. Meanwhile, private and amateur theatres sometimes stage highly acclaimed work, like local playwright Freddie Philander's *King of the Dump*, the radio broadcast of which was awarded a gold medal in the New York International Radio Competition.<sup>2</sup>

<sup>2</sup> 'King of the Dump wins award' (*The Namibian* 7/6/96).

## Music

In music Namibia has a rich indigenous cultural heritage – though some traditions, such as the reed-flute music of the Nama people, were almost completely destroyed already during the last century through missionary intervention and the introduction of western instruments. Until quite recently this heritage was of concern only to ethnographers and ethnomusicologists, but it is gaining status now, for example on local TV which regularly features video recordings of local dance and music. Entirely unconnected to these traditional roots is Namibia's very strong and qualitatively high tradition of performing western classical music. This being practically the only music to be officially sponsored before independence, it naturally had to suffer a partial setback, although the Conservatoire of the erstwhile Administration for Whites continues to function today as the well-funded College of the Arts, with a strong focus on classical music and dance. Pop music might be the most interesting facet of current Namibian music life because here, far from succumbing to the overpowering pressure of the international music market, a real cross-fertilisation of cultures is taking place. It was already taking shape in exile when the multilingual and multi-talented Jackson Kaujeua delighted audiences with his funky version of the San traditional 'Soremandende'. Another bright star is Ras Sheehama, who did well to use his study years in Jamaica during exile not for studying his academic subjects but for absorbing Jamaican rhythms. Sheehama's creation of a distinct Namibian reggae, sung in a blend of Oshiwambo and English, is worth a much larger audience than his local fan club. Unfortunately, the TV section of the Namibian Broadcasting Corporation (NBC) is entirely incompetent as regards the effective promotion of Namibian pop music. The most moving rendition of Sheehama's lyrical 'Kassinga' ballad, dedicated to the victims of the massacre of 4 May 1978,<sup>1</sup> was performed by him a capella at the 1996 Cassinga Day memorial in Windhoek's Independence Arena (and recorded by the NBC). In contrast, however, the NBC continues to screen a version in which Sheehama sings in front of a huge, plush, pink theatre curtain, as if he were performing an Italian operetta solo.

<sup>1</sup> Cassinga was an abandoned mining town 250 km north of the Angolan border. It was used by SWAPO as a transit camp for Namibians in exile, and from 1976 onwards the Command Headquarters of the People's Liberation Army of Namibia were in the proximity of the town. The South African aircraft and paratrooper raid of that day on Cassinga, but also on the Chetequera camp some 30 km inside Angola, killed a number of HQ staff, but the main exploit at Cassinga proper was the massacre of more than 600 civilians with a great many women and children among them (Brown 1995: 29-30; Saul & Leys 1995: 55; cf. Heywood (1994) on events blurred by propaganda from both sides).

## Visual arts

The Namibian visual arts are still waiting for another world-class artist of the visionary power of the late John Ndevasia Muafangejo. Nonetheless, compared with the pre-independence scene, the picture is now incomparably more varied. Muafangejo was an outsider to the South West African art scene. The galleries were dominated by escapist 'wide open spaces' landscape painting, botany and wildlife, and the occasional Herero woman portrayed as a faceless tailor's dummy in Victorian dress. As the escapist mentality is far from dead among the cash-carrying white minority, and as it continues to be promoted by the tourism industry, this type of art continues to find its flourishing market. Such art has clearly lost its exclusive role, however, with more and more local talent emerging, and sometimes even making a meagre living out of their art. A *Tulipamwe* ('We are together') workshop of Namibian and foreign guest artists has become an annual event in southern Africa, and goes a long way towards exposing artists, techniques and ideas to fellow artists, and subsequently to the public.

## Rural crafts

The artistic quality of rural crafts and the individuality of its producers has finally been recognised to some extent. Galleries display works of rural artists with their names, and the potter Angelina Simushi has become a household name in the art business. This does not apply to the palm-leaf bowls and baskets and the handcrafted unglazed pottery which are on sale for tourists everywhere, but still they have not degenerated into 'airport art' as has much of the figurative carving. There could be two reasons for this: the nature of the materials used does not lend itself easily to stylistic distortions; and, perhaps more importantly, bowls, baskets and pottery items are still very much in everyday household use in rural northern Namibia, thus they have retained their functionality.

## Monuments

The protection of cultural and natural history relics is one of the sadder chapters in the life of independent Namibia – possibly because coming to terms with its own history is something the nation has not yet really mastered. The new Administration inherited a National Monuments Council along with a list of declared national monuments, most of which are definitely worth protecting, though with a strong bias on colonial architecture. However, the process of identifying and actively protecting and preserving relics with a

potential to correct this bias is painfully slow. This became public when a property developer tore down the last remains of previous black presence in a posh Windhoek suburb, in the form of the old Catholic Mission Church. The National Monuments Council made some noise but was not able to protect the building. This ineptitude and ambivalence towards what was to be considered a valuable heritage site became much more evident when the most spectacular reminder of the joy and exuberance of Namibian independence, the Independence Mural at the Katutura Community Centre,<sup>4</sup> was destroyed. The new tenant of the complex, the Namibian Red Cross Society, simply painted over 200 m of collective artwork in clinical white. One of the most photographed, internationally publicised symbols of independence was blotted out, and the National Monuments Council did not utter a word in response because it was obviously unaware of the symbolic, artistic and historical value of this mural.

### Science

In terms of natural and cultural sciences, Namibia is one of the world's most interesting countries. This potential has been exploited by foreign visitors ever since the French naturalist Levaillant's travels in the 1780s. Namibian independence, ending the international cultural boycott and making previous war zones accessible to researchers, has seen an ever-increasing rate of 'science tourism'. Unfortunately, this boom leaves only some crumbs to benefit Namibia. Despite nicely worded university cooperation agreements, there is little spin-off in terms of Namibian capacity-building, and even the availability of research results. The problem lies in the structural weakness of Namibian institutions. Understaffed university departments are too bogged down in daily basic teaching routine to bother much about research. Within the university's Multi-Disciplinary Research Centre, only the Social Sciences Division has really come off the ground, mainly because of the international donor agencies' requirements for feasibility and impact studies. As for non-university research institutions, NEPRU,<sup>5</sup> DERU,<sup>6</sup> CASS,<sup>7</sup> the Geological Survey,<sup>8</sup> the National Museum<sup>9</sup> and some other government departments<sup>10</sup>

<sup>4</sup> It was painted on the eve of independence as a joint effort of professional artists and spontaneous participants.

<sup>5</sup> Namibian Economic Policy Research Unit, an independent institute founded in 1990.

<sup>6</sup> Desert Ecological Research Unit, located at Gobabeb.

<sup>7</sup> Centre for Applied Social Sciences, an independent institute founded in 1990.

<sup>8</sup> A government body under the Ministry of Mines and Energy, its origins dating back to the German colonial administration.

<sup>9</sup> A government body under the Ministry of Basic Education and Culture, which conducts research mainly in the fields of archaeology and zoology.

have built a substantial research capacity, often with dedicated long-term resident expatriates, and with structures to train Namibians. However, more often than not – and particularly in disciplines not catered for by well-established Namibian institutions, like ethnological and historical research – the country is treated as an easily exploitable quarry for research data for academic degrees. As in the mining industry, it amounts to foreign capital reaping foreign profits. Although the Namibia Scientific Society has an impressive record of involving interested 'amateurs' in scientific research and broadening the basis of knowledge and expertise, it unfortunately does not live up to current requirements because it tends to narrow itself down to a German tradition club, and it would require a major effort to put itself back on the track to fulfilling the promise of its name.

### Odds and ends ...

Because of the Protean character of culture, one is tempted to talk about everything under the sun. One subject that deserves a chapter of its own is architecture. Namibia, and Windhoek in particular, has been endowed with all kinds of blessings and curses over the last few years, according to the taste of the respective developers. This ranges from the decidedly cheerful light-green post-modernist Sanlam Building in the centre of town, through the harmlessly anachronistic Wernhil shopping centre whose façade tries to evoke Europe's half-timbered (*Fachwerk*) buildings, to the latest landmark, the Supreme Court, a shameless demonstration of power painfully reminiscent of Albert Speer's Nuremberg.

Another cultural trait, namely food, tended to be most unremarkable in Namibia. If asked for a national dish, most Namibians would probably serve up *pap en vleis* (thick maize porridge served with, usually, grilled beef or mutton). It tastes just like it sounds. On the other hand, restaurants would serve standard export varieties of German, Italian or Chinese cuisine, not to mention the ubiquitous Kentucky Fried Chicken. However (and partly an influence from exile), the first restaurant with African cuisine has also opened in Windhoek, which offers some well-prepared West African and local Namibian dishes, and even dried *mopane* worms as snacks. It remains to be seen whether this is a trend that will be followed. If I want to eat so-called Owamboland's delicious freshly-harvested *eembidi* spinach, made from the aromatic leaves of a relative of the caper plant, I still have to rely on my own garden sown with self-collected seeds from the Ohangwena Region, because the new restaurant only prepares the *ekaka* variety from pre-cooked

<sup>10</sup> For example, the National Botanical Research Institute, the Sea Fisheries Institute and the Department of Environmental Affairs.

and dried herbs, which cannot be compared to the fresh vegetable. There is definitely room for improvement.

Do pardon the culinary excursion, but the matter is not as frivolously light-hearted as it may appear. Not only is the *pap-en-vleis* diet probably responsible for the shockingly high incidence of high blood pressure among Namibians, but the local spinach is also a most important ingredient in a balanced diet in northern Namibia. Recognising the value of, and culturally promoting healthy and tasty local foods such as *eembidi*, may serve cultural, medical, and economic goals all in one. Unfortunately this is rarely seen in a broader perspective. While medical authorities try to play their part and sometimes promote healthy local foodstuffs in boring educative brochures, culinary issues are hardly ever treated as part of culture, and agricultural/economic initiatives on the promotion of local foods are largely restricted to the staple food, namely *mahangu* (pearl millet).

## GOVERNMENT ACTION

As already noted, the Ministry of Basic Education and Culture<sup>11</sup> is officially responsible for cultural affairs, through its Directorate for Culture.<sup>12</sup> Also as already noted, for historical reasons culture was treated as somewhat of an appendage to education, and then usually with much suspicion and neglect. Legislation on cultural affairs since independence included the Archives Act of 1992, a rather outdated piece in the South African tradition, which in its basics had been prepared by the *ancien régime*, which made no provision whatsoever for the protection of personality rights, and is a headache for the administration of the National Archives. A Library Bill is being prepared, and this promises to be reasonably up to date, catering for badly-felt needs like modern legal deposit and the involvement of local government bodies in the running of public libraries.

The Ministry of Information and Broadcasting is responsible for such important cultural matters as mass media and copyright. While covering the press is beyond the scope of this article, the electronic media have to be mentioned. The state-owned NBC is the only local radio and TV broadcaster that does indeed promote culture; other frequencies are commercial with shallow music programmes, or religious with an equally shallow touch. The

grassroots Katutura Community Radio<sup>13</sup> has come under much criticism for slavishly adopting current US trends. While much can be criticised in detail about the NBC's approach, it must in all fairness be noted that this parastatal has made enormous progress since 1990. Namibian and other African music from north of the Orange and Limpopo Rivers is no longer ignored. Namibian pop music, and traditional stories and dances that used to be relegated to the Otjiherero and Oshiwambo broadcasting services now feature regularly on TV and the English-language radio service, although these are still inadequately presented. There is also an increasing output of documentary videos, produced by private companies but often commissioned by the NBC. Most notably, Richard Pakleppa of On Land Productions made a name for himself with his well-researched and convincingly produced documentaries.<sup>14</sup> By contrast, non-documentary films from Namibia are still few and of lesser quality.

New copyright legislation -- promulgated in 1994 and in effect since 1996 -- laid the foundations for making the writing, publishing and performing of literary and musical works a little more financially rewarding. The Namibian Society for Composers and Authors of Music (NASCAM), established recently with considerable backing from the Ministry of Information and Broadcasting with a view to collecting copyright fees, should make life somewhat easier on the musical side of creativity. The literary authors' inability to set up a similar representative organisation has so far deprived them from taking advantage of the new legal framework. This is highly regrettable, for given the actual practice of massive photocopying in Namibia, a levy on copying as in other countries would create substantial revenue for writers as well as for a programme of promoting literature.

## Archives, oral tradition, and the lack of a policy

The preservation of written records has a long history in Namibia: it can be dated back to the archives of traditional leaders such as Maharero and Hendrik Witbooi in the 19th Century.<sup>15</sup> The National Archives of Namibia is a well-established institution with a good record of preserving documentary evidence, mainly of government origin. Besides the National Archives there are a number of other archives of churches and private societies catering for non-governmental documents. Even if some of those are without professional

<sup>11</sup> The Ministry of Education, Culture, Youth and Sport at independence. Youth and Sport were split off to constitute a separate ministry in a Cabinet reshuffle in 1992, while Higher Education, Vocational Training, Science and Technology were split off to form a separate ministry in 1995.

<sup>12</sup> The administrative structure was subjected to frequent rearrangement, which did not become very clear even to interested outsiders.

<sup>13</sup> Established in 1995.

<sup>14</sup> The latest example, *Those glowing eyes*, tells the story of the forced removal of the Riemvasmaker community in 1974, and their return twenty years later.

<sup>15</sup> Maharero's archives of correspondence, treaties and captured documents are now housed in the National Archives of Namibia. So is Hendrik Witbooi's world-famous diary -- actually a letter-copying book.

supervision, they are usually kept reasonably safe, and efforts to organise and catalogue them better than are stepping up. The same cannot be said for unwritten traditions: the collection of 'orature' (a blend of *oral* and *literature*) in Namibia is entirely uncoordinated, haphazard and undocumented. There has been a proliferation of oral tradition collection exercises by NGOs, university departments, ministerial departments, broadcasters and foreign researchers, and in most cases it is almost impossible to establish where the records have been deposited or where they have disappeared to. This state of affairs not only defeats the purpose of orature collection, but also undermines the willingness of the communities to contribute. There is an urgent need for coordinating and regulatory measures.

### The impact of resistance culture

Unlike in South Africa, Namibia's 'resistance culture' before independence never grew to the extent that it could more than marginally influence cultural development. It definitely had an impact on theatre, however, where the valiant efforts made at a grassroots community theatre during the 1980s provided the training ground for a number of stage artists who remain active today in the NTN and elsewhere. John Muafangejo's art, the inspiration and reference point for many contemporary Namibian artists, cannot be classified as constituting an organised resistance culture, even though his works were portrayed worldwide as icons of the Namibian liberation struggle. His works are rather the highly individualistic expression of an artist who nevertheless identified with his people and their emotions, hopes and struggles, and apart from their purely artistic quality, that is what makes them so convincing.

### The impact of exile

Exile had a much greater influence, though diffuse, by exposing Namibians to an international cultural diversity. Some examples are mentioned throughout this article, such as the experiences of musicians Ras Sheehama and Jackson Kaujeua. While the 'fighting' songs performed by Kaujeua, the 'cultural group' Ndilimani<sup>16</sup> and other cultural groups were instrumental in the socialisation of a whole generation of Namibian exiles (and also of those Namibians 'back home' who were able to listen to SWAPO's Voice of Namibia broadcasts), they fell victim to 'reconciliation' and are hardly heard

<sup>16</sup> *Ndilimani* means 'dynamite'. It was also the honorary name given to Ipumbu ya Shilongo of Uukwambi, the last Namibian traditional leader who openly resisted South African colonialism during the 1930s.

anymore. A song like Kaujeua's 'We shall retaliate', convincing and electrifying as it was in the days of the liberation struggle, is not what the state-owned broadcaster wishes to promote these days. A visible exile influence, though only worn by a minority, is West African attire. Not only a cultural statement of African identity but also perfectly suited to Namibia's climatic conditions, West African dress has pervaded and is accepted in both daily life and at official occasions to a much higher degree than in those southern African countries with a British colonial tradition. In fact, the famous three-piece suit of the Zimbabwean or Zambian politician or administrator is to some extent made fun of in Namibia. A judge with a white wig, rather than imposing authority, would provoke hilarious laughter. The above-mentioned variety of plaited hairstyles are a revival of local traditions reinforced by recent influences from the rest of Africa.<sup>17</sup> However, perhaps the biggest – though hardly measurable – impact of exile was the exposure of Namibia's educated elite to a variety of world cultures (even if most of that was western or western-dominated), thereby rendering into relativity the overpowering influence that a single model of metropolitan culture had and continues to have on former French or British colonies.

### Tourism and culture

The combination of tourism and culture is a sore point, and one bound to become more controversial as the current policy of promoting 'community-based tourism' is stepped up. The bulk of the income derived from the substantial number of tourists to Namibia as yet accrues to very few local and overseas tour operators, and it is suspected that the lion's share of the money paid by overseas (mainly German) tourists never even enters the country, and is therefore neither taxed nor invested in Namibia. Moreover, the cream of what money does flow into the country continues to be skimmed off by a small and almost exclusively white-owned industry.

It is hoped that community-based tourism will remedy this and provide local rural communities with a better share of the profits derived from the tourism industry. 'Community-based tourism' implies the creation of wildlife conservancies in communal areas, and the exploitation of cultural activities for the entertainment of tourists. Purists view this prospect with horror, out of fear that it will reduce culturally meaningful traditions to mere spectacle. In the case of communities which have attained an unofficially sanctified 'endangered minority status', such as the San and the Ovahimba, the fear

<sup>17</sup> Note that hairstyle questions, meeting stubborn opposition from school administrators, recently escalated into several pupils rioting and striking for their right to this creative expression of individuality.

of debasing an entire society to a museum piece of 'showcase savages' is particularly relevant. On the other hand, the annual Herero Day parade at Okahandja has been a well-marketed tourist attraction for decades, but has not lost its character as a central cultural (and political) rallying point for the Herero community. Just how skewed and dishonest the discourse around cultural concerns may become is currently being indicated by the opposition to the construction of the Epupa Hydropower Scheme on the Kunene River. In this particular case, a coalition of environmentalists, tour operators and defenders of local culture are trying to block the project by adding a mix of cultural arguments (e.g. the flooding of ancestral graves) to the existing serious environmental considerations and economic impacts (e.g. loss of revenue from tourism). Considering that the mass appeal for tourism to the area stems from glossy coffee-table books depicting bare-breasted beauties, one wonders for how long such a 'cultural tourism' can be sustained without serious damage being done to the presumably protected culture.

### Financing culture

Financing culture is a problem even in the richest of nations. Culture costs money. The bottom line in Namibia so far seems to be that the State provides a framework – some coordinating bureaucracy, some survival funding for the national theatre, art gallery, museum and libraries – and leaves the rest to local initiative, private enthusiasm and foreign donor funding. Appropriate statistics are not available, but daily news items suggest that Nordic and French funding, followed by German, British, American and Canadian involvement, seem to sponsor most cultural institutions and events. Some of these have brought cultural awareness and development forward by leaps and bounds, such as the Norwegian-sponsored Traditional Story-writing Competition which not only had the prize-winning stories televised at prime time, but also had them developed into a series of beautifully illustrated children's books and the first Namibian-produced animated cartoons. Others are little more than public relations exercises, or even, in the case of certain exhibition projects, the vanity of several foreign individuals boosted by acquaintances in the relevant embassy. Financing culture through private and business sponsorship is still in its infancy. As Jackson Kaujeua has complained, 'Sporting activities are receiving considerably more funding' and as he points out, this is despite the fact that 'One only needs to look at the Independence Arena<sup>18</sup> which is packed to capacity, as opposed to a sparse grandstand at a sporting event, to know where people really want to be.'<sup>19</sup>

<sup>18</sup> A favourite venue for popular music concerts.

<sup>19</sup> 'At the College of the Arts' annual prize-giving ceremony, 29.11.1994' (College of the Arts, June 1995: 12-13).

This is obvious to the careful observer but not at all to the banks, insurance companies and car dealers who support local sport.

### OUTLOOK: A NATIONAL CULTURE?

There does not seem to be much of a 'national culture' that Namibia can claim. I am saying this without regret. Coming from a German background, where it is evident that the greatest achievements of German-based culture have a distinct international flavour, while artists have been exiled, persecuted and burned in the darkest hours of recent history in the name of nationalism and racist ideology, I do not see much merit in labels such as 'national culture'. After all, who could claim them? Undoubtedly the greatest of Namibia's artists to date, John Muafangejo, was born in Angola and got his art training from Swedes in South Africa. Yes, he died in Namibia, but undervalued, struggling for his subsistence, and before he could witness the independence of the country he identified with. Jackson Kaujeua recently put it perfectly:<sup>20</sup>

And while many people are calling for the Namibian culture or the Namibian identity – this would be foolhardy. The Namibian culture is a collage, a kind of patchwork, if you like, of western cultures and influences, synthesised with African cultural traditions, customs and skills. A little like the quilts the Nama women from Gibeon make, or the masterful patchwork dresses of the Herero women. But while this might serve us for the moment as a metaphor for contemporary Namibian culture, we also have to develop our vision and future. After all, we are still growing as a nation, and our society is still in the process of being moulded.

## 12

## On culture in independent Namibia

André du Pisani

Conquest and domination may have been perennial in human history, but as Pieterse and Parekh (1995: 1) remind us, 'Western imperialism differs from other episodes of domination in that it involved a different mode of production (capitalism) and technology (industrialisation), and became almost universal in its reach.' Western imperialism is a much more complex and intrusive process than any previous mode of domination.

While colonialism ended in Namibia, we are still in need of a comprehensive analysis of its socio-economic, political, psychological and cultural impact. The latter, its cultural impact, in the words of Pieterse and Parekh (*ibid.*), 'raises even more complex issues'. It is widely argued that colonialism brought with it ideas associated with rampant individualism, industrialisation and the centralised nation state. If one probes deeper, however, the picture becomes more opaque. First, it is not entirely correct to argue that colonialism introduced 'modern values'. The juxtapositioning of 'modern' and 'tradition' itself is highly problematic. Colonial rulers were principally concerned with creating and maintaining the basic conditions of their hegemony. In many cases, the imperatives of social control dictated that the prevailing values and institutions should not be profoundly altered, and that values, which were ultimately subversive of colonial rule, should be introduced selectively. This means that colonial rule both introduced and arrested some new ideas and values, and also that it both changed and froze their 'traditional' counterparts.

Secondly, values and institutions introduced by colonial rule could not last or be understood unless they were grafted onto pre-colonial narratives and institutions. This created a special role for ethnic chiefs who, with their colonial masters, shaped the colonial trajectory. Thirdly, colonial rule did not represent as deep a rupture in the history and culture of former colonies as is often made out. No doubt German and South African colonial rule had an extensive reach and did penetrate, but both also had their inherent

limitations. These derived from the inability of the colonial (neocolonial) state to capture every social formation, but also, from the elites to effectively capture the state. The fact that neither the German nor the South African colonisers were able to rupture and transform local orature, traditions and institutions, especially in the northern regions, further restricted their influence. To talk of the erosion of traditional identities, of the need to cope with the dislocation induced by the irrevocable conflict between 'traditional' and 'modern' identities, is to misrepresent our history.

## DECOLONISATION

Since colonisation was a multifarious process, decolonisation in Namibia lacks a clear focus and is characterised by a depressing absence of public discourse over its meaning. It is easy to resent and attack 'foreign' ideas, culture and values – or 'foreigners' for that matter – but it becomes more difficult to identify what values, institutions and identities are 'foreign' and part of the colonial legacy. If colonialism did not involve the imposition of 'something entirely new and foreign, decolonisation cannot consist in discarding what is deemed to be alien' (Pieterse & Parekh 1995: 3). By the same logic, if colonialism constructed a new consciousness and new images, but of a subtle (and not so subtle) mixture of the old and the new, decolonisation has to follow the same logic too. It requires not the restoration of a historically continuous and allegedly 'authentic' and uncontaminated pre-colonial past or culture, nor what Arnold (1981: 122) refers to as 'pastoral idyllism', but an imaginative creation of a new form of human consciousness, and a way of life embedded in a vibrant and diverse civil society.

The 'decolonisation of imagination', to paraphrase a recent book with the same title,<sup>1</sup> involves both the colonisers and the colonised. Like national reconciliation, it should involve both the perpetrators and the victims of violence. In Namibia, like elsewhere, decolonisation has been viewed in narrowly political (national liberation) or economic terms (as in dependency theory), while as a cultural project it means engaging the agencies that guide 'development' and construct identity. Moreover, the politics of national reconciliation was intended as a class project: harmonising the interest of the old and the new elites. Accommodation, not transformation, is its key.

What is called for instead is to engage the interactive process of progress and power, and to reflect on the role of culture in this equation. Engaging the collective record and memory requires confronting both the universal and the particularist dimensions of colonialism. In these reflections,

'decolonisation' has both a concrete historical and metaphorical meaning. In the historical sense it refers to the primal moment of political decolonisation, a process that has largely been completed in our case. In an economic sense it has come to mean self-reliance, sustainable national development, and capacity-building. A process of intellectual decolonisation has also been underway, in the form of critical perspectives on colonialism both at home and beyond. More recently, cultural decolonisation has been recognised as a concern, as for example in the work of Franz Fanon (1967), Cheik Anta Diop (1991), Leopold Senghor, Aimé Césaire and Ngũgĩ wa Thiong'o (1993). In the words of Mehrez (1991: 259):

Decolonisation comes to be understood as an act of exorcism for both the coloniser and the colonised. For both parties it must be a process of liberation: from dependency, in the case of the colonised, and from imperialist, racist perceptions, representations, and institutions ... in the case of the coloniser.

There are different modes of decolonisation, as indeed there are different modes of colonisation and ways of conceptualising them. In a historical sense, anticolonialism is the opposition force to colonialism and imperialism. Interestingly, the notion of colonialism has taken on a wider, metaphorical meaning in the West to describe modes of domination and central within the West, for example in Jürgen Habermas' concept of the 'colonisation of the life-world' to describe the impact and spread of the capitalist mode of production and mindless consumerism and commodification. In this metaphorical sense one may well speak of any number of 'colonisations' having to do with alienation, culture, identity, region, class, race and gender.

Coming specifically to the matter of the decolonisation of culture, what is at issue is the relationship between power and culture, between domination and the imaginary. There is also the rich seam of imagination: the matter of image versus reality, or the false imagery of domination, such as stereotypes, othering, orientalism and other 'images of'. Images function as labels and create social differentiations in constituting boundaries between self and other, us and them, normal and abnormal. Images create metaphorical 'prisons', and these are widespread in post-independence Namibia and in a great many books on our history and on the 'people of Namibia'.<sup>2</sup>

<sup>1</sup> Pieterse, Ndeerveen & Parekh 1995.

<sup>2</sup> A recent example includes *Peoples of Namibia* by JS Malan (Roodeport 1995).

## FREEING THE IMAGINATION

Political liberation requires psychological liberation for its success and completion – a theme extensively explored in the work of Fanon, among others. 'Freeing the imagination' has been a recurrent theme in many liberation struggles and across cultures. Political liberation, while of primal importance, is not complete without cultural emancipation.

One of the earliest attempts at cultural decolonisation in Africa was *negritude*, or the philosophy of an authentic African otherness and humanity, articulated by Leopold Senghor, Aimé Césaire and others in Paris in the 1930s. *Negritude* lives on in debates on reimagining African history, for example in the work of Cheikh Anta Diop (1991), and in philosophies of Africanite and African authenticity. In the Pan-Africanism of Kwame Nkrumah we find the convergence of three strains: nationalism, socialism and continentalism. Decolonisation imagery also permeates the ideas of the African diaspora in the West Indies and the United States of America.

In Namibia too, voices for a return to 'authenticity' have resonated. In a reflective piece, Edward Ndopu (1994), for example, lamented the role of the Namibian Broadcasting Corporation (NBC) in aiding western 'cultural imperialism'. On his analysis (1994a: 11), the choice and division '... should no longer be race, but Western or national identity, if we are to survive and maintain African cultural standards and a genuine culture, in at least some parts of Namibia'. In the same article, Ndopu argued for an 'African entertainment programme' on NBC TV, as well as the transmission of 'full programmes in the Oshiwambo, Herero, Nama/Damara languages'. Now, some two years later, NBC TV screens programmes like *'Boma Namibia'*, *'Tutalení'*, *'Penduka'* and *'Kalanami'*, all (presumably) in search and service of 'authenticity' and 'nation-building'.

Shortly after this lamentation, Ndopu (1994b: 11) pronounced Namibian literature as 'increasingly windblown', with writers finding themselves, once again, 'in the cockpit of a disturbed and orderless literary culture'. Once again, the nativistic impulse was strong, the craving for 'mystery' and 'culture, traditions and unique values' a communion with the past.

As oppositional discourse, nationalism (with political correctness its more odious form) as well as nativism, tends to reproduce the underlying logic of the colonial project and imaginary: adjusting to the new power structure. In the words of Pieterse and Parekh (1995: 9):

... The logic is that of indigenisation and this process of mimesis may involve the essentialisation of difference – according to a logic not unlike that of colonial racism, except that the other has become the self and the values are reversed.

Thus, discourses of difference, such as Afrocentrism, harness the same themes as right-wing discourses in the West – white supremacy, white power and cultural exclusivity. While acknowledging the importance of self-affirmation, Afrocentrism may reproduce the structure of colonialist thought and epistemology in replicating its racist categories. The consequences of this view have been characterised as 'universal otherhood', that is, 'the world as an archipelago of particularisms which can inter-communicate only on the basis of difference' (ibid.).

## SYNCRETISM

Another approach, one that potentially transcends nationalism and nativism and the confluence between politics and culture as in nation-building, is that of syncretism or hybridisation. This implies some form of synthesis between western and local culture. In practice, however, the issues are often less clear-cut. Chinweizu and his co-authors (1983), for example, opine that such a synthesis 'must be within the parameters of the African tradition'. They characterise their project as 'traditionalist', that is, 'experimentation for the purpose of modernising and revitalising the tradition' (ibid.: 239). They qualify their position by arguing that tradition must not be romanticised, for a 'mystical portrait of traditional Africa can prove to be a new prison' (ibid.: 257).

## POST-COLONIALITY

In studies on the cultural dimensions of colonialism, Eurocentrism has drawn the most fire, and understandably so. Critiques of colonial imaginaries have targeted orientalism, Victorian anthropology, ethnography, modernisation theory, modernity, western historiography, global culture, CNN, Coca Cola, MacDonald's and global consumerism.

Diverse streams converge in the critiques of Eurocentrism. One of these involves revisionist history in post-colonial countries – such as our own – engaged in building and rebuilding the profile of national identity – often on insecure foundations. It also involves debates of an emancipatory nature such as racism, stereotyping, patriarchy, gay and lesbian rights, affirmative action, anti-racism, racism-in-reverse, identity and cultural pluralism. Historically these and other currents have often met and converged. Namibia finds itself in this crucible.

The rejection of Eurocentrism opens the way to polycentrism and, hopefully, to a more radical claim for the recognition of a diversity of knowledges and cultures. Polycentrism is interactive, talks dangerously and generates the possibility for more transcendent interaction. For Pieterse and Parekh (1995: 11), 'colonialism meant the imposition of boundaries, and decolonisation consisted in their appropriation'. Post-coloniality – a term that originates from literature studies – is both a condition as well as a raft of perspectives. If properly understood, it can transcend social constructs and boundaries. It questions cultural nationalism and statist decolonisation, in the name of multiple identity, travelling theory, migration, diaspora, cultural synthesis and mutation. It addresses issues of despair and embodies hope. It leaves room for popular culture as a hybrid mode that cannot be captured by 'national culture'. Post-coloniality is informed by various theoretical currents. Among them are post-structuralism, deconstruction, new historicism and postmodernism.

The post-colonial is an open-ended field of discursive practices characterised by both boundary and border crossings. Several human agencies shape its discourse: artists, migrants, exiles, returnees, women, ethnic groups, classes, journalists, intellectuals (a rare breed in our country), interest formations and the state. In Namibia, indeed like elsewhere, decolonisation is ensnared by contradiction by its oppositional mode of appropriation. It is also often binary, dichotomising and contrasting 'colonial culture' to 'national culture', 'heroes' to 'puppets', 'exiles' to those who stayed behind, 'modernity' to 'traditionalism' (much in evidence at the recent Communal Land Conference), 'liberation' to 'slavery', and so on. Decolonisation is a process of emancipation through mirroring. The politics of decolonisation often displaces opposition from without to within, carried by popular social forces; women and ethnic groups, in the name of equal rights, social justice, development, nation-building and national reconciliation. The recent debates on the proposed CCN Conference on Reconciliation, as well as on *Their Blood Waters Our Freedom*, reflects such binary logic and such an oppositional mode of appropriation.

## CRITICAL

There is much hope for the different cultures in post-colonial Namibia, provided that they remain and become more self-critical. How I long for a country where politicians, poets, artists, students and intellectuals can talk dangerously! Increasingly, for a while now, the 'other' gives definition to the speaking subject (mostly politicians), and this often means that language objectifies. In Namibia the rumour mill works overtime. It becomes ever

more difficult to talk, and judgement seems virtually impossible; gossiping, on the other hand, becomes constantly easier. Decolonisation has been so preoccupied with enemies, that it left little room for self-questioning. It has also been profoundly permeated by commodification, class zoning (with most of the poor dumped over the horizon into slums) and mindless consumerism.

Culture, however, creates reflective space for human encounters of various kinds. There is clear evidence of this in the work of Dorian Haarhoff, Lazarus Jacobs, Sifiso Nyati and Piet van Rooyen, and in the art of Joseph Madisia, Andrew van Wyk, Alpheus Mvula, Shiya Karuseb, Lukas Amakali, Dörte Berner, Jo Rogge and Yoba Jonathan, among others.

Within civil society there is space for diversity of interests and values. Rather than attempting to impose an artificial unity or approach the debate from one perspective only, it may be more useful to consider the complexities of the eclectic nature of the debate about culture in post-apartheid Namibia.

Writing on post-colonial influence in the work of black Zimbabwean artists, Anthony Chennells (1996: 7-19) has this to say:

In the post-colonial age, all cultures are hybrid and necessarily so because any culture shaped from the accretions of history and post-colonial history grows from many different roots.

Chennells concludes, in my view correctly, that –

... even when black Zimbabweans are celebrating a nationhood won through war, they use, and quite correctly use, among other idioms and perspectives, the idioms and perspectives of the coloniser to make their claims and assertions. In the act of appropriation, however, these cease to be the intellectual property of the coloniser.

Multiple consciousness and identity is not a weakness: it is the only way in which Namibians can apprehend the past which has created our complex and constantly changing identities.

## 13

## Ethnicity and nation-building: towards unity respectful of heterogeneity?

Ingolf Diener

### INTRODUCTION

The first problem is the very term 'ethnicity'. It has been multi-layered at will and comprises the whole range of so-called 'ethnic phenomena'. It is derived from the Greek term '*ethnos*', which in Aristotle's usage is a negative definition based on a criterion of political organisation. It is reserved for all those who are not organised in the manner of the *polis* (integration, self-sufficiency, division of labour), whether they be speakers of Greek or of a barbarian language. Resumed in Latin by the Christian church, the term '*ethnicus*', and later '*ethne*', continues its career as a definition by default: 'the nations, gentiles, pagans as opposed to Christians' (Amselle 1990: 16-17). Taken up again and introduced into French in 1896 by Vacher de Lapouge, an authority on Social Darwinism, the noun *ethnie* designates something between 'race', a term which associates morphological characteristics to psychological qualities but the scientific pretensions of which are by now dismissed, and 'nation', a type of political organisation which has itself been controversial as to its foundations ever since the French Revolution. The question was how to recreate a body politic once the king had been beheaded (Mairet 1976: 67-72). For some (Herder), the term 'nation', derived from the Latin '*nascere*', is something already born, that is, a people's spirit longing to embody itself in a territory headed by a state, while for others (Renan), it is something yet to be born and reared, that is, a political project resting on freely consented adherence – 'constitutional patriotism', as Habermas would say. The French term '*ethnie*' has come to mean 'groups with links of a

cultural and linguistic description' – in short, neither a 'race' nor a 'nation',<sup>1</sup> but something vague right in the midst of vagueness.

The term 'ethnology' came into being prior to that of 'ethnie' which designates its object (Chrétien 1989: 6). As a social science of populations to be colonised or in the process of being colonised, its intellectual approach and its object can hardly be distinguished from the need, and indeed the power, of colonial authorities to sort out, classify, and name in view of a more efficient administration on behalf of and for the profit of the home country. In fact, ethnologists and colonial administrators were often one and the same persons. The criteria adopted for such classifications were common cultural features, namely language, and of a common origin, be it real or supposed. The results of this ethnic carving up should be subjected to critical review.

The term 'ethnicity', which has been in vogue in the United States for some twenty years, broke away from the mainstream of interest-ridden reification by bringing to attention the relational and contingent character involved. In whatever situation of designating somebody, when a hand points its index finger to somebody else, three curved fingers point back to the person who identifies. Explicit identification and implicit self-identification in one and the same gesture! At a pinch, everybody is an ethnic being to somebody else. It also brought to the fore that collective (self-)identifications cannot escape from all sorts of situations of competition and struggle for more power. Nonetheless, the lack of precision, the vagueness of definitions, continues unabated. However, one might think positively and find that this state of affairs 'has at least the merit of avoiding dogmatism, and encourages diversified approaches' (cited in Poutignat & Streiff-Fenart 1995: 94).

Playful as such twisting in conceptual chewing-gum may be at times, there remains a serious side to it: 'The important question of how to remedy poverty is a question that agitates and torments modern societies above all' (Hegel).<sup>2</sup> Nowadays it does so in the new setting of galloping globalisation of labour markets (jobs are becoming rarer and the job market more volatile), of nation states' dwindling capacity to control, and against the backdrop of a planetary ecosystem in danger of imbalance – to the detriment of its human inhabitants. The question is how to arbitrate the demands of the excluded, be they sedentary or migrating for economic, political and ecological reasons, who perceive themselves as competitors and (re)organise themselves almost everywhere on community or 'ethnic' patterns which the doctrine of 'Progress' had thought to be on the decline. In such a set-up, open to polarisation and multifarious mobilisation strategies, treating the aspirations for survival

<sup>1</sup> Francis (1947), cited in Poutignat & Streiff-Fenart (1995: 34-35).

<sup>2</sup> *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse* (244 add).

and well-being in ethnic terms will hardly create jobs, but certainly scapegoats. A rational analysis will have to account for the apparently irrational forms of organisation if one does not share Huntington's fateful belief in a 'war of cultures'.

Another argument for not dismissing wholesale the reasoning in ethnic terms is the fact that ethnology, while struggling for a clearly identifiable object, brought together many observations which may contribute to a better understanding of many a social process.

The second problem here is that post-apartheid Namibia is prone to tensions which the Prime Minister described in 1993 as 'ethnic tensions' and as being 'on the rise'. So much so, indeed, that ever more voices of warning are being raised, recalling the spectre of Rwanda.<sup>3</sup> The question, therefore, is how these tensions came about and what is going to become of them.

Did the apartheid experience of institutionalised ethnicism leave behind in the Namibian body politic and social set-up particularly virulent viruses of 'tribalism'? Or did it, on the contrary, serve as an inoculation?<sup>4</sup> Or was it a matter of instilling the poison and its antidote at the same time?

## ETHNIC GROUPS ON DISPLAY

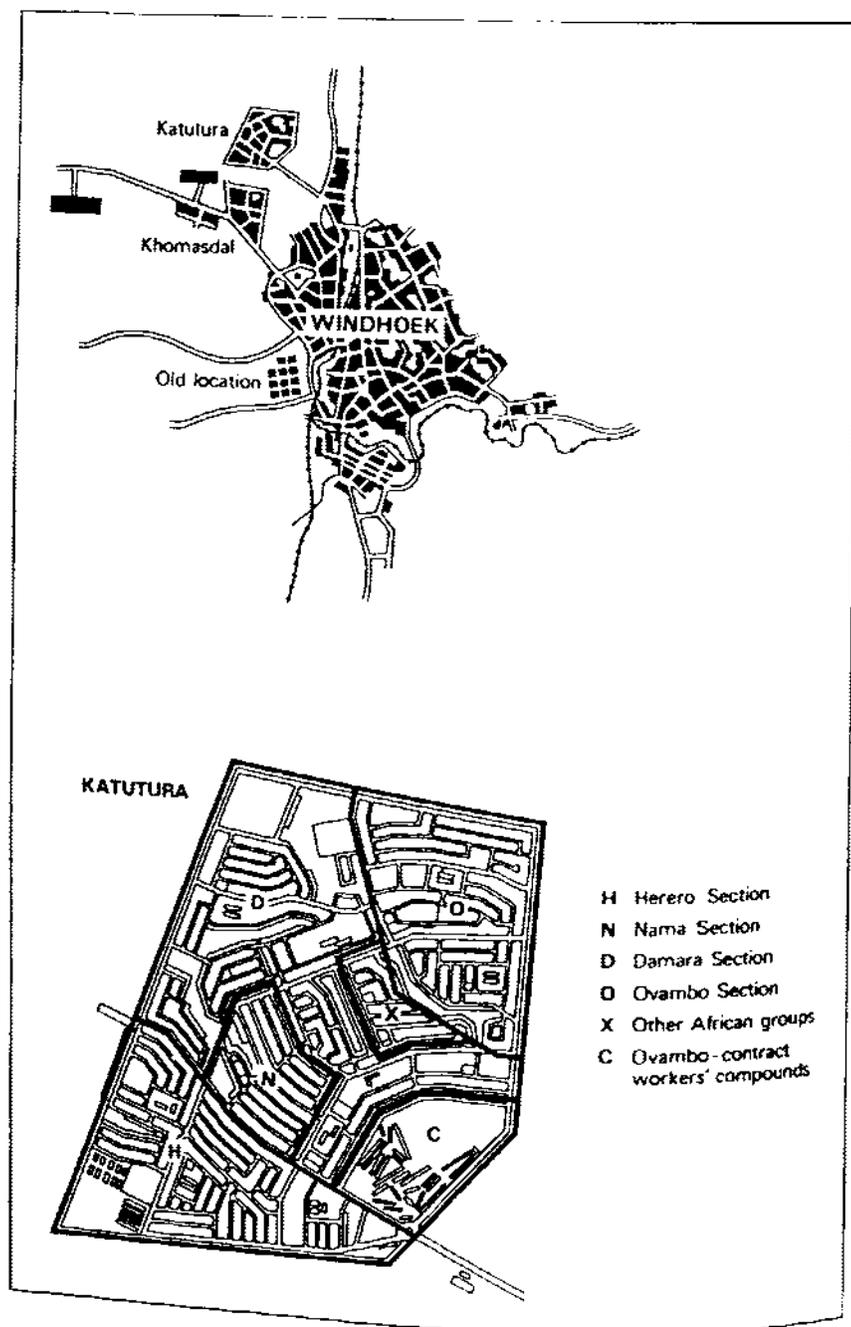
A glance at the following map of Namibia on the eve of independence gives credit to the idea that the country's inhabitants consist of 10 distinct 'population groups', each having a territory of its own.

The map is the product of the Odendaal Commission (1964), which spelt out the apartheid credo in the following terms: '... one mixed central authority for the whole Territory would not further the proper aims of self-determination', but rather it would produce 'endless friction and clashes' (Odendaal 1964: 55). If a 'system of one man one vote were to be introduced in the Territory, one group, the Owambo, would completely dominate the other groups'. Hence the recommendation that 'wherever practicable [sic], a homeland must be created for each population group, in which it alone would have residential, political and language rights to the exclusion of other population groups, so that each group would be able to develop self-determination' (ibid.: 61).

<sup>3</sup> This African holocaust cannot be explained simply in ethnic terms of Hutu or Tutsi. Amongst the very first victims were many 'moderate Hutu', and the boss of the *Interhamwe* killers is himself a Tutsi (*die tageszeitung*, Berlin, 16/6/95).

<sup>4</sup> Question asked by African participants in a symposium at the University of Paris VIII in June 1993.

Map 7 : Ethnic sections in Katutura (1960)



Source : Green/Kiljunen 1981

This distribution of the population by means of ethnic territories was replicated in the urban layout of the country's capital, Windhoek (cf. map): to each 'population group' an area of its own. In the black township of Katutura, the inhabitants' ethnic identification was displayed on each house door: *D* for Damara, *N* for Nama, *H* for Herero, *OD* for Ovambanderu (an Otjiherero-speaking group), *O* for Ovambo, and *G* for Gemeng (an Afrikaans term and catch-all for the rest, e.g. some Tswana people and African people from other countries whose further classification would have been too troublesome. Furthermore, everyone's identity documents had a personal number with two ciphers marking the holder's ethnic group.

There are two striking features in this treatment of the 'population groups'. The 'white' territory (ca. 60% of total surface area) is on the whole located between the two deserts, where there is water and where the mining sites are located. The Odendaal Commission itself recognised that the 'homelands' were unable to feed their respective populations (Diener 1986: 169, 174). Also, the racial classification (white/black/coloured) put everybody in his/her place, but only the blacks found themselves further categorised into ethnic groups. The whites, who were dominant across the board and ran the entire set-up to their own greater benefit, took good care not to divide themselves any further administratively into subgroups along criteria of origin and/or social and cultural features (e.g. Afrikaner, English-speaking, German, Jewish). In their case, to *divide* would have been harmful to the imperative *and rule!*

The Odendaal Commission's ethnic sorting did not carry its classificatory care beyond the limits of what was 'practicable'. Thus the populations grouped together under the label 'Bushman' were left to remain scattered: 98% of them found themselves on territories allotted to other groups, where they were useful here and there as game conservators, or as labourers on white-owned farms. As one of them said, 'We are not even on the map of this country.' (cited in Widlock 1994: 4-5). The cutting up of the north was not very consistent either.<sup>5</sup> Furthermore, while there is mention of the Mayayi group in the Caprivi (Odendaal 1964: para 367), nothing is to be found on the Bakalahari. Over the last few years these two groups have been claiming their official recognition as 'tribes' in their own right.

<sup>5</sup> Ironically, the Odendaal Commission had hardly established Owamboland and the Kavango as separate homelands when it called into question its rationale, recommending that, 'Since there is a close ethnic relationship between the peoples of Owamboland and those of Okavangoland and since their territories border on one another and co-operation already exists within the Owambokavango Church, a move should be made towards closer political liaison between these peoples according as they become more prepared and willing to take such a step and as they themselves determine.' (para 324) In the meantime Pretoria had decided to go ahead with the creation of the 'Kavango nation'. For an account of the events and ceremonies, cf. Diescho's novel, *Troubled Waters* (Ch. 5).

Let us take the Odendaal map as the starting point for a double interrogation. Let us first look back to the past: what about the historical consistency of these ethnic groups? Or, reversing the perspective, from what socio-economic, political and cultural constellations in pre-colonial times, and through what processes of identification, did we end up with the Odendaal nomenclature? Then let us look towards the future: what are, and may yet be, the normative effects of this historically produced make-up on the balance of power – which is in the making within the new framework of citizenship?

In the first place let us avoid the methodological pitfall of reasoning in circles. Although the present ethnic nomenclature, a subdivision of the racist category of 'black', will turn out to be an interest-ridden reification, its reifying force remains intact. In accounting for the pre-colonial dynamics, there is the temptation to do so in terms of just this nomenclature projected back onto the past. Talking about 'multi-ethnic' configurations is to give credence to the very categories whose status is being questioned. On the other hand, the present state of research on this long period has as yet not yielded duly conceptualised certainties which would allow a simpler approach. As for Namibia, we still lack a critical synopsis of the numerous criss-crossing (self-)identifications which can be traced. The intentions of this paper, while deconstructing these categories, some of which are still claimed today, is not so much to wipe them out, but rather to caution against pretensions which take them at face value – in a figurative sense in the first instance, while perhaps hoping for a possible conversion into a cash value.

### THE LONG TERM OR THE INTERLACEMENT OF CONTINUITIES AND BREAKS<sup>6</sup>

Let us first note the shifts in South African terminology over the decades. Initially called 'reserves' or 'tribal areas', since their consolidation the portions of land left over to the colonised had been baptised after the apartheid fashion as 'homelands' (also known as 'Bantustans'), and during the neo-apartheid years in Namibia, as 'regions'.<sup>7</sup> Yet the basic principle had always been the same: apart from the principle of divide and rule mentioned above, it is that of maintaining the collective or communal ownership of land, which provides the ground for 'traditional' economic activity and the basis for a 'traditional' chieftaincy paid and monitored by the colonial state. Called 'traditional', in contradistinction to 'civilised' organisation, i.e. the

<sup>6</sup> Expression borrowed from Barbeitos (1997), who renders a subtle portrait of the Angolan society.

<sup>7</sup> For 'neo-apartheid', cf. Dicner (1986) and Fritz (1991).

colonisers' state and capitalist economy, the world of the colonised seemed, from the colonial point of view, peopled by distinct and separate 'tribes' seen as irreducible to one another, and busy killing each other without rhyme or reason. While the term 'tribe' was held in honour for quite some time, having taken over from that of 'savages', which had become too deprecatory and did not allow for differentiation, it gradually gave way to the term 'ethnic group'. However, this terminological change during the 1960s and 1970s did not do away with the difficulty of objectively determining groups for whom linguistic, cultural, political, and economic boundaries do in fact coincide, in pre-colonial southern Africa and elsewhere.<sup>8</sup> This difficulty had already been pointed out by the South African government ethnographer, Van Warmeloo, in the 1930s, who sought instead to redefine the 'tribes' in southern Africa solely as political entities. His successor, Jackson, was very specific: 'Tribe ... refers to a chiefdom, i.e. a body of people ruled by a chief.' (cited in Skalnik 1988: 72). With the progress in recent historiography on the pre-colonial past in South Africa, it becomes ever clearer that the colonisers' traditional representation of the African past partakes in as much of the reification that underlies the isolating approach of anthropologists as it does of the classic policy of divide and rule. What is gradually taking shape instead is a picture of continuities overlapping in time and space, with many splits and incorporations, on a background of slow migrations: a setting of remarkable plasticity rather than one of everlasting collective identities opposing one another in their respective immutability;<sup>9</sup> an image of a fluidity which the process of colonial conquest and administration had gradually frozen, until the fictitious fixity achieved administrative reality in the ethnic maps above. Seen from this angle, 'tribes' and 'ethnic groups' indeed emerge as colonial creations. Driving home this point, Skalnik (*ibid.*: 75) recalls that the Native Administration Act, No. 38 of 1927,<sup>10</sup> although amended 32 times up till 1986, had upheld the principle that 'tribes' can be 'divided', 'amalgamated' and have chiefs 'appointed' to them by the state. Once created –

<sup>8</sup> Introduced in 1930 by J Schapera, the term 'Khoisan' is a linguistic category that groups together the languages of the *Khoi-khoi* (Nama) and the San around their common feature, i.e. the click sounds. The other major class is that of the 'Bantu' languages. They have in common the radical *-ntu* (e.g. singular 'muntu', 'human being', plural 'Bantu', 'human beings'). These criteria are indeed useful to find one's way in the multitude of different languages. Yet the two classes overlap since clicks occur in various Bantu languages of south-east Africa, such as Zulu, Xhosa, Sotho or Swazi (Olderogge 1980: 313-315; cf. Herbert 1995). Moreover, the geographical areas inhabited by speakers of a language of either class overlap. Finally, the linguistic category 'Khoisan' does not coincide with a common feature of physical appearance: while the Nama and the San resemble each other because of their somewhat reddish complexion, the Damara are black. This state of affairs suggests, instead, the hypothesis of migrations stretching over a very long term, with intense interaction.

<sup>9</sup> For South Africa, cf. Maylam (1986).

<sup>10</sup> Extended to South West Africa by Proclamation No. 15 of 1928.

albeit not from scratch – the ‘tribes’ have in the post-colonial era become platforms for bargaining and reservoirs for mobilisation, and proved their ‘effectiveness in many ways subversive of the state’ (Davidson 1992: 225).

The pre-colonial dynamic in Namibia is today taking a clearer shape owing to recent research on written documents, oral traditions, and archaeology. As to the population in the northern areas and more particularly the Owambo, the studies of Williams (1991) on oral traditions yield insight. However, hardly anything has as come to light as yet from research in the archives of the Finnish Mission (after a presence of 120 years!), and a comparative analysis with Portuguese archives remains to be done. Indeed, the Oshiwambo-speaking population found itself split in two by a colonial border, the effects of which are not readily accepted even today, at least not on the Namibian side (Amutenya & Van der Linden 1993). As to the population of the central/southern areas and of the Cape, written documents are available to a fair extent, and the critical research undertaken by Lau (1987), Kinahan (1991, 1992), Fuller (1993) and Boonzaier et al. (1996) provide a far more detailed understanding. Let us here content ourselves with a summary of some of the results as yet incomplete, while illustrating the approach set out above by retracing the emergence of the ‘Herero’ and ‘Damara’ ethnic groups.

It is difficult to reconstruct the succession of events unaccompanied by written traces (signs), broadly speaking before the 19th Century. However, there is ever more evidence that two major dynamics, separated from each other by 15 centuries, had been orienting migrations and encounters all over the subcontinent. These are the emergence of iron technology around the Great Lakes at around the beginning of the Christian era on the one hand, and European colonisation of the Cape on the other.

As to the northern parts of Namibia, the presence of Iron Age sites some time before the turn of the first millennium AD is established (Williams 1991: 72). At the beginning of the first millennium there had been strong southbound movements of Bantu-speaking people from what are today the central/eastern parts of Angola. On their way they encountered, among others, people they named ‘*Aakwankala*’ (later catalogued by Europeans as ‘Bushmen’),<sup>11</sup> as testified by the Owambo myth of creation (ibid.: 85). The *Aakwankala* and the Bantu-speaking immigrants had been interacting in many ways, also through barter trading in iron arrowheads, beans and other agricultural products in exchange for hides and venison (ibid.: 88). The *Aakwankala* controlled the cupriferous Otavi region until the middle of the 19th Century (Diener 1986: 59). With regard to the dynamics among Bantu-speaking migrants themselves, it is certain that the present-day ‘Owambo’

<sup>11</sup> A Bantu-language term meaning ‘crab’ (De Almeida 1964: 159-185), with derogatory connotations (oral communication by Barbeitos).

and ‘Kavango’ populations are very close as to their origin and history, linked by trade and war alike. The Ndonga (Owambo) and Kwangali (Kavango) kingdoms had a common royal clan (Williams 1991: 72ff, 79). It is also clear that the Owambo on the one hand, and the Herero and Mbanderu on the other, all speaking Bantu languages which are mutually intelligible to this day, share a common ancestry. They are co-migrants whose area of origin might be on the banks of the Okavango River in present-day Angola. Large trading caravans upheld a regular link between the Ndonga (Owambo) and the Herero (ibid.: 78). The occupants of so-called Owamboland today share a common language and culture, but they –

... might not have a common origin, neither are they perhaps from the same linguistic and ethnic group. This is suggested by the sheer duration of the process of migration which was a product of different ‘phases’ since the early period of human movements in the region which probably date back to the first millennium A.D. (ibid.: 69-70).

Their relatively common identity certainly came about by intra- as well as trans-clan dynamics.

As regards the central/southern areas, Boonzaier et al. (1996) point out the mechanisms which started at the Cape and which, region after region, destabilised and finally disrupted the social organisation of the indigenous population, which the authors cautiously designate by their sole economic activity, namely the Cape herders. Among these populations who spoke one or another language later termed ‘*Khoisan*’ and who combined to various degrees semi-nomadic herding, hunting and gathering –

... [the] tribes, as social units, were fluid. They could change in response to changing situations, especially the need for land. For example, when a particular clan became very large, it could split to form new clans within the tribe, or it might even move out of the area. Elsewhere it might assert its independence, ultimately becoming a new tribe ... . The clan remained the strongest political unit of the Khoikhoi (Boonzaier et al. 1996: 40).

A ‘collective name was probably not used’ (and certainly not ‘Hottentot’). ‘The names they would have used for themselves would have been their clan names, such as *Cochoqua*, *Goringhaiqua*, etc.’ Many of them might have accepted ‘*Khoikhoi*’<sup>12</sup> for a collective name because differentiating oneself from the San (*Soaqua*, *Sonqua*) who were people living off

<sup>12</sup> ‘*Khoi*’ means ‘human being’, ‘*khoikhoi*’ means ‘the real people’.

the open country and who had no cattle'<sup>13</sup> (ibid.: 1-3), seemed important. According to Elphick's cyclical model, the distinction between 'Khoikhoi' and 'San' was made on an economic criterion: 'with or without cattle'. While the loss of stock in the fragile environment (by theft, disease or drought) reduced many a herder to San status, catching up again by rebuilding a herd was not easy: raiding cattle from other herding groups was risky, and rendering services to wealthy stock-owners rather unrewarding. The wealth gap tended to reproduce itself and to widen. In these circumstances, taking up paid employment with European settlers was a new option, or in the end a necessity for many people, once their clan communities had broken up under colonial pressure (ibid.: 15-17, 40, 42).

Let us bear in mind here that establishing 'San' and 'Khoikhoi' (or 'Nama') as separate ethnic groups is arbitrary and hardly in keeping with the criteria said to be constitutive of ethnic groups, i.e. cultural and in particular linguistic features, and real or supposed common origin.

The racist environment of the Cape Colony prompted many of the so-called 'detrified' Khoisan people to turn northwards, particularly small groups of 'Orlam', that is, people of mixed descent from Boer settlers and Khoisan women.<sup>14</sup> Yet they did not sever their links of cooperation with colonial society. Used to horses and guns, and therefore superior to the local clans in military terms, the Orlam played the role of a buffer force on the edges of the extending Cape Colony, from where they continued to supply themselves with firearms and ammunition in exchange for cattle raided further north. Whatever the exact circumstances may have been, an Orlam group led by Jonker Afrikaner managed to establish its hegemony over virtually all the southern and central parts of Namibia around 1840, with Windhoek as its capital.<sup>15</sup> Whether they liked it or not, most of the local Khoisan groups found themselves involved in a process of merging that was advanced by alliances and marriages as well as by setting up mixed raiding commandos which were sent out to rob cattle from Bantu-speaking pastoralists or to hunt elephants and ostriches. Lau analyses the rapid general transition from a clan-based subsistence economy towards a commodity economy with two

<sup>13</sup> A derogatory term denoting lower status, i.e. 'vagabond' or 'tramp'. For a critical discussion of the term 'Buschmann' in the ethnological and anthropological literature of colonial Germany between 1905 and 1914, cf. Prudhomme (1997). The gist of his analysis is that there is not one characteristic to be agreed upon by the different contemporary authors. The *Buschmann* notion therefore tells us more about the mental frame of its inventors than about the people to which it was supposed to refer.

<sup>14</sup> Cf. André Brink's novel, *A Chain of Voices* (1982).

<sup>15</sup> One of the reported versions, apparently that of Jonker Afrikaner himself, has it that he had been called upon by a local group to help push back Otjiherero-speaking pastoralists who had moved southward in order to save their herds from drought, and that he had defeated them in 1835 (Lau 1987: 29).

major outlets, namely the Cape and the port of Walvis Bay, which Jonker had been quick to link to Windhoek by the construction of a road. The dominant features of Jonker Afrikaner's new polity which had started from raiding and trading were:

- a complex division of labour destined to guarantee the regular supply of external markets (always cattle, but also elephant tusks and ostrich feathers), to control the circulation of all description of imported goods and to secure the transport infrastructure;
- a merit-based military organisation;
- emerging private ownership of cattle, firearms and ox wagons;
- copper-mining, started in 1857; and
- constitutions defining the hierarchical status for citizens, by owners and servants.

All these devices mingled most of the Khoisan clans and beyond in a 'patchwork of cooperation, incorporation, trade, dispossession, and conflict ...' (Fuller 1993: 65), and in the case of Bantu-speaking pastoralists, often at the barrel of a gun (Lau 1987: 30-31).

### THE INVENTION OF THE HERERO AND DAMARA ETHNIC GROUPS AS AN EXAMPLE

At that stage the north-western areas of the Cape Colony were called 'Little Namaqualand' – named after the first clans that the Europeans had met, i.e. the Namaqua, and whose name they had generalised. From there up to Windhoek, by and large, extended 'Great Namaqualand', and farther north, 'Damaraland'. The Khoisan term '*damara*' means 'black', hence 'country of the black people'.

As for the Damara, the first European travellers had already come across some groups in the southern parts. Fuller (1993: 65-66) points to an economic differentiation in the Namibian south towards the end of the 18th Century:

Nama cattle herders were engaged in a complex set of relations with *Zambdama* or *Zountama* people who spoke the same language as the Nama, but were darker in skin colour. These people were apparently = *Nú Khoen*, the Damara of today ... The *Zountama*, however, were engaged as smiths, working at the rate of one 'she-goat' per day ...<sup>16</sup>

<sup>16</sup> Fuller quotes the traveller HJ Wikar in E Mossop (ed.) (1935), *The Journals of Wikar, Coetse, and Van Reenen*, Cape Town, The Van Riebeeck Society, Vol. 15, p.77. in

Fuller further noted that the Zountama were shrewd traders. They undertook commercial expeditions to the coast, where they exchanged their goats for pearls. The Damara exchanged the pearls, at a very good rate, for goats from the Nama, while discouraging their trading partners at the coast from entering into direct contact with the Nama, whom they depicted as a ferocious people living far beyond the desert. The Zountama's reported wealth was no more than a recollection of the past in the account of another traveller who had encountered the =Nû Khoen groups only 19 years later: they were people without sheep or cattle, living off roots and bulbs, occasionally smelting copper into bracelets and beads traded in exchange for cattle from the Nama, even rendering service to the Nama as slaves, and replying that they used to have a wealth of livestock (sheep, goats and horned cattle), but that the Nama had taken it away from them and had threatened to kill cattle owners. This radical change is due to Jonker Afrikaner's intervention (ibid.: 67). Other travellers mention =Nû Khoen groups with large herds of cattle in mountainous areas. Wherever they were reduced to subservience by Bantu-speaking pastoralists moving in from the north, they could often emancipate themselves and become full members of the dominant community. Between subjugation, retreat, and incorporation there was a wide and complex range of situations (ibid.).

As for the other Damara, to whose legendary herds Jonker Afrikaner, as the strongman of the time, used to amply help himself, they were the 'Gomaxa-Damara',<sup>17</sup> that is, the 'cattle Damara'. The economic differentiation then in common practice was between blacks 'with' cattle and blacks 'without' cattle, the latter having retreated into remote mountainous places and referred to by Europeans as 'Klippkaffir' or 'Bergdamara' ('mountain Damara').

Such an identification calls for several remarks. Firstly, on skin colour: it is not known whether the various Khoi or San clans, who were mostly fairer in complexion than the Bantu-speaking immigrants, had over the centuries of their encounters made this into a distinctive criterion for naming. However, it is not surprising that the Orlam should have done so – after all, their perception had been framed in the Cape manner, and they spoke, read and often wrote the Cape Dutch language.<sup>18</sup> Moreover, as overlords they had the power to define. Secondly, the economic criterion is standard. The question arises as to how the label of 'Herero' progressively came into use.

1988 and in the same area, the price of a goat was roughly the equivalent of a month's wage for a black farm worker.

<sup>17</sup> Mentioned by Missionary Hahn (15/12/1842), for example.

<sup>18</sup> The term 'kaffir' originates from a bad pronunciation of the Arab word 'kafir' ('infidel') by which the Muslims designated the blacks, and it entered Cape Dutch via Portuguese.

Established in 1828, the Rhenish Missionary Society had taken the Cape as the starting point of its activities and in 1841 decided, in agreement with the London Missionary Society, to extend them into Great Namaqualand. On arriving at Windhoek in 1842, their missionaries found themselves engaged in a 'race' with Methodist missionaries, but the Rhenish strategy aimed for goals lying beyond: Damaraland was to be the base for advancing a chain of mission stations into the interior of Africa (Engel 1972: 341, 353). However, beside the quarrel with the Methodists, this enterprise encountered two major obstacles: first there were Jonker Afrikaner's political interests, and keeping a tight control over the commercial circulation of firearms and ammunition, he opposed the missionaries' wish to swarm out amongst the Gomaxa-Damara out of his hold; and then there was the language barrier, and according to CH Hahn –

... translating was quite painful, because one had to translate from Dutch into the Namaqua language in the first place, and from there into the Damara language (25/12/1842, Vol. 1: 97).

Experiencing his first years among the Gomaxa-Damara as an ordeal and waiting for an opportunity to explore the north (two trips to the Owambo country – in 1857 and 1866), Hahn had noticed that the Gomaxa-Damara spoke a distinct language in which the designation 'Herero' played an important role.<sup>19</sup> On 19 August 1844 he wrote 'Omohereroland' in his diary for the first time, and two months later he referred to its inhabitants as 'omoherero', an expression that was soon picked up in the correspondence and the official reports of the Rhenish Mission. Yet in 1861 the unsuccessful work of what was by then officially called the 'Hereromission', came to an end. Ready for a final go two years later, Hahn decided to cut the Gordian knot. He entered into an alliance with Swedish trader, adventurer and copper mine boss Andersson, and thereafter came the 'war of independence of the Herero'. Having been identified, the latter now had to be centralised. The comment of amateur historian Vedder (1934: 416), himself a missionary before acting as an inspector for the League of Nations, is explicit:

'Nun hatte Andersson einen Mann ... verantwortlich zu sein'.<sup>20</sup>

<sup>19</sup> This term means 'those who are determined', i.e. determined not to return, and refers to a prominent event in the group's migration history. Their forebears called themselves 'Mbandua' or 'Mbandu' (Vedder 1934: 135-136), a term derived from 'Bantu', meaning 'people' or 'persons'. A very common phenomenon indeed (cf. Meillassoux 1987: 19-20).

<sup>20</sup> Maharero, or Kamaharero, who died in 1890, was a Herero chief amongst others, some of whom were more powerful than he. He was also the father of Samuel Maharero who led the uprising against the Germans in 1904.

Owing to his mercenaries recruited in the Cape as well as among the 'Ovatjimba' (the term used by the Gomaxa-Damara to denote 'cattleless people') on the spot, Andersson carried the day in the battles at Otjimbingwe in 1863/64. In summing up this eventful period, Lau (1987: 130-131) concludes that –

- as far as the Herero chiefs of central Namibia were concerned, the seven years of the 'war of liberation' (1863-1870) are reduced to exactly seven months, involving only a very small fraction of the bulk of the Herero – possibly less than 10% (p.134); and
- the European witnesses and agents ... emerge from their own records as the 'freedom fighters' they claimed the Herero to be. They fought for freedom from the limitations and controls which the powerful Oorlam Afrikaner alliance was able to impose on them. Their allies were not only one or two Herero chiefs but all those chiefs who were equally interested in undermining Jonker's power, first and foremost among them ... (a list of Oorlam and Nama chiefs follows) (p.120).

The new paradigm launched by the missionaries, i.e. identification by way of a linguistic criterion and paramount chieftaincy, took several decades before it was imposed. While the term 'Herero' made its way into official German circles and came back forcefully with German colonisation, people did not drop the term 'Gomaxa-Damara' (or simply 'Damara') on the spot. In his letter of 3 October 1884 to the Governor of South Africa in Cape Town, Kamaherero introduced himself as 'Chief of the Herero tribe in Damaraland' and concluded as 'Chief of the Damaras'.<sup>21</sup> Quite understandably: for a population of herders, to be identified by their wealth in cattle could only fill them with delight; and by posing as the chief of the Herero and Damara alike, Kamaherero caught unawares any chief who might have tried to take advantage of a semantic shift in order to escape from an authority which he purported to be supreme. It is probable that political centralisation made real headway only during the preparations for the anti-colonial military action launched in 1904. As for the fluctuating designation practice,<sup>22</sup> the 'Great General of the Mighty Kaiser', Von Trotha, put an end to it:

<sup>21</sup> In Palgrave (Stals (ed.) 1991: 403).

<sup>22</sup> In their testimonies of October 1904 the German settlers at Gibeon (centre/south) and even the District Commander, Von Burgsdorff, still used the term 'Damara', with the exception of the missionary who had employed the term 'Herero'.

... every *Herero*, whether found armed or unarmed, ... will be shot ... . There are my words to the *Herero* people (Drechsler 1980: 156-157).

The distinct Herero identity was brought about by the genocidal campaign and the collective traumatism among the survivors. In fact, there is no generic name comprising all groups of Otjiherero-speaking pastoralists, namely the *Vakuvale* (after a geographical designation) of south-western Angola, the *Ovahimba* of north-western Namibia and the *Mbanderu* near Botswana.

As a result, the only people to whom the designation 'Damara' could henceforth be applied were the former 'blacks without cattle' whom the German Governor, Leutwein, had already intended to set up as an entity of its own by creating a 'Damara king' at Okombahe in 1894. In so doing, Leutwein released the group under Cornelius Goroseb from having to pay tribute to a Herero chief, and engaged them in wage labour at his own disposal. Fuller (1993: 70) comments as follows:

This probably came as something of a surprise to most 'Damaras' at the time because many may not have known they were Damaras in the first place; and in the second, they may not have heard about a single headman living in a remote Native Reserve.

Ten years later, 'King' Cornelius's group came to the assistance of the German troops, while other Damara died fighting on the side of the Herero and Nama. Insofar as they had been under the thumb of Herero or Nama chiefs, German colonisation set them free by employing them as wage labourers and by utterly destroying Herero and Nama power.

## ETHNIC BOLTING-IN

The colonial conquest abruptly put an end to the traditional fluidity of collective identities. Driven by the dynamics of the contradictions inherent in the lineage mode of production<sup>23</sup>, they had continued to be made, undone and recreated over the medium and long term. Colonial conquest also broke the political autonomy of the populations throughout the territory, and in its stride, placed them into different situations.

Let us recall that the territory was officially divided into two parts: the 'police zone' (1911) which covered about two thirds of the country, and the north, which had been proclaimed as a reserve as early as 1906. In what was

<sup>23</sup> Cf., for example, the research by Pierre-Philippe Rey (1971) on Congolese societies.

to become the police zone, about three quarters of the Herero were exterminated, and nearly half of the Nama.<sup>24</sup> The confiscation of land and chattels, the dissolution of social and political structures, and dispersal all over the police zone, amounted to attempts at creating 'one single coloured labouring class' (according to Commissioner Rohrbach). The latter policy of full-scale proletarianisation was progressively dropped and superseded, from 1912 onwards, by the creation of 'reserves'. Some small Nama/Orlam groups escaped this harsh treatment because the Germans had made some concessions after 1907 in order to end the endemic guerrilla warfare. The Rehoboth Bastards were not affected: they were able to keep the territory they had obtained at the Okahandja Peace Treaty of 1870 as well as their internal political organisation.

As to the highly centralised and well-armed populations in the north (in particular the Owambo), the Germans had abstained from military conquest and preferred to tap this 'precious labour reservoir' after the 'labour material' of the police zone had been decimated. Hence, there was no despoilment of land and the political structures were left intact. Instead, an organisation for a regular supply of migrant workers was set up in agreement with the chiefs. But the latter were anxious to keep the absence of their dependants compatible with the agricultural work schedule and conceded only migration periods of six months. This obstacle was removed only after a joint military operation by South African and Portuguese forces in 1917.

The 'Caprivi Strip', an outstanding colonial oddity,<sup>25</sup> came under German control only in 1909. Occupied in as early as 1914 by troops from Southern Rhodesia, it was soon administered as part of British Bechuanaland, until the authorities of the South African mandatory territory took over in 1930. Due to its remoteness from Windhoek, however, the Strip was effectively administered from Pretoria 'as another South African bantustan' all the way up to 1980 when AG 8 brought it administratively back into Namibia (Fosse 1992: 21). Marginalised and less submitted to the migrant labour system than the rest of the north, the Strip became the turntable of Pretoria's 'total strategy', with a military base as the major local employer.

The conquered populations were stereotyped by Vedder (1934). In his hierarchy the Herero 'occupy the first place amongst the natives'; they are

<sup>24</sup> Some 20 000 Herero survivors out of a population estimated at 80 000 before the war, and some 10 000 Nama survivors out of an estimated 20 000.

<sup>25</sup> It was added to the Protectorate in 1890 by an Anglo-German agreement with Portuguese consent. It had been exchanged, together with the Isle of Heligoland in the North Sea off the German coast, for the islands of Pemba and Zanzibar. The Germans wanted access to the Zambezi River in order to create a better link with their protectorate, East Africa. However, they were unaware of the existence of the Victoria Falls 60 km downstream, which rendered any navigation impossible – and the British carefully avoided informing them.

'mostly tall', have 'well-formed bodies' and a 'striking appearance' – 'a real ruling race' ('*Herrenvolk*' in German) (ibid.: 45), sort of 'lost cousins of Aryan supermen' (Fuller 1993: 68). Next on his scale come the Nama. 'The Nama does not possess the striking appearance of the Herero. Physically he is of medium height.' While some people are tall, others, in cases 'where there is probably a strain of Bushman blood', do not reach the average height. The shape of their nose and their face, which is triangular especially in older persons, seem 'ugly' to us (Vedder 1934: 50-51). 'The Nama is intelligent, grasps and learns a thing quickly, has a good memory and is handy and skilful in performing light tasks ... This race is the most gifted of all ... Their feelings are easily moved and they are very easily swayed for good or evil. Hatred makes the Nama a dangerous opponent and a merciless enemy. Endurance of any kind is not one of his hereditary characteristics, nor is careful thrift with a view to the future within his category of virtues' (ibid.: 55-56). As to the Damara, characterised as a 'people of the netherworlds' (Fuller 1993: 68), Vedder elaborates on the 'impenetrable darkness' which 'lies over the origin and descent of the mysterious race' (1934: 107). Owing to their '*geistige Unbeholfenheit*', the Damara '*steht seiner Anlage und Begabung nach weit unter dem Volk der Hottentotten*' (ibid.: 108). Insofar as they came to know some culture, this was ascribed solely to the Damara's contact with the Nama and Herero, whose traditional slaves and servants they used to be (ibid.: 59ff). They were even below the Bushmen who 'understood how to keep and treat [them] as slaves' (ibid.: 118-119). Owing to a semantic confusion, Vedder saw fit to portray his *Chau-Dama* as 'dirty Damara' (ibid.: 23, 59, 62), whereas, to the indigenous ear, he really presents them as 'shit Damara' (Fuller 1993: 71). 'Being used to subservience, the Berg Damara is happiest when under a firm hand ... On the whole ... the Berg Damara has adapted himself best ... and may be regarded as an important economic factor in the cultural development of South West.' (cited in Fuller 1993: 69) As for the Owambo, whom the Europeans had hardly ever encountered in the old days, Vedder insists on the cruelty of their chiefs (1934: 72-73).

Vedder's book became the standard ethnography spread by school books, and his hierarchy was appropriated by the colonised as well: eagerly by many Herero, grudgingly among the Damara. According to Fuller (1993: 73), the efforts undertaken since the late 1940s to advance 'Damara pride' is one of the reasons for the official creation of the 'Damara tribe' in 1986 within the 'homeland' structure, with a majority of votes in favour. However, going tribal did not prevent the Damara Council, which had carried the motion, from condemning apartheid and coming out resolutely in favour of SWAPO's independence discourse. The other reason was better access to financial resources, which the Damara Council had already in the past shared with SWAPO supporters also (ibid.: 72, 74).

The framework for interaction among the colonised kept in reserves had become more rigid in urban areas as well. While it seems that the locations for indigenous people at the fringes of Windhoek before 1905 had some kind of 'ethnic areas' (Ridgeway et al. 1991: 3), the Windhoek Municipality, which had regrouped these locations in 1912 on two sites with the bigger one called 'Main Location', had made this into its organisation principle and formally established it in 1932. However, 'in practice, the residential segregation according to ethnic groups [was] not strictly enforced' (Wagner 1951: 104).<sup>26</sup> The occurrence of marriages and unions between persons of different ethnic origins contributed to smoother social relations. Another important fact was that the inhabitants had the right to own their houses, hence a real estate market existed which did not strictly follow the ethnic layout (ibid.). Wagner reports:

The vast majority of Natives, however, live, and prefer to live, among their own people [p.104], [but] ... the typical atmosphere of 'live and let live' ... seems to be the key note in the every-day relations between the various ethnic groups [p.137]. In 1927, a Non-European Advisory Board had been created and ... while a boardman can, in principle, represent only his own ethnic group or section, candidates are eligible from members of *all* ethnic groups ... [Since] small groups or sections, like the Nama or the Basters and the coloureds, stand only a small chance of getting their candidates elected ... *the Municipality usually appoints its boardsmen from among those groups that did not get their candidates through. This system undoubtedly has its weak points, but so has its alternative, viz. to conduct separate elections for each ethnic group. Apart from complicating the election procedure, this would serve to strengthen the separatist spirit amongst the different groups* [p.107, Wagner's emphasis]. *The Windhoek Advisory Board is remarkable also in that it unites a number of representatives of formerly hostile or at least antagonistic ethnic groups into one political body. Tensions due to deep-rooted tribal antagonism appear, however, to be very rare, and the only evidence which I could obtain on this question pointing rather in the opposite direction ...* [p.112, Wagner's emphasis]. The minutes of the proceedings [in Afrikaans and English] are ... sent ... also to leading Natives in the reserves [p.108], who were eager to keep a close eye on the urban side of their dependants' lives.

<sup>26</sup> Survey for the Department of Bantu Administration and Development.

There were two more instruments for bringing people of different ethnic description closer to each other: the schools of mixed composition (ibid.: 223-224), and the club and association scene (ibid.: 115ff). By and by the ingredients of an animate neighbourhood life came together, and the Main Location was re-baptised 'Old Location' after the forced removal of its inhabitants began in 1959. The Main Location is still remembered today with some nostalgia. In the collective memory of Windhoek's non-white population, the Old Location takes the place of South Africa's Sophiatown and District Six, that were multi-ethnic and marginally even multiracial crucibles before the imposition of apartheid. Wagner's portrait is both circumspect and contradictory: a dynamic tendency towards mixing in elastic interstices coexists with mutual perceptions in terms of stereotypes close to those laid down by Vedder (ibid.: 132ff).<sup>27</sup>

The apartheid-type layout of the capital in three separate areas, namely white Windhoek, coloured Khomasdal, and black Katutura with its internal ethnic sectioning, had done away with any interstices for mixity. Henceforth, all social relations in Katutura became monolithically mono-ethnic, from the classroom situation and sporting life (with matches between local teams taking on a character of Herero playing Owambo, Owambo playing Damara, etc.) to the churches' parish activities. The overall effect of this ethnic enclosure of all walks of life was that the Katutura-dwellers of a given ethnic section came to know the inhabitants of other ethnic sections as abstract images rather than as neighbours, thus the superposition of multiple ethnic boundaries fostered the sense of belonging to an exclusive group. The fact of being relegated to inferior and poorly paid employment fostered the need for group solidarity to get by, and the supporting proximity network at hand was in these conditions necessarily ethnic. The outcome is distance to others, suspicion, and fear. The record of mutual prejudices listed by LeBeau in 1991 roughly reproduces the pattern reported by Wagner 40 years earlier. As Pendleton had warned the future power-bearers of an independent Namibia in as early as 1979 (p.140):

Ethnicity is a serious problem in Namibia, and when the country eventually achieves independence and self-government, it will assume even more critical proportions. The Owambo will not trust the Herero, Africans will not trust coloureds, and whites will

<sup>27</sup> The highly complex legal status of a 'coloured' person, which was linked to some advantages, and the perspective of enjoying house-ownership status in case a new separate 'coloured' township was set up, certainly contributed to the vote of 'about 93% of the Coloured community' (Wagner 1951: 132) in favour of such an option. Yet the nine-year-long stubborn resistance to forcible removal was in part owed to 'coloured' people as well, and this move coincided with the emergence of political formations with a trans-ethnic stance.

not trust nonwhites. This lack of trust is reflected in the fact that members of one group will not allow members of other groups to make political decisions for them: each group feels that other groups will only act out of self-interest. Unless steps are taken to decrease the importance of ethnicity and increase intergroup interaction and confidence, the consequences could be serious ethnic group conflicts in the post-independence period.

Stereotyping has become a conditioned reflex. To pick out just one example: addressing a public of young people in the Ongandjera (Owambo) area in 1993, the Minister of Youth and Sport cautioned them against getting involved in crime by saying that if they did, they would bring shame on the President (President Nujoma is an Ongandjera himself). The following day all of Namibia was in an uproar: a minister had treated the Ongandjera as thieves! In fact, most informal political analysis in Namibia is ethnic-ridden, especially when it comes to the internals of SWAPO, which right from its inception in 1960 had made it a principle that ethnic divisions were to be overcome (Leys & Saul 1995: 13, 15).

What turns out as an eventful play of identities in the medium- and long-term perspective and in the shortcut of an historical account appears to the immediate perception of an individual's life as a rather sluggish process. Indeed, the peculiar feature of apartheid was to stiffen wherever possible the reality of fluid identities and the angles of its perception alike – so much so that they would reproduce one another. Apartheid: a self-fulfilling prophecy?

Before dealing with post-apartheid perspectives, let us analyse some concepts. While the dynamics of the lineage mode of production, once passed under aristocratic influence, produced its own lot of poor people (here the San, there the Ovattjimba for Owambo societies; cf. Clarence & Moorsom 1975), colonisation had eagerly taken in these poor dropouts as proletarians and it powerfully boosted this tendency. Hence the emergence of a growing category of Africans in a position to secure their material reproduction outside the lineage hierarchy. This new phenomenon came to be known as 'detrribalisation'. Anxious to prevent the erosion of their power base, the Owambo chiefs had readily participated in managing the migration of the bulk of a manpower which the German recruiting officials were looking for desperately. They organised the workers' departure from and return home in caravans, as they would have done when raising carriers for the traditional caravans in long-distance trade. These efforts in the opposite direction, which

were soon also bolstered by the colonial administration, came to be referred to as 'retribalisation'. The interest of the chiefs overlap here with that of colonial capitalism. Indeed, this way of linking the dominant capitalist mode of production to the dominated lineage mode of production turns out to be profitable. The wages for such semi-proletarians may be brought down to the price of the consumption volume necessary for merely reconstituting their labour force on a day-to-day basis, because for the rest of their time they are elsewhere (supposed to be) busy in agricultural work within the family unit, which in turn reproduces itself wholly outside the market. If compared to full-time proletarians of the metropolitan type, whose wages must at least be equivalent to the price of subsistence-level consumption for themselves and their families, the cost advantage is obvious. By thus submitting the lineage mode of production, the capitalist sector cashes in on a labour income.<sup>28</sup> The entire apartheid legislation – from recruiting migrant labour and influx control measures to the ethnic framing of public life – constituted a regulation mode aimed at preserving this type of linkage. Let us also stress here that the 'homelands' that were wiped out on Namibia's new administrative map endure under the label of 'communal areas'. The former white zone continues to serve as the footing of capitalist production relations, and the linkage of the two modes of production continues to be the basic framework.

The efforts towards retribalisation did not prevent there being increasing numbers of Africans whose links to chiefly power were loosened. But, despite slipping partly or wholly away from this latter authority, they did not stop speaking Otjiherero, Oshiwambo or Nama/Damara. The detrribalising trend started uncoupling 'ethnic' identity from 'tribal' organisation. Insofar as 'tribal' organisation – as a relation of production – declines, ethnic identities emerge as cultural entities which differ from one another to varying degrees. The cultural dimension of the respective pre-colonial identities becomes gradually detached from their common socio-economic matrix.

Separated on the analytical level, the *tribal* and the *ethnic* dimensions open a scale of combinations reaching from their pre-colonial relation as corseted by the law of 1928 (in which case they merge), to factual separation. As one high-ranking government official said, 'I am a Damara for sure. But I don't care for chiefs or cattle. I buy my milk in the supermarket.'<sup>29</sup> Why not take stock on such a scale of the various degrees of uncoupling which coexist today? One might try to quantify their respective distributions today while trying to measure the slide over time experienced by all kinds of people. This exercise would yield some insight into the different roles which

<sup>28</sup> Cf. Diener et al. (1982: 32-33).

<sup>29</sup> In the Oshiwambo language, such a person would be called an 'mbuti'.

the various types of ethnic identification are liable to play in the new socio-economic and political dispensation of independent Namibia.

### UNBOLTING? THE SURFACE, INTERFACE AND HIDDEN FACE OF ETHNICITY

At a superficial glance, the ethnic structuring of public life has disappeared. The institutions and regional subdivisions of the state have become 'de-ethnicised'. On identity documents, the ethnicity-denoting ciphers have been replaced by '00', and in April 1996 the Minister of Home Affairs suggested scrapping them altogether. The state knows only *citizens*, and in the new official discourse 'ethnic diversity' and 'citizen equality' are combined into expressions like 'Oshiwambo-speaking citizen', 'German-speaking woman', 'Nama/Damara-speaking man', etc. As the employer for public services, in particular the coercive structures (police and armed forces), the State will see to their 'balanced structuring' (Constitution, Articles 23, 113, 116, 119, 122). Here arises a first paradox: how does one make provision for such a balance without taking cognisance of the different identities to be balanced? The same problem crops up with *affirmative action*: the former 'non-whites' surface again as 'persons ... who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices' (Article 23). Yet these quandaries are inevitable if the majority of citizens do not accept yesterday's discriminations as eternal.

As for the two principal political parties, their respective electorates show important regional differences. However, while SWAPO has been a trans-ethnic party from its very inception in 1960, the DTA never managed to attain the same status.<sup>30</sup>

According to Article 23 of the Constitution, 'the practice and ideology of apartheid ... shall be prohibited'. So why are there, still in 1996, ethnicity-denoting letters on the doors of houses in the old parts of Katutura, and why do municipal buses continue to run to Katutura stops classified as 'Damara', 'Herero' and 'Owambo'? Inasmuch as the still largely mono-ethnic character of Katutura's sections is receding, this is only due to the inhabitants themselves: more mixed marriages and a more tolerant attitude are simultaneously causes and effects of a spontaneous unbolting. The ethnic stamp is disliked by the inhabitants: they believe in the policy of national reconciliation and declare themselves willing to go ahead with it. They want the opening up -

<sup>30</sup> The only half-hearted step was a change in its constitution in 1991 which made it possible to become a DTA member or office-bearer without being a member of one of the component ethnic parties in the first place.

and are afraid of it at the same time (prejudices!). However, their grudge does not push them to act: they believe that they are not entitled to do so.<sup>31</sup> For SWAPO, with its majority in government and among the local councillors elected in 1992, this was an opportunity to make the national prevail over the ethnic dimension beyond the level of discourse and programmes, on favourable ground and at little cost.

In the communal areas this is not quite so easy. In future the Minister of Home Affairs would like to deploy his policemen irrespective of an ethnic criterion, and has recommended to the other ministers to follow suit. Yet his attempts to obtain understanding and cooperation from the communities and their leaders reveal the scope of the task: 'Don't regard policemen from other tribal groups as an invasion ... or another form of neo-colonialism.' (*New Era* 28/3-3/4/96). In the Caprivi<sup>32</sup> the appointment by the Education Minister of two school inspectors of Subiya origin, with jurisdiction also over the schools located in the Mafwe area, was opposed by the council of Mafwe chiefs, which called for the withdrawal of all Subiya teachers from Mafwe areas. Matters became even more complicated: the new 'Bayeyi tribal council' - heading a group which in 1990 requested official recognition as an autonomous tribe - defied the Mafwe chiefs' call, thereby demonstrating the group's independence. The tensions exploded into violence (July/August 1993). In 1995 the Regional Governor narrowly escaped an attempt on his life. Let us recall that the delimitation between Mafwe and Subiya areas has been a bone of contention since the 1930s. The two versions, each invoking a long historical tradition, are diametrically opposite. However, this nest of problems does not bring into question the national territory. Yet on the side of the Rehoboth Basters, the faction in favour of a break-away only in 1993 gave up asking for an independent state with a corridor to the Atlantic Ocean, and decided instead to take the land conflict with the state over some 100 000 hectares to the International Court of Justice with a view to obtaining a convention favouring the original territorial rights of indigenous people.

The Republican policy of deploying civil servants throughout the territory, irrespective of ethnic considerations, will soon come up against language problems. It is true that Namibia's policy on language is remarkably flexible: the first three years of schooling are done in the pupils' mother tongue together with a progressive passage to English, which was instituted as the 'official language' because it is hardly anybody's mother tongue. But while the State decided that as from 1996 it would understand English only.

<sup>31</sup> Enquiry on the ethnic letter (32 interviews, September 1993), in Diener (1995: 36-48).

<sup>32</sup> The name 'Liambezi' for the new region was dropped after it had been rejected locally. Imposed by the last-but-one coloniser, the Caprivian identity is today claimed in order to mark a distance from the capital, Windhoek, which would like to assert its centralism on the grounds of authenticity.

this is certainly not the case for simple citizens. Possible blunders by police due to a lack of linguistic understanding will not make inter-ethnic relations easier. Also, clearing up the intricacies of criminal cases where inspectors, suspects and witnesses do not properly understand each other broaches the problem of the efficiency of the Central Government's services.

In the Herero areas, the shortcomings of the Central Government posing as the sole guarantor of public security and justice engendered a new state of affairs which was afterwards accommodated in the institutional edifice. Since 1993, 'Epango' (meaning 'unity and force'), a sort of tribal militia parallel to the police force – which is badly under-equipped – and created on the initiative of certain chiefs linked to the opposition, has been in action to combat the rise of stock theft. While Epango is perhaps more efficient, it is certainly more suited to speedy performance. Another grievance was seized on: since 'modern' justice does not accept hearsay evidence, suspects are released on the benefit of the doubt where customary justice would have convicted them; and the fine imposed on the culprit goes to the State, whereas customary justice grants it to the aggrieved party as compensation (Keulder 1993: 20-21). Since 1995 an entire part of public security has been subcontracted to traditional authorities, which also recovered the penal side of customary justice. Should the latter once again serve generally as the first judicial instance in the communal areas, on condition that the fundamental rights entrenched in the Constitution shall be overriding?

Pragmatically, the Government left the chiefs in place at independence, and replaced the formerly wide pay-scale (1:35) with a salary of N\$700 across the board (as of the end of 1994). The Kozonguizi report of 1991 on the creation of the 'Council of Traditional Leaders' (cf. Constitution, Article 102, subarticle (5)), stating that the majority of Namibians wanted to see the chiefs retained with some modifications, made the proposal that they should be elected by all those supposed to come under their respective jurisdictions, and that holding a traditional authority and a political office at the same time be made incompatible. Legislation on the aforesaid Council came under royalist pressure. Pretending to the title of Paramount Chief of the Herero, Kuaima Riruako changed it to 'King' in as early as 1991, and he sits in Parliament for the DTA. In 1993, Senior Headman Gabriel Kautwima of the Uukwanyama Owambo, a DTA stalwart having changed over to SWAPO, launched the restoration of the Uukwanyama kingship which disappeared in 1917 and has now been completed on the Namibian side (the major part of the former kingdom lying on the Angolan side of the border). In 1993 also, Justus Garoëb, Paramount Chief of the Damara and party leader of the United Democratic Front (UDF) had himself elected as 'King' by an assembly whose legitimacy was forthwith challenged by the former royal clan. By 1997 the Namibian Republic could boast a good half-dozen kings.

An important step in legislative evolution was the Traditional Authorities Act of 1995. It recognises the traditional leaders in service, stipulates that their succession or removal shall be ruled by the respective customary law, and declares incompatible the simultaneous holding of a traditional office and a political office. All titles, including 'King', may be used, with the proviso that this does not imply any change in status, powers and functions. The latter are to, inter alia: supervise and ensure the observance of customary law by the members of their community; assist in its codification; uphold and promote the culture, language and traditional values; promote affirmative action, in particular by promoting women to leadership positions; register practising traditional healers; assist the police; inform their community about development projects initiated by central, regional and local government; and ensure the sustainable use of land to preserve the ecosystem. A community trust fund may be operated under the Central Government's supervision, with books and accounts submitted to inspection by the Auditor-General. One domain, however, is completely missing: their relation to land!

The slow assembling of the interface between the State and its citizens meanders on, but it has to be stressed that the innovating proposal to combine sovereign citizenship with communal land tenure managed by chiefs was defeated by the lobby of 'blue blood' (cited in Kozonguizi 1991: 6). Henceforth, rural Namibians are Janus-faced: on the one side they are citizens of the State, on the other subjects of different ethnic kings. The latter will hardly want to end up with operetta-style walk-on parts, and try instead to set their legitimacy on a better footing by gathering around the themes of particular traditions and loyalty. Inasmuch as this rhetoric tells on people, they are liable to be interesting partners for conditioning the electorate. The trend is towards stressing ethnicity in public life, and the temptation is towards underhand dealings between ambitious politicians and kings marketing their local influence.

The hidden side of public life is rife with inter-ethnic suspicion. In the press independent from SWAPO, the ruling party is accused of cultivating ambiguities and of practising the classic principle of divide and rule even better than apartheid: monarchy, a bagful of bones of contention poured into every ethnic group (*Windhoek Advertiser* 22/9/93). On the other hand, SWAPO's own press (*New Era* editorial, 2-4/8/96) denounces those who 'behind the scenes ... are eager to play the tribal or ethnic card in order to entrench their political or economic power' – without giving names, however, because among the individuals involved are SWAPO politicians and/or ministers. They further point out that 'Right across the breadth and width of our country and out of the public eye, there are instances of tribal or ethnic disharmony each passing day.'

'The Namibian defence forces are composed of 80% Owambo,' says a letter to the Editor claiming an informed source (*Windhoek Observer* 20/7/96). 'The University of Namibia is an Herero institution,' affirms another newspaper reader (*The Namibian* 12/11/93). And so on ad infinitum.<sup>33</sup> A reader from Oshikango near the Angolan border (*The Namibian* 7/6/96),<sup>34</sup> points to the proliferation of racist speech in the Owambo area 'unheard of before independence':

We hear that, according to acceptable African values, especially in the Oshikwanyama tradition, to qualify as a leader a person should be tall and huge so that all people can see and respect him. And Kwanyamas, as tall people, are born to rule other tribes.

Then come the Ndonga:

We hear that for an intelligent and brave man in Ondonga to qualify as a leader, he must be bald-headed ...

The other Owambo groups, for example the Uukwambi,<sup>35</sup> Ombalantu and Mbanja, could not be considered as rulers of the country. Some high-ranking politicians were brought into disrepute because they were married to non-Owambo women.<sup>36</sup> Some of them were only 'mbuti' ('detrified'). The true heroes and leaders of the anti-colonial struggle would necessarily be Uukwanyama and Ndonga having been in exile. As to the Herero and the Damara, they had only produced 'fake heroes', and just like the whites they had no particular constituency (ibid.).

We are certainly in the pre-campaign phase for the next presidential election. President Nujoma, who is said to covet a third mandate – ruled out by the Constitution – and to canvass among the smaller Owambo groups.

<sup>33</sup> Since the citizens' ethnic background is no longer officially registered, neither the claims of this kind nor their denials can be refuted. At best they are guesstimates based on lists of names, which are then related to their more or less typical area of origin. Inasmuch as mixed marriages become more frequent, the name/origin link is blurred.

<sup>34</sup> Letters to the Editor are often signed under pseudonyms, in this case 'Okatongo Nakase' ('Down with Apartheid').

<sup>35</sup> The 'royal' Uukwambi clan is trying to restore the image of 'King' Ipumbu, who was the pet hate of the missionaries and the colonial administration and whose residence was bombed by the South African Air Force in 1932. The public statement asserted that he had defended tradition which 'did not allow him to tolerate witches and homosexuals', puberty rites which 'prevent pregnancy before marriage', and polygamy which 'prevented girls from becoming prostitutes' (*The Namibian* 19/7/96).

<sup>36</sup> Toivo ya Toivo, a SWAPO veteran, imprisoned for 17 years on Robben Island, at present Minister of Mines and Energy, is accused of being married to a 'CIA mercenary'. President Nujoma, an Ongandjera Owambo, is married to a Herero woman.

finds himself destabilised. By the underlying type of reasoning, however, one is reminded of a famous song of the American war of secession, adapted to Namibian circumstances: 'Vedder's body lies a-moulderin' in the grave, but his soul goes marching on ...'<sup>37</sup>

## CONCLUDING REMARKS

In their struggle against colonialism and apartheid, the Namibians won the first round: over gross white racism in their own country. The second round is to be fought all over the world, and of course against racism among Namibians themselves. To become aware of its existence beyond day-to-day situations, suffice it to read – against the grain – the famous protest levelled in 1924 by Herero Chief Hosea Kutako against South African plans to settle the Herero on (semi-)desert land on the north-eastern fringes of the territory – a much-quoted document in anti-apartheid and solidarity literature:

We are a big nation and as such we shall not develop in country like this where there is only deep borehole water. In fact it is a desert where *no human being ever lived before. It is a country only good for wild beasts. We are the original inhabitants of South West Africa* and we know the best and worst of the whole country. We know the parts which are good for *wild beasts*. We are *human beings* and we do not want to be changed into wild beasts ... (cited in First 1963: 113-114; Diener's emphasis).

With his intimate knowledge of the country, Hosea Kutako was aware that these worst parts of the country were inhabited by San people. While he was certainly right to claim against the Germans and the South Africans his right of being the first occupant, he wrote off as a loss the actual 'original inhabitants', namely the San, debased to the level of 'wild beasts'. Racism is also to be found on the victims' side.

<sup>37</sup> The souls of dead people marching on are not all on the same side. John Brown (1800-1859), a white abolitionist, took part in the failed 1859 assault against the Harpers Ferry arms depot in Virginia, destined to spark off a general slave uprising. Sentenced to death and executed, John Brown became the hero of the Union troops fighting against slavery in the Southern States.

## The land question in Namibia

Wolfgang Werner

### INTRODUCTION

'We fought for the land. We supported SWAPO because of our land. We will continue to fight for our land.'<sup>1</sup> These simple words, attributed to a Namibian peasant, sum up the perceived centrality of land in the struggle for national liberation in Namibia. Land reform is widely regarded as the precondition for meaningful rural development and poverty alleviation across the party spectrum. The South West Africa National Union (SWANU), for example, expressed the view that 'No meaningful rural development, resettlement and national reconciliation can take place until the Government confronts the political, economic and social imbalances which are directly linked to the unresolved land question.'<sup>2</sup> The land question and calls for land reform or land redistribution continue to surface at regular intervals both inside and outside the National Assembly, Namibia's highest legislative body.

At a practical level, however, government actions do not bear out the urgency attributed to the land question at the political level. After six years of independence, Namibia still does not have an approved land policy.<sup>3</sup> While the Agricultural (Commercial) Land Reform Act of 1995 was gazetted in March 1995, only parts of it have been implemented so far. No legislation exists as yet on communal or non-freehold land. Also, the Government has bought only approximately 85 000 ha of land in the freehold farming areas for redistribution, amounting to 17 commercial farms.<sup>4</sup> Thus the question arises whether the land question is as important as politicians make it out to be, and whether its resolution enjoys the priority that political rhetoric would suggest.

<sup>1</sup> SZ Mbako, 'The Land Question: What next?' (*Namibia Today* 7/3/90).

<sup>2</sup> 'Resolve the Land Issue' (*Times of Namibia* 8/5/90).

<sup>3</sup> The Ministry of Lands, Resettlement and Rehabilitation released a Draft Land Policy for public consideration at the time of writing.

<sup>4</sup> 'Taks slaan kloue in oormaat-grond', *Die Republikein* 22/7/96.

The first part of this chapter will provide a brief historical discussion of the land question in Namibia. This will be followed by a discussion of the debates on this question before and since independence, and of the processes through which the highly skewed distribution of land may be addressed. A brief discussion of ecological conditions in Namibia will highlight some of the environmental constraints affecting land reform. The land question in communal areas will be discussed in the final part of this chapter.

## THE LAND QUESTION IN NAMIBIA

Land and labour in colonial South West Africa were closely connected. Large-scale dispossession of African land was as much intended to supply white settlers with agricultural land as it was to deprive Africans of access to the same land, in order to force large numbers of the latter into wage labour in the fledgling settler economy.<sup>5</sup> Land dispossession, however, was highly uneven. In contrast to some other former settler colonies, for example Kenya and Zimbabwe, settlers in Namibia appropriated essentially marginal agricultural land – suitable for extensive livestock ranching only.

Land dispossession mainly affected indigenous pastoralist communities such as the Ovaherero, Nama and Damara livestock farmers. Communities in the northern and north-eastern parts of former South West Africa which practised rainfed cultivation and livestock husbandry, were not directly affected by dispossession. While early German colonialists did not consider these areas to have sufficient mineral and farming potential, the relatively small German garrison also did not have the military might to subjugate the militarily and politically powerful kingdoms in the north of the country.<sup>6</sup>

As a result of the Germans' inability to subdue those kingdoms, the colonial Government announced in 1907 that police protection should be confined to those areas falling within the sphere of influence of the railway line or main roads. This area was henceforth referred to as the 'police zone'. Land dispossession and colonial settlement occurred exclusively in the police zone.

Formal colonial rule began in 1884. By the early 1890s, eight concession companies had acquired rights to virtually all the land utilised by pastoralist communities. However, it was not until after the *rinderpest* of 1897 that the acquisition of land by settlers started in all earnest. By 1902 only 38% of the total land area remained in black hands.<sup>7</sup> The rapid loss of

land contributed greatly to the Nama and Herero war of resistance against the German colonial forces in 1904, which led to the large-scale extermination of Herero and Nama pastoralists. Regulations enacted in 1906 and 1907 empowered the German colonial authorities to expropriate nearly all land of the Herero and Nama. As a result, German settlers owned 1 331 farms and some 90% of all livestock in the police zone by 1913.<sup>8</sup>

At the outbreak of World War I, troops from the Union of South Africa conquered the German colonial forces in South West Africa. The new colonial regime continued with the establishment of white farms in the police zone after 1915. By the early 1950s the process of white settlement had largely been concluded. The total number of farms established by then was 5 214.<sup>9</sup>

Simultaneously with the process of white settlement, the South African colonial Government began to set aside land for the exclusive use of dispossessed, black communities. These areas became known as 'native reserves', and by 1926, sixteen such reserves – covering 2,4 million hectares – had been established. While these reserves reversed the total ban by the Germans on land possession by blacks, most reserves were established on marginal land.<sup>10</sup>

The South African reserve policies culminated in the mid-1960s in proposals put forward by the Commission of Enquiry into South West Africa Affairs<sup>11</sup> to consolidate existing native reserves into tribally-based 'homelands'. In time these homelands were to obtain some measure of autonomy through the establishment of tribally-based legislative assemblies and executive committees. The recommendations of the Odendaal Commission completed the system of racially-structured access to land in Namibia.

The result of these policies was that the new Namibian Government inherited a highly skewed distribution of land at independence in 1990. Approximately 36,2 million hectares, representing 44% of the total land area or 52% of agricultural land, continue to be held under freehold title. This land is commonly referred to as the 'commercial farming sector'. Under previous apartheid policies, access to this land was reserved for white farmers, so that the freehold farming sector is still dominated by white land-owners.<sup>12</sup>

By contrast, former reserves referred to today as 'communal areas' comprise about 33,4 million ha, representing 41% of total land area or 48%

<sup>8</sup> *Ibid.*, p.140.

<sup>9</sup> *Ibid.*, p.144.

<sup>10</sup> *Ibid.*

<sup>11</sup> The Commission is commonly known by the name of its Chairman, Odendaal.

<sup>12</sup> 'Land tenure data', in Republic of Namibia, 1991, *National Conference on Land Reform and the Land Question*, Vol. 1, p.147.

<sup>5</sup> The following is based on Werner (1993).

<sup>6</sup> *Ibid.*, p.139.

<sup>7</sup> *Ibid.*, p.138.

of agricultural land.<sup>13</sup> But these aggregate figures overstate the agriculturally usable land in communal areas, as large tracts of communal land are situated in semi-desert areas with a mean annual rainfall ranging from 50-100 mm, or they are rendered unusable for agricultural purposes due to the absence of exploitable groundwater. If these factors are taken into consideration, the commercial farming sector (36 million ha) comprises 57% of agriculturally usable land, and communal areas only 43% or 27 million ha.<sup>14</sup>

Land and agriculture in Namibia are not particularly important in terms of contribution to GDP (ca. 10-15%), exports, investible surplus generation or contributions to Government's fiscal account (Green 1990: 11). In terms of providing employment and/or income through small-scale agricultural production, however, land is central. Although commercial farms are owned by just over 4 000 predominantly white farmers, in the early 1990s this sector employed approximately 50 000 workers. Together with their dependants, this represents about 230 000 people who derive some kind of livelihood from commercial farms. By contrast, approximately 150 000 households, or close to one million people, make a living on communal land, predominantly as subsistence farmers.<sup>15</sup>

## DEBATES ABOUT LAND REFORM BEFORE INDEPENDENCE

Prior to independence, two distinct approaches dominated political debates about land reform. These can be grouped broadly around equity concerns on the one hand, and productivity concerns on the other.

As a national liberation movement, SWAPO was guided in its strategic thinking by equity concerns. The movement proposed implementing land reform in order to bring about 'thorough-going socio-economic transformation through the elimination of exploitative relations, both traditional and capitalistic'.<sup>16</sup> However, despite radical rhetoric on socio-economic transformation, SWAPO's thinking on land reform was essentially pragmatic, and at times even ambiguous. Its ultimate position on the issue was made dependent –

... on the attitude of white settlers towards the government at the time of independence. If they decide to run away and abandon

<sup>13</sup> The remaining 15% of the land area consists of desert and game reserve.

<sup>14</sup> *Ibid.*

<sup>15</sup> Republic of Namibia, 1992, *Report of the Technical Committee on Commercial Farmland*, p. 1.

<sup>16</sup> United Nations Institute for Namibia, 1986, *Namibia: Perspectives for National Reconstruction and Development*, p. 134.

their farms, the state will have to act quickly with the nationalisation of these farms. If they remain, the government may have to consider the ways of nationalising their property and compensating the farmers in the process.<sup>17</sup>

Apart from the possible nationalisation of abandoned land following independence, nationalisation was only envisaged for land held by absentee owners and foreigners as well as for 'excessively large ranches [which] could become state property'.<sup>18</sup> At the same time, a more gradualist policy towards land acquisition, similar to that of Zimbabwe where the State bought land at market prices, was not excluded.<sup>19</sup> To a large extent SWAPO's thinking on land reform was modelled on the Zimbabwean experience. This was not only true for the method of land acquisition, but also regarding models for resettlement.<sup>20</sup>

Interestingly, SWAPO argued that farms in the southern part of the country needed to be kept large in order to be viable and efficient. In order to marry equity concerns with the need to retain large farms, the movement felt that it was necessary to promote state farms and co-operatives, and 'to a certain extent' commercial farming.<sup>21</sup>

For SWAPO, a programme of land redistribution was a precondition for improving the welfare of Namibians. The party's main political opponent, the Democratic Turnhalle Alliance (DTA), as well as some smaller, predominantly white political parties, also identified a need to address the land question in order to bring about improved living conditions for Namibians. However, these political groupings did not regard a lack of access to sufficient land as the main cause of rural poverty, but rather they saw this to be a matter of 'traditional' ways of farming.

Subsistence farming, rather than a shortage of land, was thus identified as the main cause of rural poverty. Consequently, the alleviation of rural poverty did not lie so much in the redistribution of land as in the transformation of 'communal' patterns of land ownership to freehold. In the early 1980s the leader of the DTA argued that his party did not want to encourage 'communal property ownership' (Republic of Namibia, *Debates of the National Assembly*, 1980: 185). Rather, it wanted to encourage communal farmers to become property owners:

<sup>17</sup> *Ibid.*, p. 134.

<sup>18</sup> *Ibid.*, pp. 128, 134.

<sup>19</sup> *Ibid.*, p. 128.

<sup>20</sup> *Ibid.*, p. 128ff.

<sup>21</sup> *Ibid.*, p. 131.

We want to create a land class, a property owners class and I would like to say here today that we don't only want to create a land class by putting one person in a position to buy another person's farm. He can buy it but at the same time we want to say that the existing communal property should be acquired by private individuals.

The DTA was joined in its analysis of the land question by the all-white National Party, which also identified subsistence production in the communal areas as the major stumbling block in the development of private-initiative, free-property ownership and a free market. Communal land tenure thus had to be changed to freehold at all cost (Werner 1987: 77). The long-term policy objectives of these groupings was therefore to transform communal producers into commercial farmers by converting customary land tenure into freehold. More successful farmers in the communal areas were encouraged to purchase farms in the freehold areas in order to relieve the pressures on communal land.<sup>22</sup>

In line with these policy concerns, the enclosure of communal lands, particularly in the eastern cattle-farming areas was encouraged by the pre-independence regime. Wealthy cattle owners were permitted to drill their own boreholes, and if successful, privatise the land. Apart from supporting such private initiatives to develop and fence in communal land, the colonial Government began with the official enclosure of communal land. During the 1980s, 56 farms in the Herero communal areas were developed and surveyed for individual use. This was followed by a similar scheme in the far north of the country, where 98 farms of approximately 4 000 ha each were developed on communal land.<sup>23</sup> At the time of independence, another 44 farms were in the process of being surveyed in the Kavango Mangetti for allocation to aspirant black commercial farmers. In addition, agricultural credit was made available to wealthier communal farmers to acquire farms in the freehold sector.

At the time of independence, therefore, most political parties and to some extent organised commercial agriculture agreed to the need for land reform in Namibia. As pointed out above, the new ruling party, SWAPO, had long committed itself to a programme of land reform 'in order to redress the imbalance created by the policies of land allocation on a racial basis'

<sup>22</sup> On these points see, inter alia, 'Toespraak gelewer deur PM Junius namens die DTA van Namibië by die LEVSWA Simposium te Windhoek, 18/7/1989'; 'Die rol van landbou-ontwikkeling in 'n onafhanklike Suidwes-Afrika: ACN Landboubeleid', LEVSWA Simposium, Windhoek, 18/7/89; and *The National Development Strategy of South West Africa*, Chapter 7.

<sup>23</sup> *Ibid.*, p.78.

(*Towards an Independent Namibia*, SWAPO 1989: 28).<sup>24</sup> In a similar vein, the DTA agreed to the proposal 'that a special programme, supported by legislation, be set up to redress the imbalances of the past'.<sup>25</sup> What set political parties apart was the exact nature of land reform.

## INDEPENDENCE AND LAND REFORM

Not surprisingly, the land question and calls for land reform were raised within the first month of Namibia's first independent National Assembly sitting. On 1 June 1990 a motion 'request(ing) the Government through the Prime Minister to call a National Conference on the Land Question and Land Reform under the direct auspices of the President of the Republic ... to decide on the future of this very important question' was tabled in the Assembly (*Debates of the National Assembly Vol. 1*, 1990: 44-45). The Prime Minister gave the motion his wholehearted support and committed his Government to organising a national conference in which the land issue would be addressed on the basis of, inter alia, 'papers and scientific studies' (*Debates of the National Assembly Vol. 2*, 1990: 6). The 'Land Conference' was eventually held in Windhoek from 25 June to 1 July 1992, and was chaired by the Prime Minister, which indicated the enormous political importance that the Government attached to the issue.

The objectives of the Land Conference were undoubtedly shaped by Namibia's policy of national reconciliation and the provisions of the Constitution. On a general level the 'objective of the conference [was] to achieve the greatest possible national consensus on the land question' and to provide 'a solid basis for the formulation of a policy on land reform and a programme of action to implement the necessary measures and changes'.<sup>26</sup> More specifically the conference aimed to seek a better understanding of the issues at stake in two ways: firstly, by presenting research data and findings, as well as relevant experiences on land reform from other African countries; and secondly, by providing a forum for the presentation and discussion of land issues and grievances from all parts of the country.<sup>27</sup>

The Land Conference was of a consultative nature and had no powers to take binding decisions on land redistribution or land reform. To facilitate broad-based consultation, 500 Namibians 'having a *bona fide* interest in

<sup>24</sup> See also Mbako (1986: 128).

<sup>25</sup> 'National Conference to address the Land Question' (*The Namibian* 5/6/90).

<sup>26</sup> 'Land Issue: Parliament in Heated Debate' (*Times of Namibia* 13/6/90).

<sup>27</sup> *National Conference on Land Reform and the Land Question: Conference Brief* (1991: 2).

<sup>27</sup> *Ibid.*, pp.2-3.

the productive use of land'<sup>28</sup> from all over the country were invited to attend. This brought together marginalised communal farmers, prosperous and well-organised commercial farmers and those communal farmers who had fenced off communal land for private use.

Given the skewed distribution of land in favour of the commercial farming sector, it was only natural that this sector was the subject of particularly lively debate. Topping the list of issues was the restitution of ancestral land appropriated by settlers. Debate on this issue revealed that it would have been impossible to reconcile the many and often conflicting claims to freehold land. The conference therefore concluded that 'given the complexities in redressing ancestral land claims, restitution of such claims in full is impossible'.

Several issues concerning the ownership and utilisation of commercial farms were raised and discussed. These included the ownership of land by foreigners, the under-utilisation of farm land, absentee ownership of farms, and land ceilings. While the conference took decisions on all these issues, it also resolved that a technical committee should be appointed to investigate the possible advantages and disadvantages of acquiring freehold land and 'to make appropriate recommendations for the acquisition and reallocation of land' falling into the four categories referred to above.

With regard to communal areas, the general consensus was that these should be retained and developed. As one conference participant put it: communal areas are the farms of the poor. Resolutions taken sought to protect the rights of small communal farmers by pleading for the democratisation of land allocation and administration; asking that the payment for land particularly in the far north be stopped, except if such land was to be used for commercial purposes; and that illegal fencing be prohibited and all illegal fences be removed. In addition, the participants resolved that large communal farmers should be encouraged to acquire land outside the communal areas to alleviate land pressure in communal areas, and that once commercial land had been acquired, such farmers should not be allowed to keep their rights to communal land.

In addition to these issues, participants also addressed the rights of farm workers and women. Apart from having resolved that farm workers should be afforded rights and protection under the labour code, the conference also felt that they should be given rights to reside on farms after retirement, and be granted grazing rights. Addressing gender-related inequalities with regard to land, the conference resolved that 'Women should have the right to own the land they cultivate and to inherit and bequeath land and fixed property.'

While the Conference on the Land Question and Land Reform established a process of consultation on the land question, this process was not

<sup>28</sup> *Ibid.*, p.3.

continued during the five years following the conference. And although the Technical Committee on Commercial Farmland did invite submissions from the public, the Commercial (Agricultural) Land Reform Bill was tabled in the National Assembly without offering stakeholders such as NGOs, trade unions, churches and traditional authorities an opportunity to consider the draft legislation.<sup>29</sup> In response, the Namibian Non-Governmental Organisations' Forum (NANGOF), an NGO umbrella organisation, organised a conference in 1994 to discuss the land question and to put forward recommendations to Government on a land policy and legislation. Invitations from the NGO Working Committee on Land Reform to the Chairman of the Cabinet Committee on Land Policy and to the Minister, Deputy Minister and Permanent Secretary of Lands, Resettlement and Rehabilitation to attend and address the latter conference were declined. As if adding insult to injury, the Minister of Lands, Resettlement and Rehabilitation tabled draft legislation on land redistribution in the National Assembly while NGOs were discussing the land question.

It would be too simplistic to attribute the Government's reluctance to consult the public on land legislation and policy to a general unwillingness to consult non-governmental stakeholders on policy issues. Several examples could be cited where public comment and input on a draft policy and legislation were solicited through a structured process of consultation.<sup>30</sup> The reasons for Government's reluctance to consult on the land issue have to be sought in the fact that the dispossessed and landless are not organised in any coherent way. NGOs which have taken up the cause for land redistribution have had limited impact as a result of limited capacity to do advocacy work. It is thus tempting to conclude that the political balance of forces is weighted against a speedy solution of the land question.

In terms of a Land Conference resolution, the Prime Minister appointed the Technical Committee on Commercial Farmland (TCCF) in December 1991.<sup>31</sup> The recommendations of the Committee were guided by concerns to bring abandoned, under-utilised and unused land back into production by expropriating it where necessary. It further recommended that foreigners should not be allowed to own land on a freehold basis in Namibia, and that land held by absentee foreigners should be expropriated and reallocated to the land reform programme. Foreigners wishing to invest on a large scale

<sup>29</sup> Report on the People's Land Conference held under the auspices of the NGO Working Committee on Land Reform, Mariental, 4-8 September 1994, p.2.

<sup>30</sup> The latest example was the process of arriving at an agricultural policy for Namibia. A draft prepared by the Ministry of Agriculture, Water and Rural Development was discussed in a series of workshops in all regions before being finalised for final submission to the Cabinet.

<sup>31</sup> Republic of Namibia, 1992, *Report of the Technical Committee on Commercial Farmland*.

should be able to lease land on a long-term basis. The Committee also recommended ceilings on the total amount of land that a single owner should be permitted to own.<sup>32</sup>

A number of issues concerning management strategies for redistributed land were considered by the Committee as well. It recommended that where a farmer had to pay the full price for land, the size of units should not be smaller than 4 000 ha in the northern higher rainfall areas in order for such units to be economically viable. In cases where Government subsidised loans for land purchases, units should range between 2 000 ha and 3 000 ha, and where Government took over the costs of land acquisition in full, a minimum farming unit of 1 500 ha was recommended.<sup>33</sup> Several options for land reform were considered regarding their relative costs and benefits, and equity and efficiency impact, but no specific recommendations were made.<sup>34</sup>

Based partly on the recommendations of the TCCF, the National Assembly passed the Commercial (Agricultural) Land Reform Act in early 1995. Gazetted in early March 1995, the Act provides for the acquisition of freehold land and its allocation for resettlement purposes. In terms of the provisions of the Act, Government will have 'preference right to purchase agricultural land whenever any owner of such land intends to alienate such land'. A Land Reform Advisory Committee (LRAC) was established in terms of the Act to advise the Minister of Lands, Resettlement and Rehabilitation on the suitability of land on offer. Compensation for land to be purchased by the State has to be based on market prices. Upon the purchase of land, the LRAC has to make a recommendation to the Minister for its allocation and utilisation based on a land-use plan.

Allocation of land is envisaged to happen by inviting applications for land by advertisement. The Act does not specify who the beneficiaries should be, beyond stating in section 14 that land should be made available to -

Namibian citizens who do not own or otherwise have the use of agricultural land or adequate agricultural land, and foremost to those Namibians who have been socially, economically or educationally disadvantaged by past discriminatory laws and practices.

Since the deliberations of the LRAC are secret, it is not possible to say whether the Committee has produced any criteria for selecting possible beneficiaries. No advertisements have been placed as yet to invite applications for land purchased under the Act, and it is not known how much land has been purchased under the new Act. It would appear that 18 months after

its publication, only one section of the Act - that dealing with the acquisition of land by foreigners - has been put into operation.

## ECOLOGICAL CONSTRAINTS FOR LAND REFORM

Land reform is widely expected to open up access to agricultural land and to intensify its utilisation. However, Namibia's environment severely restricts the options for achieving this. Of Namibia's total land area of 824 268 km<sup>2</sup>, only 81% (696 000 km<sup>2</sup>) is usable for agricultural purposes. Namibia is one of the driest countries in the world.<sup>35</sup> Climatologically, 28% of the country can be classified as arid, with a mean annual rainfall of less than 150 mm, while 69% is semi-arid, receiving an average annual rainfall of between 150 mm and 600 mm (Seely 1991: 2). The following table provides a more detailed breakdown of mean annual rainfall figures.

TABLE 9: PERCENTAGES AND AREAS OF NAMIBIA AND COMMERCIAL FARMLANDS WITHIN VARIOUS RAINFALL BELTS

Rainfall belts (mm)	Namibia		Commercial farmland	
	Area (km)	%	Area (km)	%
less than 100	181 092	22	32 967	9
100-300	271 638	33	189 282	51
300-500	304 563	37	129 275	35
more than 500	65 852	8	18 521	5

Source: Brown 1993: 91

It is generally accepted that dryland cropping requires a minimum annual rainfall of 500 mm. Only 8% of the country therefore receives enough rain to engage in dryland cropping.

The highest mean annual rainfall occurs in the north-east of the country, decreasing in a south-westerly direction. Accompanying these low rainfall figures is a high rainfall variability. This refers to the 'reliability with which rain falls in a particular region' (Brown 1993: 75). Annual rainfall in the north-east of the country fluctuates within 25% of the long-term mean, while this rises to 60% in the south and west of the country. In practical terms this means that farmers in the north-east of the country with a long-term mean

<sup>35</sup> The following is based primarily on Brown (1993: 72).

<sup>32</sup> *Ibid.*, pp. 175-176.

<sup>33</sup> *Ibid.*, p. 180.

<sup>34</sup> *Ibid.*, pp. 154-174.

of 500 mm can expect between 400 mm and 600 mm in any year. In the south-west, on the other hand, average annual rainfall fluctuates between 80 mm to 320 mm, with a long-term mean of 200 mm.

As can be expected in an arid country, Namibia's water resources are also limited. The country depends on three main sources of water (*ibid.*):

- Groundwater sources, consisting of boreholes which supply about 57% of the country's needs.
- Perennial rivers which supply about 23%.
- Large surface water reservoirs, which store seasonal flood water and account for about 20% of total demand.

Groundwater sources are unevenly distributed in the country and not equally accessible. The chances of establishing successful boreholes range from 50-100% in the north-east of the country, to between 25% and 50% in the central parts, to below 25% in the south and west. The sustainable use of groundwater sources requires that the rate of abstraction is at least equalled by the rate of recharge, which depends on rainfall. The indications are that groundwater abstraction rates are exceeding recharge rates (*ibid.*: 76).

These environmental factors not only determine present land-use patterns, but they also circumscribe the agricultural potential of agricultural land. Areas with a mean annual rainfall below 200 mm are suitable only for extensive small-stock farming, while large-stock or cattle-farming becomes possible in those parts of the country receiving more than 300 mm of rain per annum. About 40% of the country is considered to be high-potential grazing land, while 15% has only medium potential. Another 30% of the land has low to very low potential, requiring upwards of 18 ha of grazing for one large stock unit. The remaining 15% of the country consists of hyper-arid desert areas (*ibid.*: 79).

## COMMUNAL LAND

Land policy in the communal areas has received little attention since independence. This can be attributed to the fact that due to the predominance of equity concerns, the new Government concentrated all its efforts on the redistribution of commercial land. Neglect of the communal areas on a policy and legal level resulted in the accelerated enclosure of communal areas, particularly in the eastern and northern regions. A number of factors can be discerned which have contributed to this process.

In the first place, independence was followed by an administrative vacuum in the rural areas. The Constitution dissolved the ethnically-based

representative authorities which had been created by the colonial Government in the early 1980s. Essentially the concept of these authorities was based on the recommendations made by the Odendaal Commission in the early 1960s to establish 'homelands' for different ethnic groups in Namibia. Proclamation AG 8 of 1980 issued by the then Administrator-General formalised these recommendations by providing for the establishment of Representative Authorities for 11 ethnic groups in the country. These bodies were invested with, *inter alia*, powers regarding the provision of educational, health and social welfare services, 'traditional law enforcement' and agricultural support services.<sup>36</sup> Significantly, representative authorities were also given powers to allocate, sell or lease communal land under their authority, provided that 'Cabinet' issued a certificate confirming that such land was not required for public or official purposes (Adams & Werner 1990: 95). Representative Authorities, while not politically acceptable, nonetheless extended government authority into the country's rural areas. The newly independent Government was not immediately able to substitute the abolished Representative Authorities with new and more acceptable forms of regional administration, thus creating a temporary administrative vacuum.

Secondly, and related to the first point, the role and function of traditional leaders since independence became unclear. On the one hand, many traditional leaders were deprived of direct access to government structures by the abolition of Representative Authorities. On the other hand, Government did not appear to have a clear policy on the roles and functions of Traditional Authorities in an independent Namibia. At the end of 1990, a Commission of Inquiry into Matters relating to Chiefs, Headmen and other Traditional or Tribal Leaders was appointed. The Commission submitted its report in 1991, but did not make any recommendations on the functions of traditional leaders with regard to the allocation and administration of communal land. The Traditional Authorities Act of 1995 also does not provide them with any powers regarding land allocation and management. As a result, traditional leaders continue to carry out customary responsibilities regarding land without an appropriate legal framework.

By and large this did not create major problems regarding the allocation of land to subsistence farmers. Traditional leaders, however, were unable to control the enclosure of communal grazing land by the new elite – consisting of businesspeople, senior politicians and civil servants. Although the extent of communal rangeland enclosure is not accurately known, indications are that it has assumed alarming proportions. It impacts negatively on existing grazing areas by depriving cattle owners of seasonal grazing away from their homesteads, thus increasing pressures on already heavily grazed pastures.

<sup>36</sup> See Werner (1987: 74).

The process of enclosing communal land was facilitated to some extent by the provisions of the Constitution. Article 21 dealing with fundamental freedoms enshrined the right, *inter alia*, to 'reside and settle in any part of Namibia'. In the absence of any constitutional provisions protecting land rights not sanctioned by law, i.e. rights to communal land, Article 21 was frequently interpreted by the new elite to mean that communal land not in permanent use could be fenced off regardless of any property rights which may have existed, albeit seasonal. Customary forms of control were brushed aside as a relic from the colonial past.

At the Land Conference in 1991 the enclosure of communal land was identified as 'posing a serious threat to the future subsistence of small farmers in the communal areas'. The participants consequently resolved that 'illegal fencing of land must be stopped and all illegal fences must be removed'.<sup>37</sup> However, Government has consistently turned a blind eye to such enclosures despite public statements condemning the practice.

## CONCLUSION

Despite much political rhetoric about the importance of the land question and land reform in Namibia, the Government has been slow in producing a comprehensive land policy and programme for land reform. Less than 100 000 ha of freehold land has been bought for redistribution by the State since independence. Similarly, no policy or legislation regarding land and land tenure issues in the non-freehold or communal areas exists as yet. The reasons for this must be sought in the political balance of forces in Namibia. The dispossessed and landless communities in need of land redistribution lack the organisational and political power to put pressure on Government. In the meantime the new elite, with considerable financial resources and often direct access to high political office, are asserting their interests, particularly in the non-freehold areas. It remains to be seen whether future land policy and legislation will be able to reverse this trend.

<sup>37</sup> *National Conference on Land Reform and the Land Question*, Vol. 1, p.38.

## 15

# Decentralisation put to the test: the case of Oshakati – economic capital of former Owamboland

Olivier Graefe and Élisabeth Peyroux

Faced with the necessity of breaking with the administrative and territorial structure inherited from the apartheid regime, the Namibian Government opted for partial decentralisation. The aim of the reforms was not only the political and institutional homogenisation of the Namibian nation, but also to establish a new national economic equilibrium between the former 'homelands' and the so-called 'police zone', and at local level, within the towns themselves. The democratisation of political life, i.e. 'grassroots democracy', is at the heart of the post-1989 reforms. After an initial phase that formally eliminated the homelands (by way of the abolition of Proclamation AG 8 of 1980, the dissolution of Legislative Councils and the ethnically-based Representative Authorities), the first regional and local elections based on direct universal suffrage were held in 1992 and territorial entities were set up throughout the country in accordance with the provisions of new legislation (the Regional Councils Act, No. 22 of 1992, and the Local Authorities Act, No. 23 of 1992).<sup>1</sup> With over 80% voter participation, the elections enhanced SWAPO's victory by a 67% share of the votes cast (Weiland 1993: 120, 122).

Decentralisation in Namibia takes different forms at different levels. The regions, which are represented by elected councils placed under the authority of the Ministry of Regional and Local Government and Housing

<sup>1</sup> The new administrative entities (13 geographically designated regions, 49 local authorities and 95 constituencies) were defined by a commission appointed by the President in September 1990, i.e. the First Delimitation Commission of Namibia on the Determination of Regions, Constituencies and Local Authorities. After some changes in the number of local authorities, the delimitation was ratified by the National Assembly (Proclamations No. 6 and No. 9 of 1992). The criteria for regional delimitation were focused on creating territorial units of the same demographic size (Töttemeyer 1992: 81, 90f).

While the choice of decentralisation is the outcome of a political balance of forces, its actual conception – namely defining territorial authorities and endowing them with responsibilities and functions – and the territorial delimitation of those authorities and of the constituencies, were not the subject of widespread debate. Considering the importance of territorial recomposition, indeed redrawing the map of Namibia's political geography, the reaction of the media and opposition was surprisingly modest (Sidaway & Simon 1993: 22; Weiland 1993: 119). During the debates in the National Assembly prior to adopting Local Authorities Act 23 of 1992 (LAA),<sup>3</sup> no fundamental criticisms were raised. On the contrary, the DTA agreed to the bill with satisfaction, since some of its provisions concerning municipalities (e.g. those enabling the Government to supervise important matters of urban development such as urban extensions and local taxation) theoretically ensure that the policy of national reconciliation would be applied at local level. In fact, all planning and proclaiming of townships must be submitted for approval to two authorities staffed by members of certain ministries: the Townships Board,<sup>4</sup> which deals with technical aspects; and the Namibian Planning Advisory Board (NAMPAB),<sup>5</sup> which by way of its advisory role to the Minister of Regional and Local Government and Housing decides on the 'desirability' and 'necessity' of planned townships (Association for Local Authorities in Namibia (ALAN) 1995: 13). All increases in local taxes beyond a given limit (2,5%) must be approved by the Minister (LAA section 73(3)(a)). Such controlled autonomy thus tends to limit potential 'excesses' in towns with a white-dominated economy on the part of municipal councils with a black majority that might be tempted to adopt redistribution policies in favour of 'historically disadvantaged people'.

By maintaining the quasi-autonomy of 'white' towns while placing the former homeland towns under tutelage, the LAA in fact establishes a two-track decentralisation process that has little effect on the imbalances inherited from apartheid.

<sup>3</sup> Debates of 5/8/92.

<sup>4</sup> The Townships Board has between five and ten members: the Director of Local Government (MRLGH), the Surveyor-General, the Registrar of Deeds (MLRR), the Chief Roads Engineer in the Department of Works and central government's Director of Works or their delegates, and one delegate each from Water Affairs (MAWRD) and TransNamib (ALAN 1995: 13).

<sup>5</sup> NAMPAB consists of the Permanent Secretaries of the MRLGH, the NPC, the MAWRD, MWTC, the MFMR and the MJ. SWAWEC (now NamPower), ALAN and one person appointed by the MRLGH Minister also have NAMPAB seats (ALAN 1995: 13).

## THE LAA: TWO-TRACK DECENTRALISATION

The LAA regulates urban management.<sup>6</sup> In sections 7-29 the Act defines the new local institutions ('local authority council', 'management committee') and their members ('mayor', 'chief executive officer' or 'town clerk', 'chairperson', 'employees', etc.), describes their functions, responsibilities and duties (sections 30-78), and sets out the procedures for financial management (sections 79-87). Provision is made for three categories of territorial authority, defined in terms of their degree of financial autonomy in relation to the MRLGH (section 2), namely *municipalities (grade I and II)*, *towns*, and *villages*. These categories, however, are not airtight. A Local Authority with *town* status may become a *municipality* under two conditions: the existence of a township approved by the competent authorities, and the capacity 'to pay its debts out of its own funds' (section 3).

All existing municipalities are towns of the former police zone. They continue to be responsible for urban management since the colonial regime had granted them approved townships and since their resources enable them to maintain a balanced budget, independent of government subsidies. This is not true for the towns in the former homelands, the urban territories of which had never been defined and had never had local urban administration. Placed under the tutelage of the MRLGH due to their financial dependency, such towns now act as Central Government relays in urban structures rather than as efficient promoters of a locally defined urban policy, despite the fact that the municipal councillors were elected in December 1992 through universal suffrage.<sup>7</sup>

By retaining the financial criterion for differentiating Local Authorities, decentralisation as defined by the LAA reflects the inherited disparities of development and resources, and indeed re-establishes the different types of Local Authorities. Since there is no vehicle for redistribution or for adjustment *between* Local Authorities, the law does not reflect any intention to reduce inequalities. Thus the distinction between poor 'black' towns in the former homelands and rich 'white' towns in the former police zone is continued, if not reinforced (Weiland 1993: 130).

It should also be noted that the existing laws and norms for town planning are costly and ill-adapted to urban conditions in the former homelands. The old legislation inherited from apartheid has not yet been reformed and

<sup>6</sup> The provision and maintenance of services and infrastructure (drinking water, electricity, gas, sewerage, public transport, road works and various other networks), a housing policy in which other institutions or persons may participate, markets and shopping centres, municipal public services (abattoirs, airports, ambulance services, a fire brigade, museums, nurseries, orchestras, etc.) and public refuse dumps.

<sup>7</sup> Seven municipal councillors were elected for five years through a one-round list-system vote (Electoral Act, No. 21 of 1992).

the new rules and regulations for services supplying water and electricity (*Government Gazette* No.1283 of 1966), laid down by white town planners and engineers trained in South Africa and based on the Windhoek model, do not come close to promoting a new approach. And does the Ministry in charge of Local Authorities in the former homelands have the human and financial resources required to implement these new rules and regulations?

Our enquiry into the ways and means of implementing municipalisation at Oshakati helped to clarify the limits and ambiguities of a process that in theory aimed at empowering the new Local Authority and promoting better urban management, so that it may attain *municipality* status. While these limits and ambiguities become apparent in the transfer of responsibilities, they are also inherent in the very concept of *town* which, in the light of current political practices, is hardly functional.

Ill-prepared, ill-informed and minimally involved in the delegation of tasks, the local administration finds itself poorly equipped to tackle its new responsibilities in urban management.

### AMBIGUITIES AND LIMITATIONS OF A MUNICIPALISATION PROCESS UNDER SUPERVISION

To begin with, the local administration of Oshakati, which was set up after the December 1992 elections, suffers from a lack of rationality inherited from the administrative transition between 1990 and 1993. With the dissolution of the Owambo Legislative Council in 1989 and the abolition of the Representative Authorities in 1990, a Regional Commissioner was appointed for each of the former homelands. His or her task was to follow through the transition until the new bodies to be elected took over from 1993 onwards (Sidaway & Simon 1993: 22; Frayne et al. 1993: 7). All land managed by the former administrations was transferred to Central Government by virtue of Article 124 and Schedule 5 of the Constitution, and the 8 000 employees of the ethnic Administration for Owambos were absorbed by the civil service and redeployed in the new ministries (Cliffe et al. 1994: 257; Sidaway & Simon 1993: 21). In 1992/93 the staff delegated to the MRLGH were being shared between the three regions of Oshana, Omusati, and Ohangwena, and the three towns of Oshakati, Ondangwa, and Ongwediva. Due to the dispersal of personnel, the local administration of Oshakati does not have at its immediate disposal the human resources needed to cope with all the technical sectors, so wherever necessary it must request assistance from the MRLGH, on which it remains heavily dependent. Also, given the attraction of Windhoek and the private sector, it is difficult to fill local staff vacancies by recruiting and above all retaining competent people in their positions.

The MRLGH's failure to fully involve Oshakati's local administration in a municipalisation process which is entirely controlled by that Ministry also jeopardises efficient urban management. Since the partial transfer of budgetary and management responsibilities to the local administration had not been accompanied by the dissemination of information, it led to confusion and misunderstanding, as is revealed by the differing perceptions between Oshakati and the Central Government, as well as by contradictory policy statements within the MRLGH. When the new budgetary responsibilities were transferred in September 1993, the MRLGH Deputy Minister referred to Oshakati as a '*municipality*' (*The Namibian* 2/9/93) although it only had the status of *town*. This long misunderstanding had hardly been dispelled when the next step in the municipalisation process created new confusion. The proclamation of the township of Oshakati with its five extensions<sup>8</sup> by the Minister of Regional and Local Government in May 1995 was indeed interpreted by the Local Authority as a change to *municipality* status since it implied a transfer of the land ownership<sup>9</sup> – a necessary, albeit insufficient, condition for obtaining this status. The local administration nonetheless began to use the term '*municipality*' on its official documents, for its offices and on its vehicles, while the *Government Gazette* expressly refers to the '*town*' status of Oshakati. Due to this misunderstanding, which the MRLGH did not clear up, the Ministry's supervision was perceived by the Local Authority as a Central Government takeover of the municipalisation process and certain aspects of town management.

Although the difficulties and shortcomings in management were pointed out by the Town Clerk in 1993,<sup>10</sup> i.e. no thorough knowledge of the state of local finances and the lack of dialogue with local office-bearers, they were not rectified by the supervisory Ministry. Partial transfer of budgetary responsibilities took place without a prior evaluation of local revenues and expenditure, and without clarifying finances which still in 1996 were murky and inexact (Kim 1993: 13; Mattingly 1993: 4; SWAM 1996: 11). The issue of arrears in payment for urban services owed by the entire population was repeatedly raised by the Local Authority but has not been tackled, despite the very high outstanding amount (N\$5 million) and its negative effect on balancing the budget (SWAM 1996: 10). It is under these unfavourable conditions that the Oshakati Local Authority has been obliged to take responsibility for new revenues and expenditure. Indeed, the revenues from water and electricity utilities and from the removal of refuse and sewage will henceforth be kept by the Local Authority, which in turn must pay the Department

<sup>8</sup> These settlements were created during the 1960s.

<sup>9</sup> *Government Gazette* No. 1090 and *Government Notice* Nos. 90-95 of 1995.

<sup>10</sup> Personal interview 20/9/93 conducted by co-author O.G.

of Water Affairs<sup>11</sup> of the MAWRD for water consumption in the entire urban area, and to the parastatal SWAWEC<sup>12</sup> for its electricity. Wages continue to be paid by the MRLGH, with the exception of those for the Town Clerk, the Treasurer and staff recruited after 1 September 1993 (Oshakati Town Council, 1995).

Finally, the lack of coordination between the Ministry and the Local Authority is reflected in incoherent planning. The future township of Oshakati North is a telling example. Its plan of some 2 500 plots was proposed by the MRLGH but rejected by the Local Authority and the Town Council because it did not take into account the Council's planned site for a new school (resolutions of 13/2/96 and 6/3/96). In the same vein, the original plot layout dating back to the 1960s was replaced (though some of the old but still valid legal norms were not respected<sup>13</sup>) without the Local Authority's involvement, neither in the preparation phase nor in the approval procedure of the new urban plot layout.<sup>14</sup> And yet this plan provides the basis for the Local Authority's finances since it will constitute the entry for the Land Survey Register, this Register being the condition for the sale and taxation of plots and immovable properties. This only underscores the paradox faced by the bodies responsible for approving the new plan (NAMPAB and the Township Board): they had to ratify a plan which corresponded to the existing structure but was not in compliance with the law, without being able to suggest any rectifications because these would have entailed costly and unpopular alterations in the townships.

On top of these practices which exclude the Local Authority from the municipalisation process, and which moreover jeopardise efficient urban management, there are the limitations inherent in the *town* status itself - which put the Oshakati Local Authority in an awkward position. Endowed with new responsibilities by the supervisory Ministry, which provides little support, and confronted with demanding voters, it lacks the means and the necessary room to manoeuvre, which would enable it to respond directly to pressures from the public that threaten its economic and social base.

### **'TOWN': AN INTERMEDIARY STATUS, AN AWKWARD POSITION FOR NEWLY ELECTED REPRESENTATIVES**

The first set of limitations set by the *town* status becomes apparent in the very composition of the Local Authority, which by virtue of the Ministry's

supervision is comprised of staff with varying status and motivations. The Director of Administration is the Town Clerk who is appointed and paid by the Ministry, with the exception of Oshakati where since 1993 he has been paid by the Town Council. According to the LAA, the Town Clerk executes decisions which the Town Council, elected by the population, makes on the recommendation of its management committee, after having submitted them to the MRLGH for approval. The Mayor, who is elected by the Town Council every year, has no executive functions. In real terms the political decisions are made by the Ministry, and the Town Clerk's role is more that of a representative with limited powers. In this position he must face criticism from the Town Council without having the means to respond.<sup>15</sup>

Other limitations are due to the divisions of areas of competence between the Ministry and the Local Authority. In terms of the LAA and Oshakati's status as a *town*, the planning of townships inside the boundaries falls within the competence of the MRLGH. By maintaining control over unsubdivided land, the Central Government deprives the Local Authority of any means to gain the public recognition it seeks. Indeed the Local Authority is unable to satisfy a demand exacerbated by land pressure, with which it is directly confronted every day. Yet, responding to this demand for land is all the more important in that it comes from precisely the section of the population that provides its economic and social base. This rapidly upwardly mobile section emerged in the wake of the colonial policy of 'Bantustanisation' in the 1970s which aimed at creating a black middle class of civil servants (Tapscott 1995: 156), and it has since grown in size through the current government policy of affirmative action. Solvent and thus able to pay for its water and electricity, this group is presently the only source of the Local Authority's own revenues. Securing its support is therefore crucial for the latter's self-preservation.

Another predicament for the Local Authority lies in its being charged with the unpopular duty of removing established populations from peripheral areas earmarked for new housing subdivisions. Residential areas may only be extended into peri-urban agricultural land to the detriment of the population living there, but they are compensated by the Central Government. Thus the Local Authority must face public discontent even though it is neither responsible for nor consulted on the decisions made by the Ministry (*The Namibian* 15/10/95, 1/12/95, 20/5/96).

The Local Authority's awkward position enables others to position themselves on the chessboard of local politics. The Regional Councillors, deprived of authority (Weiland 1993: 131), grab this opportunity in order to assert a role for themselves among the population and to influence Central

<sup>11</sup> Now the parastatal called NamWater.

<sup>12</sup> South West African Water and Electricity Corporation, today called NamPower.

<sup>13</sup> Townships and Division of Land Ordinance, No. 11 of 1963.

<sup>14</sup> Interview of 24/11/95 with Regional Town Planner MJ Hoejgaard.

<sup>15</sup> In November 1993 the Town Councillors of Rundu even requested the Ministry to dismiss the Town Clerk.

Government. People threatened with eviction and forced to seek out intermediaries capable of defending their rights tend to turn towards the regional body in the hope of making the Central Government aware of their plight and to win it over in a conflict which seems to pit them against the Local Authority. The Regional Council thus ends up playing a key role on the local scene as an intermediary between the Central Government – which maintains an ambiguous stance (*The Namibian* 20/5/95, 31/7/96) – and people living on town land even though such land is beyond its jurisdiction.

In the informal settlements, the rather powerless Local Authority finds itself in growing competition with neighbourhood institutions that emerged from a development project (the Oshakati Settlement Improvement Project (OHSIP)), financed by the Danish Government. Conceived and created by the project, the community committees elected by the local people were given ambitious tasks, namely those of a 'district council' managing infrastructures and plot layout. Thus they were bound to occupy the central position of inevitable intermediaries between the community and the Local Authority. Elaborated in the absence of consultation with Local Authorities and Government, the committee concept met with stiff opposition from public institutions which feared that they would be unable to control committees established in what they tend to regard as opposition strongholds. Well over half and possibly even two thirds of the population of Oshakati live in these settlements, including amongst them many soldiers of the former South African Defence Force who moved in with their families during the liberation war. As for the Local Authority, it is worried about overlapping jurisdiction with the committees which might in the end seize municipal functions, although their popular base remains limited despite the incorporation of certain traditional leaders.<sup>16</sup> The 'disgrace' which the latter suffer at the hands of the Local Authority and Government alike, both of which wish to keep them out of land management in urban areas,<sup>17</sup> only adds to the already perceptible antagonism between these public institutions and the committees. Given the problems of municipalisation, well-established settlement committees present a hindrance for a Local Authority in its quest for public recognition.

The political process of setting up a framework of public institutions in Oshakati is taking place in a context of rapid social change along with ever-diversifying demands. So the challenge of municipalisation, and decentralisation in general, lies in its ability to respond to the scope of local needs and to arbitrate between the various demands without jeopardising either the fragile social balance or the electoral base of the new Local Authority.

<sup>16</sup> A field study carried out in April 1996 in the settlements of Oneshila and Amun-kamba shows that the committees are not recognised by the population as a district authority.

<sup>17</sup> Traditional Authorities Act, No. 17 of 1997, section 12.

## THE CHALLENGE OF MUNICIPALISATION: RESPONDING TO THE SCOPE OF DIVERSIFIED LOCAL NEEDS

The evolution of lifestyles and of sources of income is at the heart of social transformation. Access to wage employment and maintaining a rural and agricultural base appear to be the main criteria of socio-economic differentiation.

Aside from a minority of large traders, who also own land and farms and for whom Oshakati is just a place for commercial investment, the top of the social ladder is occupied by a predominantly black upper middle class of public service and private sector executives (banks, insurance companies, commercial centres), who have settled either in the new residential areas of Ongwediva or in the former white township of Oshakati, abandoned by its original residents. Their demand for a higher standard of housing has thereby been partly satisfied.

One step down on the social ladder come the black middle classes made up of civil servants and other wage earners, who tend to support themselves by combining various activities: wage employment, agriculture, and commerce (e.g. the 'cuca-shop bourgeoisie',<sup>18</sup> (Cliffe et al. 1994: 225)). For example, civil servants owning cuca shops live in town while keeping and cultivating their millet fields in their home village. Present in all types of settlement (e.g. the black township of Oshakati West, informal settlements, homesteads in the peri-urban areas), these middle classes strive to improve their housing conditions: township tenants are seeking access to private ownership in real estate; subtenants, eager to remedy their precarious position, need new plots to settle on because existing townships are overcrowded; residents of informal settlements want their housing to be formalised, with individual access to urban services; whereas inhabitants of peri-urban areas threatened with eviction in order to make room for residential extensions are organising themselves to keep their agricultural land and place of residence while demanding the extension of infrastructure and urban services.

The self-assertive drive comes from the middle classes that represent only a small part of the urban population while the majority are becoming paupers: immigrants deprived of agricultural resources, who have recently settled in town;<sup>19</sup> former soldiers looking for a way into civil activities;

<sup>18</sup> 'Cuca' shops are shebeens or small bars, named after an Angolan beer.

<sup>19</sup> The conditions of agricultural production have been deteriorating since the establishment of the contract labour system at the beginning of the 20th Century and since Bantustanisation. Nowadays illegal fencing reduces rangeland accessible to all and thereby penalises stock breeders, while cereal production for own consumption no longer assures food security (Frayne et al. 1993: 54). As a result, family members migrate to towns in search of sources of income, thus creating a shortage of agricultural labour, which in turn further reduces production capacity.

returnees facing the problem of social reintegration; and small traders and labourers, particularly those from Angola, suffering from a decline in business since the South African military pullout (Pendleton et al. 1991: 4). Living on petty trade or casual labour which do not yield a steady income, these residents can only find housing either by relying on family support, or by settling on the fringes of the flood zones (*oshana*), these being the only unoccupied pockets on town land.<sup>20</sup> The most pressing need for plots and services comes precisely from this section of the population which barely sustains itself and lives in precarious conditions. Yet today, with the shortage of available space on town land and the resulting strong land pressure, it seems that only the demand of the solvent middle classes is taken into account, as is evidenced by the new housing estates of Oshakati North and Ongwediva. This raises the question of whether such political practices are conducive to the emergence of a civic spirit and to mobilising the residents – both indispensable for real decentralisation to succeed. In future local elections, in designating one councillor per ward, each constituency will elect one councillor from among several candidates. This will place Town Councillors under direct pressure from their voters. Will this pressure ensure that the interests of the most needy residents are represented?

Another question – beyond the sheer scope of needs – concerns the nature of the people's demands and their aspirations for infrastructure and services. Whether expressed by the people or by Local Authorities,<sup>21</sup> they appear unrealistic in view of the amount of Central Government funds and local financial resources available, and given the income level of the majority of the population. Yet the apartheid-type township with its right-angled layout of streets, its rows of matchbox houses, and above all its supply of urban services to individual households, remains the preferred model. How do the Local Authority and its supervising Ministry intend to respond to these expectations? What mechanisms for levying local resources will they establish in order to finance urbanisation, whatever form it assumes? What concept of a post-apartheid town will emerge from the debates triggered by these questions? Reforming the structure of the apartheid town, strengthening the economic base of the new Local Authorities, and designing ways and means for greater participation of the people in urban management, are all fundamental issues which Namibian decentralisation has not yet tackled.

<sup>20</sup> These periodically flooded areas are part of the hydrographic Cuvelai Basin and cover about half of the town land of Oshakati (5 703 ha). They are inundated during the rainy season, and occasionally by water flooding in from Angola, i.e. the *efundja*.

<sup>21</sup> As shown by the results of a series of field studies conducted in the informal settlements since 1993.

## CONCLUSION

The outcome of a long decolonisation process with both internal and external pressures, and the fruit of a political compromise at independence between the governing liberation party, SWAPO, and the opposition, decentralisation has not proved to function well along the lines of Local Authorities Act 23 of 1992 – at least on the scale of our study – with regard to political practices and efficient urban management alike. The example of Oshakati as the economic capital of former Owamboland brings to the fore the limitations and the dysfunctioning of the current municipalisation process.

In addition to the weakness of local structures inherited from 'separate development' of the past – which the supervisory Ministry seems to conceal – there is the ambiguity of the latter's position and practices. The partial transfer of budgetary responsibilities, conceived as the first step towards the status of a fully-fledged municipality, was carried out without involving or consulting the Local Authority, thereby producing confusion and misunderstanding, and leading to incoherent proposals that tended to undermine rather than consolidate the new Local Authority. Furthermore, the gradual delegation of decision-making powers has not been matched by an adequate transfer of financial and human resources. The insufficient funds allocated to Oshakati by the MRLGH, the difficulties in locally levying funds needed to balance the budget, the lack of competent technical expertise in the area, and the sluggishness of structural reform in urban planning, all present obstacles to efficient urban management, and in the medium term, to achieving the desired status of *municipality*.

These limitations and dysfunctions are also linked to the *town* status which, as is revealed by the Oshakati experience, appear to be due to the unviable concept of an 'intermediary' Local Authority. Placed under the supervision of the MRLGH, the Local Authority with its Town Council elected by the people is not in a position to respond directly to the demands brought to its attention every day. On top of that, it has to carry out unpopular decisions made elsewhere. Reduced to the role of a buffer institution and the target of public discontent over the Ministry's partial policies, the Local Authority has not been able to win the public's recognition and confidence. How can it possibly acquire control over its territory and collect the necessary revenue from the urban population if it is perceived as a powerless institution – at best serving only minority interests? The combined results of the supervisory Ministry's political practices and the limitations hampering the Local Authority's autonomy and capacity to respond to social pressures jeopardise its very legitimacy. This raises the question of the seriousness of political intentions to carry out decentralisation. Is the supervising Ministry genuinely interested in sharing power and relinquishing control over local affairs? For the time being, decentralisation boils down to a limited local

delegation of powers while producing frustration both within the Local Authority and among the people in general. Whether the decentralisation process can attain the ambitious goals set by the Government is open to question.

Given the weakness of power and resources inherent in its *town* status, the Oshakati Local Authority is ill-equipped to take up a dominant position on the chessboard of local politics. Since independence, new actors apart from traditional leaders have come forward, also seeking public recognition. The Regional Councillors are eager to influence the Central Government, and neighbourhood committees reaching out beyond their initial task of merely running new facilities want to assert themselves as permanent structures in the informal settlements. Can it nevertheless be contended that decentralisation, with the establishment of regional and local institutions, paves the way to better political representation of the needs and aspirations of the people as a whole? For the time being, and given the rapidly changing socio-economic context with a diversification of demands for urban facilities, the arbitrations by the supervising Ministry – which dominate the local scene – appear to favour the growing middle classes to the detriment of the majority of people who are becoming poorer. However, in the light of limited public funds, the financial contribution of all households towards urban development is an essential condition for the success of decentralisation and depends on taking into consideration the needs and aspirations of the greater number of people. While building the nation state as propagated by the Namibian Government calls for a better distribution of national wealth as well as a readjustment of structural inequalities inherited from the past – both between Local Authorities and within the urban population, and accompanied by sufficient and appropriate financial, technical, and human resources – it also implies the affirmation of a sense of citizenship, which seems to be hampered by the conditions today.

## 16

### Urban growth and housing policies in Windhoek: the gradual change of a post-apartheid town

Élisabeth Peyroux

Windhoek was the capital of South West Africa since its occupation by German troops in 1890, and remains so in today's independent Namibia. Situated in a valley, it had long attracted local populations and has retained its prominence over a national area which still clearly bears the mark of socio-economic and spatial distortions inherited from apartheid. Around 200 000 people live in the capital, i.e. approximately 13% of the total population estimated at 1,4 million inhabitants in 1991, as does one third of the urban population (Republic of Namibia 1993). The reason for this large town's emergence in a country which is predominantly rural (70% of the population) is the economic weight of the capital of the Khomas Region. Windhoek is the only national industrial and commercial centre of its size in the country and is the source of over 40% of formal employment nationwide (Frayne 1992). The political and administrative hub, which has not yet felt the effects of the decentralisation process initiated in 1992, add to the attraction exerted on investment by the existence of a network of infrastructure and urban services commonly found in developed countries.

Urban growth in Windhoek, due to a large extent to migration from the former 'homelands', has gained momentum since independence and has now reached a rate of almost 6% per annum, with the biggest increases recorded in the black areas in which more than 60% of the population live (City of Windhoek 1996a). The growth of what are referred to as 'informal settlements' on the northern and north-western peripheries of the black township of Katutura is the most significant development. Today more than 40 000 people, or over 20% of the total population of the capital, live in these areas, where urban planning is of the local authority sites and services type.

This new factor in the urban situation constituted an excellent field for analysis to evaluate the extent and types of political and social changes with regard to housing since independence. It demonstrates the policies implemented to house urbanites who have acquired the 'right' to live in the city, and reveals the evolution of the conception of the city, namely in housing, new ways of assuming responsibility for citizens, and new political arrangements. Furthermore, it provides information concerning the practices specific to black city-dwellers and throws light on their (new) urban situation.

How have the reasoning and practices of the various actors developed since independence? Do they contribute to enhancing black citizens' access to urban resources, in particular to property and housing? Has independence had an effect on the model of development in Windhoek, and has it corrected the social and spatial disparities inherited from apartheid? What new conditions are emerging for the urban population?

### URBAN FABRIC SHAPED BY APARTHEID

The urban fabric in Windhoek was shaped by the social and racial segregation set up by the German colonial authorities as from the end of the 19th Century, and by the policy of apartheid institutionalised as from 1948 by the South African Government. Until the end of the 1970s, Windhoek was a typical example of this tradition: a fragmented territory composed of white, black and coloured townships separated by buffer zones; urban space characterised by the unequal distribution of services and infrastructure; a residential area segregated on the basis of ethnic groups in the black township of Katutura, built in 1957, 6 km to the north of the city centre; and finally, a specific type of habitat for the black population – mirroring the colonial conception of the African in the apartheid system. The compound, hostel or 'Single Quarters' were meant for single migrant workers employed under contract and living in the town to satisfy the needs of the 'white' economy. The township of Katutura, with its uniform matchbox dwellings arranged in strict right-angled plans, was home to households whose members, despite their rights as quasi-permanent residents, were nevertheless not regarded as urbanites in all respects. They were refused the right to private ownership of land and real estate, and were denied all political rights in the town. Katutura was the responsibility of the Non-European Affairs Department of the local Municipality: a department subject to the direct control of the South African Government, and as such administered as an entity that was separate from the rest of the town. An advisory board with limited powers acted as an conduit between the city's inhabitants and its municipal employees, mainly as a recipient of complaints and requests, but it was considered to be an agency of control managed by the Local Authority (Pendleton 1994).

The Windhoek Municipality, in its capacity as an agent of the Central Government, had the means to regulate the urbanisation process, given the monopoly it assumed in urban planning, ownership of land, the parcelling out of plots and the building of houses in the black township. Spatial growth therefore corresponded with the prevailing political line: between 1968 and 1975, the development of townships<sup>1</sup> for the white population, despite the fact that whites were a minority, gained momentum. Pionierspark and Academia were zoned for the middle classes, whereas Eros Park and Olympia served the upper classes. On the other hand, the construction of houses in Katutura was terminated, resulting in a chronic shortage of housing for the black population, which was growing despite the restrictions and controls (Simon 1991).

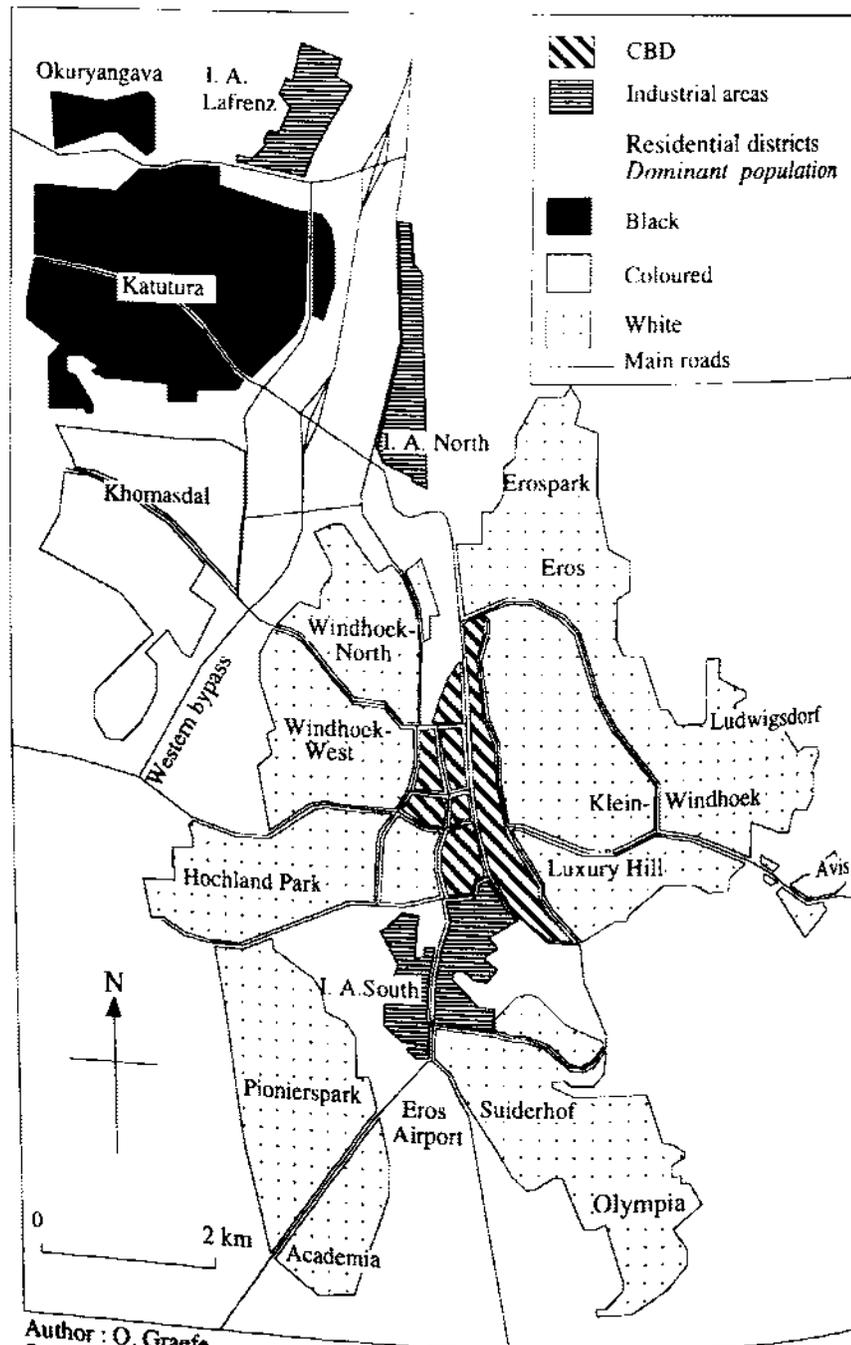
The political changes of the 1970s, referred to as the 'neo-apartheid transition' (Simon 1983b), were accompanied by the abolition or amendment of laws (e.g. the Influx Control Act and Natives (Urban Areas) Act of 1951<sup>2</sup>) which were instrumental in determining urban dynamics and structure. However, the impact of these changes on residential segregation was limited given the persistence of structural and institutional constraints, with socio-economic discrimination taking over from the officially abolished racial discrimination (Simon 1986). Although access to home ownership in Katutura was now permitted, residential mobility towards the white areas was slowed down by the rise in the purchase price of houses, and by the Government's hold over more than one third of the housing available in the white areas of Windhoek (UNIN 1986). Thus, despite the emergence of a few mixed areas, the combination of the market economy and the racial structure of wages and employment contributed to inhibiting a process of urban integration, thus demonstrating the limits of legislative residential desegregation without a true political will.

At the beginning of the 1980s, the Municipality's withdrawal from the direct production of housing left room for the National Building and Investment Corporation (NBIC). The NBIC, a parastatal body set up to pursue the large-scale construction of conventional township houses for the middle classes and to innovate with lower standards of housing along the lines of the World Bank model (ultra-low-cost schemes), targeted the low-income population. However, the Municipality's insistence on high standards

<sup>1</sup> We use the word 'township' with no intention of a racial connotation, following the definition given in the *Manual on Town and Regional Planning Practice in Namibia*: 'It is the surveyed area laid out in erven with a general plan and diagrams of the erven' (Association for Local Authorities in Namibia 1995: 2).

<sup>2</sup> The General Law Amendment Proclamation, AG 5 of 1977; the Natives (Urban Areas) Amendment Proclamation, AG 12 of 1977, revised in 1981; and the Abolition of Racial Discrimination (Urban Residential Areas and Public Amenities) Act, No. 3 of 1970, revised in 1980.

Map 8 : The distribution of population groups in Windhoek at independence (1990)



Author : O. Graefe  
Source : Simon 1991

of construction in housing and urban equipment did not permit a sufficient decrease in costs. In 1988, 60% of the low-income population could not afford the cheapest option on offer by the NBIC (NBIC, undated).

This pre-independence period actually accentuated the division within the black urban population. On the one hand, political action – the gradual ‘Namibianisation’ of the civil service and the municipal policy of granting access to private ownership – encouraged the creation of a middle class of ‘silent’ black property owners (Von Garnier 1986; Simon 1988). On the other hand, economic policies prevented a growing population of old and new residents – who were unable to enter the labour market – from obtaining formal housing. Moreover, such housing was not developed at the same rate as the escalating population (Frayne 1992). On the eve of independence Windhoek reflected the ambiguities of a transition period under South African control. The primary concern being to maintain the status quo, no structural reform had been initiated. Nevertheless, in an attempt to ensure its legitimacy, the Transitional Government of National Unity undertook a symbolic action: in 1987 the compound was demolished and a considerable number of the inhabitants were rehoused in Hakahana, while others were crowded into Katutura per se, adding to the overpopulation of the old township (UNCHS 1990). The population of Katutura, the traditional location for the reception of migrants from the former homelands, increased four-fold between 1970 and 1991, and rose to over 90 000 inhabitants in 1991, or 60% of the population of Windhoek which, with a growth rate of 5% per annum over the same period, had a population of approximately 150 000 in 1991 (Republic of Namibia 1993).

### THE CONCEPT OF HOUSING AT INDEPENDENCE

The National Housing Policy (NHP), which was formulated with the help of the UNCHS-Habitat (United Nations Conference on Human Settlements) and approved by the new Government’s Cabinet in 1991, stressed the extent and urgency of housing requirements as well as the mediocrity of the living conditions in the country as a whole. In urban areas the demand is estimated at 45 000 houses, 90% of which are demanded by the population with the lowest incomes. The UNCHS-Habitat report estimated that a total of 80 000 households required housing at independence. This would necessitate the construction of 16 000 houses per year for five consecutive years (UNCHS 1990). Entrusted to a specific ministry, namely the Ministry of Regional and Local Government and Housing (MRLGH), via the Directorate of Housing, the national policy is a challenge: on the one hand, it has to demonstrate the Government’s capacity to confront the demand in a context of considerable

pressure on public spending, and on the other, it must demonstrate the will to break with the policies of the past, the effects of which are still felt today. Moreover, the Government is faced with an urban population which is more aware of its rights and is therefore more demanding, and whose political and material expectations have been raised by electoral promises.

The concept of housing set out in the NHP implies a redefinition of the role and duties of the state towards its citizens, whose fundamental rights are recognised by the authorities who are their guardians. The Government has no responsibility for the direct provision and administration of housing – which is henceforth considered as a process involving the citizens and not simply a product for consumption – and limits its role to that of ‘provider’ and ‘facilitator’ in order to put an end to the ‘syndrome of paternalism’ or ‘dependence on State assistance’ (Republic of Namibia 1990: 17). One of the fundamental principles of the NHP is to encourage access to private ownership, which aims at making individuals take responsibility by placing them at the centre of the deal. A house is no longer an impersonal location made available by the State or an employer, depending on the professional standing of its occupant(s): it has become a family property, managed by the head of the family according to his or her income, which is the guarantee of the ‘security’, ‘stability’ and ‘economic power of the family unit’ (ibid.: 19). The principle of subsidies is strongly criticised due to the market distortions it implies and is only kept, in a new form,<sup>3</sup> for the poorest social groups who are recognised as having priority over others. Two traditional practices are therefore challenged: first, the renting of subsidised housing from the Local Authority, which now offers houses for sale to their original occupants – this constituting a continuation of the Katutura Alienation Scheme which was replaced by the New Municipal Housing Scheme in 1993; and second, the employer-owned housing formerly provided to employees in the public or private sector (so-called ‘tied’ housing), whereby employers are encouraged to free up such houses by selling them to employees. Confronted with the rise in demand and the shortage of public funds, new participants are beckoned. Involvement is sought from national and foreign NGOs as well as international institutions and development banks, but also – in fact primarily – from the national private sector, namely banks and property firms, which are actively encouraged to set up financing and saving schemes that are accessible to households not usually eligible for bank loans. Theoretically the requirements of all categories of the population are met by a complementarity between the private and public sectors. Resorting to principles like self-help housing development or community involvement in planning.

<sup>3</sup> The Government itself recommends that the principle of subsidised interest rates should be abandoned and replaced by a one-off up-front cash payment to the Local Authority or developer on behalf of the purchaser upon the sale of a plot of land.

carrying out and following up the programmes, is evidence of the importance given to individual and collective aspirations. Through the adoption of these principles, the aim is to encourage technical and administrative know-how: expertise which in the long term will enable the population to take over initiatives launched by the public and private sectors.

Finally, the NHP advocates a revision of building standards that are considered too cumbersome. This is an indirect criticism of the Windhoek Municipality, Windhoek being the most expensive town in the country: the average building costs per square metre are three times higher than those in Swakopmund and ten times higher than those in Keetmanshoop (NHE 1992).

But these new principles come up against the slow rate of political and institutional reform, and the economic environment which basically remains unchanged.

#### DIFFICULTIES ACCREDITED TO THE LACK OF A CHANGE IN WAYS OF THINKING ABOUT THE CITY

It is a fact that in Windhoek independence has not meant a total ideological break with the model for urban development inherited from the colonial era. No thought has been given specifically to the post-apartheid city by a Local Authority which now represents the urban population as a whole as a result of the political and administrative homogenisation of the capital.

In the first years of independence (1990-1996), planning in Windhoek continued along the lines recommended in 1980 in the Guide Plan for the Windhoek Basin (City of Windhoek 1980), which set out the development of the city to the year 2010, and in accordance with the 1976 Town Planning Scheme, as amended, which had little impact on the structure of the city. The major issues addressed were higher residential densities in peri-urban areas, permitting second dwellings on residential plots, and the partial revision of zoning and land usage.

It was not until 1996 that a new structural design for the next 20 years was formulated and approved by the City Council (City of Windhoek 1996b). The general tone of the document evinces the priority given to encouraging economic activities on the basis of a linear model of development, with Katutura constituting one of the two new poles of secondary growth.

The standards for urban development, which were the outcome of pre-independence legislation and practices, still remain in force but are now being officially challenged. Characterised by low-density horizontal expansion and by the presence of large intra-urban wedges of vacant land, the present spatial growth of the town is indeed not conducive to the promotion

of an efficient urban economy. Moreover, the land reserves of this valley site include numerous hilly areas, the reclaiming of which will be a burden on the development costs of the townships (Frayne 1992). Should the Local Authority continue to maintain such costly planning standards and procedures, the purchase of a plot and a house, even of a most basic type, will remain beyond the reach of low-income households (Republic of Namibia 1996).

While the implementation of structural reforms across the board are awaited, the pursuit of Windhoek's model for urban development is not conducive to giving the Local Authority the means to respond to the nature and extent of urbanisation: an urban growth rate of almost 6% per annum, densification of the old black township, and the rapid rise in makeshift and illegal housing in the new extensions on the periphery. The demand for housing, which was estimated at 10 000 units in 1994 (Watson 1994), is partly linked to economic migration to the capital intensifying. Moreover, the migrants are mainly from a low-income population and have come to Windhoek to seek employment opportunities which the former 'homelands' cannot provide. Now that the first five years of independence have witnessed the provision of sites and services on the northern and north-western peripheries of Katutura for low-income groups, it seems that the mid- and long-term residential growth of Windhoek, as formulated by the Local Authority (ibid.), does not actually correspond to the profile of the demand. Indeed the supply for the middle and upper classes (Dorado Park, Rocky Crest, Cimbebasia, Kleine Kuppe, etc.) is bigger than that for the low-income groups, whereas the highest demand comes from the latter, and this section of the population has the highest growth rate (9-10% per annum between 1985 and 1995 for Katutura and its periphery, as compared with 3,5% for Windhoek and 4% for Khomasdal<sup>4</sup>). The mismatch between supply and demand, which is replicated in the private housing and banking sector, also leads to paradoxical situations: there is no demand for the luxury-housing programmes in Ludwigsdorf, a bastion of the white upper classes (*The Namibian* 22/8/95), whereas the private low-cost housing projects in Katutura are refused financing by the banking institutions. Such institutions are reticent because of the present economic and financial climate (*New Era* 7-13/9/95). The lack of liquidity on the local capital market, associated with the high 'export' of Namibian capital to South Africa and the devaluation of the South African Rand, imply a steady rise in interest rates and a hike in the cost of building materials, 90% of which are imported from South Africa. This penalises households who wish to own property. Not only do

their monthly repayments rise, but the banks also reinforce their selection procedures so as to minimise their financial risks (*Windhoek Advertiser* 13/9/95). These economic factors mean that the criterion of solvency has priority over demand. They also deepen the fracture between a population of wage earners and civil servants who have a regular income and housing grants (still operational despite criticism voiced by the NHP) on the one hand, and on the other, a population whose living and working conditions are vulnerable: the rate of unemployment is close to 32% of the population in Katutura, in comparison with 7% in central Windhoek and 16% in Khomasdal. Thus the only options for the vulnerable group are overcrowding or squatting (Republic of Namibia 1995).

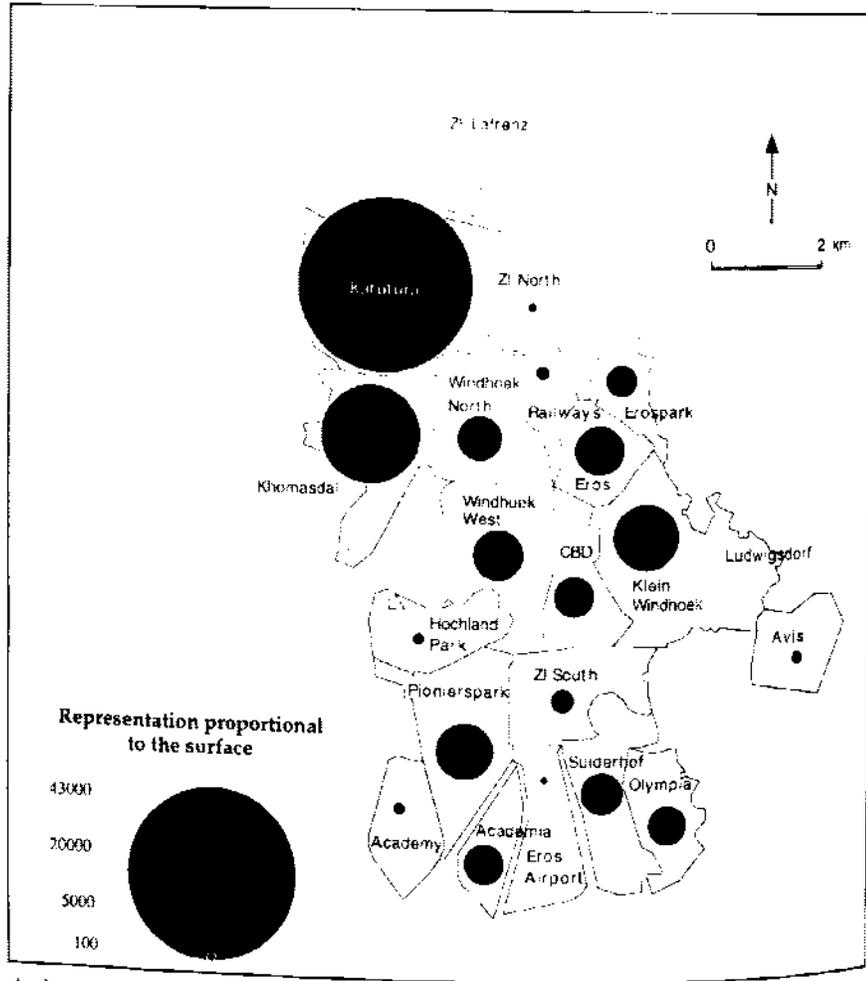
### POLITICAL AND ECONOMIC CONSTRAINTS

Moreover, the increase in pressure on public expenditure is accompanied by further, stricter financial conditions than those in place prior to independence. The Local Authorities Act, No. 23 of 1992, which sets up new principles for political representation, functioning and administration at local authority level, put an end to the preferential financial conditions enjoyed until then. The major part of the Windhoek Municipality's capital came from internal funds, mainly Central Government loans at preferential rates, which enabled it to make a profit. Since the implementation of decentralisation, the Local Authority has had to rely mainly on its own resources and on loans obtained on the capital market, with its concomitant fluctuations and constraints. In an unfavourable economic environment, coupled with a risk of water shortage in the near future, the Windhoek Local Authority is faced with difficult budgetary choices involving its ambitions and duties. These ambitions and duties include: a) maintaining infrastructure and services at high standards so as to keep Windhoek as the site with the highest economic growth in the country, and to win a strategic position in the Southern African Development Community (SADC) region; and b) obtaining compensatory financing to eliminate spatial inequalities and to accelerate residential growth, in order to house a rising number of impoverished urbanites living under vulnerable conditions (City of Windhoek 1994a).

The example of the National Housing Enterprise (NHE), a parastatal which has been supplying housing for the middle and lower classes since the beginning of the 1980s, illustrates the contradictions and limits of a policy which is not accompanied by the necessary structural reforms. Deprived of the public subsidies from which it benefited until then by a Government anxious to follow the recommendations of the National Housing Policy, the

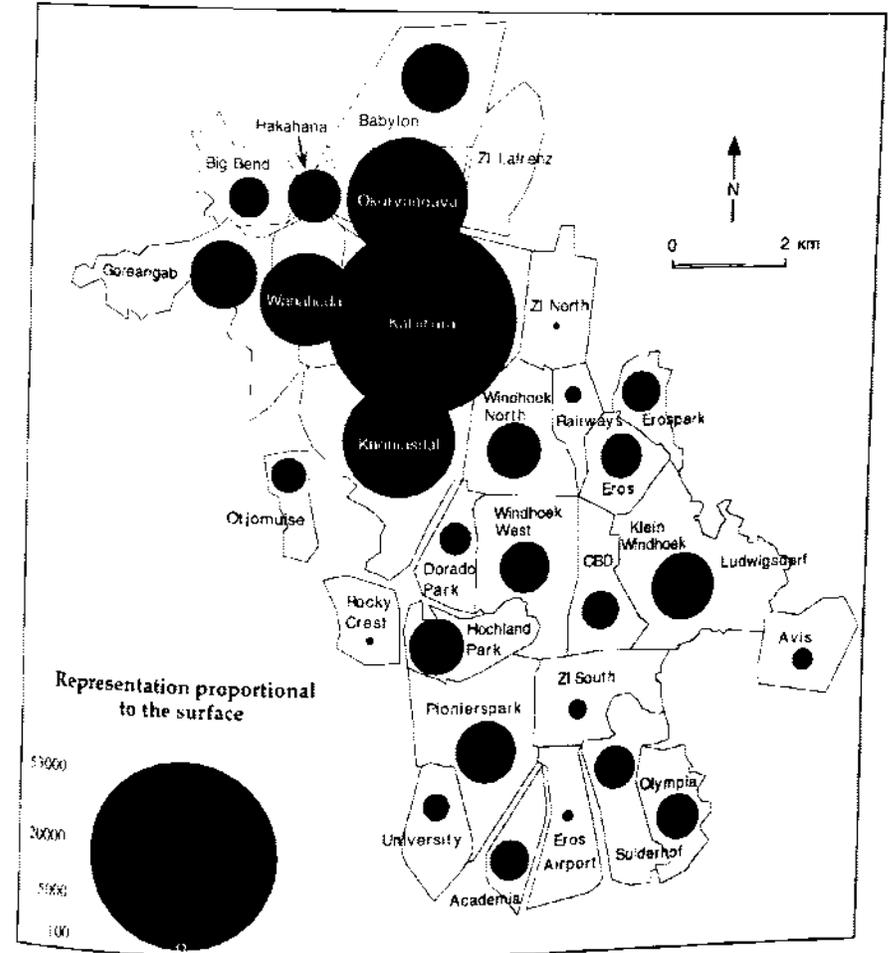
<sup>4</sup> City of Windhoek 1996a. *Windhoek* here means the city centre and the areas other than Katutura and its periphery (Hakahana, Wanaheda, Okuryangava, Goreangab), as well as Khomasdal, the former so-called 'coloured township' and its periphery (Otjomuise).

Map 9: Windhoek's population in 1985



Author : Christophe Sohn, 1998  
Source : Windhoek Household Census, 1995

Map 10: Windhoek's population in 1995



Author : Christophe Sohn, 1998  
Source : Windhoek Household Census, 1995

NHE was enjoined by this same government to pursue its public service mission to house low-income populations by applying 'strict business principles and financial discipline' (*The Namibian* 30/1/96). However, economic constraints and the rigidity of the political and institutional context have compromised the success of the Government's housing programme targeting the low-income population.<sup>5</sup> In fact, this programme, based on the private ownership of a plot and/or a house through the granting of long-term loans to an urban population whose low purchasing power continually declined, had a record of very low repayment rates. With the probable expulsion of households unable to reimburse their loans (*The Namibian* 20/3/96) and their replacement by more solvent candidates, would the programme not in the long run benefit the middle classes with a regular income, particularly lower-grade civil servants and public service or parastatal employees who obtain housing grants from their employers? The stockpiled building materials on a plot, as well as the speed at which the original house is enlarged, show a mobilisation of income now which at times exceeds the level declared by the homeowner when the loan was originally taken out (NHE 1995). Moreover, maintaining municipal building standards excludes the lowest-income households from owning a house ready for occupation. The only options open to this category of household is to buy a partly serviced plot with communal infrastructures. Such plots become eligible for a degressive up-front subsidy, according to the level of the candidate's income and the procurement of small loans for building materials (Building Material Fund) with short repayment terms.

The success of the national 'Build-Together' Programme, launched in 1992 by the Directorate of Housing of the MRLGH with the technical assistance of the United Nations Development Programme (UNDP) and the UNCHS-Habitat, is somewhat modest if compared to the ambitions of its aims. This programme is financed by the Namibian Government and offers 20-year loans at subsidised rates to three categories of household: those with an income below N\$1 250 a month; those living in under-equipped or 'deprived' areas; and those with low or average incomes who are not eligible for the loans on offer from banks and building societies. The programme has several components. One component enables the purchase of old houses in the township or alternatively a serviced plot on the periphery. Another enables the construction, renovation or extension of a house. Yet another finances a connection with municipal services and infrastructure (water and

<sup>5</sup> We refer here to the NHE's Oshatotwa programme. Launched in 1992, it had access to funds from the Kreditanstalt für Wiederaufbau within the framework of German-Namibian cooperation. The programme aimed at households with a monthly income below N\$3 000 for a family of five to six members, but the average income of the beneficiaries of the most accessible item, i.e. the purchase of a serviced plot in the Upgrading Areas, is N\$950 per month (NHE 1996).

electricity) (Republic of Namibia 1994). It should be pointed out that this government programme, by charging interest rates which may not exceed 14%, does not respect the principles of the National Housing Policy, and moreover it has engendered further criticism of the parastatal NHE, which is forced to meet market interest rates, which rose to 20% in June 1996.

Between 1992 and 1995 some 3 300 loans had been granted on 60 sites located all over the country. Just over 1 100 housing units have now been completed, whereas the Draft National Development Plan had estimated the number of units to be built in five years as being 45 000, and SWAPO had promised to build 14 500 over the same period under the programme (UNDP 1995). In Windhoek some 500 households had benefited from the programme, mainly the residents of the old township of Katutura and the Single Quarters. On the other hand, the peripheral areas were home to some 7 000 households, who in almost all cases only had the most makeshift of dwellings. At the moment, access to ownership of the existing houses and the renovation of the old housing stock takes priority over building new housing, as well as over allowing city-dwellers access to plots on the periphery. It would appear that to date the Build-Together Programme in Windhoek has mainly benefited a category of urbanites who are indeed usually in the low-income category (the presence of a considerable number of pensioners whose candidature is supported by a family member is one feature). However, this category of homeowners already have a roof over their heads and security of property, since the houses in the old township have been and continue to be sold at low prices to their original owners in terms of a municipal programme (i.e. the Katutura Alienation Scheme and the New Municipal Housing Scheme, effective since 1993). Long-standing Katutura tenants who become land and property owners under favourable conditions therefore benefit from two policies: that of the Local Authority and that of the Government.

The limits of the Build-Together Programme are also of a technical nature. The construction of customised houses, allowing deviation from the monotony of the uniform matchbox housing of the apartheid township type, actually presents a number of drawbacks. Firstly, there is a gap between what the households would like in terms of the dwelling's assumed symbolic and social value, and what such households can afford. Secondly, architects, designers and surveyors are inundated with work from the private sector. Thirdly, programme agents who do the technical follow-up work require additional training: the work is more difficult for them and it takes longer. Fourthly, the small-scale builders to whom the householders often turn are accustomed to the norms and materials of high-priced housing, and this leads to dwellings of a larger size being built, which cost more. Nevertheless, the applications of the programme do turn out to be cheaper than those which use conventional means of construction (UNDP 1995).

Finally, one may well question the programmes' sustainability, from the point of view of the Government's financial capacity to pursue the investment required by the programme, and from the point of view of its ability to take over the technical assistance after the withdrawal of external aid. The investment is already estimated at N\$36 million per year over a period of ten years, and it will be even higher if the rate of inflation rises and present standards are maintained. The rate of home-loan repayments, which currently stands at only 55% (*ibid.*), will also be an issue determining the programme's lifespan.

The political and social issues at stake are considerable. The Build-Together Programme is a popular one, being a national and international feather in the Namibian Government's cap in respect of the action it has taken to better the lives of the most deprived. The programme was selected to represent Namibia at the Habitat II Conference in Istanbul in June 1996. Already in the first year of its conception the UN awarded it the Habitat Scroll of Honour. Expectations are therefore high, and the means to implement the success of the programme imply profound structural reforms which are part of the National Shelter Strategy formulated in the National Plan of Action. Such reforms include implementing new legislation, standards and procedures which are presently under consideration (the Draft National Housing Bill and the Draft Planning and Building Regulations). The reforms also require financial cooperation and assistance from the Local Authority's town-planning units, as well as the participation of all the relevant agents in the private, NGO and community sectors (*ibid.*). After six years of independence, none of these structural reforms have seen the light of day. In other respects, progress in setting up the institutional framework which was to set in motion decentralised planning mechanisms with the use of new analytical and methodological tools is very slow, and the structure is still highly centralised. Central Government is over-represented on the steering committee which gives guidance and direction, and there is a concentration of responsibilities and powers in their hands at the expense of the Local Authority and civic society (i.e. beneficiaries of the programme and the NGOs). Moreover, what we see in the field is an individualisation of the housing process instead of the setting up of a structured community organisation (*ibid.*). Opening up to local political actors and to the participatory process as advocated by the National Housing Policy is therefore happening very slowly. Nonetheless, community organisations based on saving and self-help housing schemes have been set up since independence (only one was recorded in Windhoek before 1989), and they have affiliated to the Namibia Housing Action Group (NHAG). However, their influence is still very limited and their projects are small-scale (Tvedten & Moputala 1995).

The success of housing programmes which target low-income populations can therefore be seen to be compromised by the slow rate of political

and structural reform. Constant fluctuations in local authority policy emphasise how difficult it is to initiate change in an old institution, in which the weight of tradition is shed only very slowly as new staff emerge.

### THE SLOW CHANGE IN LOCAL AUTHORITY POLICY TOWARDS INFORMAL SETTLERS

The Windhoek Municipality has a long-standing local power structure which since the 1992 regional and local elections has included elected representatives and an administrative and technical staff which has to some extent been renewed. The Municipality has gone through a learning period which was both technical and conceptual, as well as political. Its approach to the city underwent a gradual transformation after an interim period with no legal jurisdiction (1990-1992) but with the blessing of the Central Government<sup>6</sup> (Botha et al. 1992), and the failure of the first measures taken concerning the squatters in the town (1992-1994) (City of Windhoek 1996c).

The first policy implemented in 1992 in an endeavour to end the phenomena of overpopulation and squatting in Katutura met with little success – both from the technical and administrative point of view and in terms of the way it was implemented on site. The 1992 Squatter Resettlement Programme was an authoritarian and hasty policy despite its having been developed under the auspices of a committee which included representatives of the Local Authority, the MRLGH and the National Housing Enterprise (NHE, ex-NBIC). It quickly demonstrated the limitations of methods that echoed the coercion of the past regime: it was a bad experience for the population involved since they were basically expelled from the town to be rehoused on the very edge of the capital, in a transit area equipped with sites and services. This led to a boycott of rent payments for the plots and the services, as well as hostility towards the institutions concerned, and it did not help to resolve the squatting issue (City of Windhoek 1994b).

The absence of a genuinely national strategy concerning the treatment of squatting, and more generally the treatment of what is referred to as the 'informal' housing sector, as well as the inadequacy of the National Housing Policy, were stressed by several Local Authority administrators. Windhoek therefore became a 'test town' in the terms used by the new local authority approach in 1994, i.e. the Informal Settlement Guideline. In that document

<sup>6</sup> Before the promulgation of the Local Authorities Act, No. 23 of 1992, Windhoek was governed in terms of the discriminatory Municipal Ordinance of 1963. The swift merger of the Windhoek Council, the Katutura Advisory Board and the Khomasdal Consultative Committee at the time contravened the latter legislation.

the word 'strategy' was used rather than 'policy', in keeping with the wishes of the Minister of Regional and Local Government and Housing herself (City of Windhoek 1996c). The strategy was defined as a pilot project aimed at dealing with the areas of makeshift housing. It had been devised by a new administrative and technical team, and the City Council approved it in 1995. Furthermore, a partnership between the representatives of Local and Regional Authorities was set up, and a new approach both to urban planning and in dealing with the population was implemented, in which preference was given to discussion and negotiation. The new approach was closer to the wishes and financial capacities of households organised in representative committees, and develops a progressive method of planning with lower standards of equipment (*ibid.*). The approach is a challenge for the Windhoek Municipality from several points of view. Firstly, it is a change from the image of the 'Old Regime' with which it is still identified in both its concepts and methods, to a Local Authority representing the interests of all urbanites and capable of responding to their demands and expectations through dialogue and discussion. Secondly, it will test the Local Authority's capacity to suggest new and sustainable solutions to the question of housing for the low-income black population, not only by means of appropriate technical solutions, but also through the use of 'fair' financing arrangements. The extent to which it cooperates with the other institutions at the grassroots level, and particularly with the NHE, by promoting a coordinated urban administration of the social problem posed by the peripheral areas will be a further acid test of its success.

However, locating sites and services in peripheral areas – 'in the bush', as the residents put it – and offering equipment and services of a low standard, leads to dissatisfaction among the inhabitants, and even resentment of the Local Authority. On the one hand, these residents' living conditions are seen as evidence of the Local Authority's neglect, and on the other hand, their forced relocation brings with it economic and social disruption: it costs more for transport to the inner city, they are relatively far from opportunities for employment and income, the basis of commercial activities in the township is undermined, and the urban fabric and local solidarity networks are disrupted (Peyroux & Graefe 1995). There is a growing lack of understanding today between the population which demands the application of the same standards of equipment in the peripheral areas as in the rest of the city, and the Local Authority which is anxious to adapt the level of services and infrastructure to the residents' financial capacities. The aspirations and demands, in particular the demand for individual services, seem exaggerated to the Local Authority, especially given the low rates of payment for community services. Differing conceptions of the town as well as the responsibility and duties of those involved lie behind the mismatch between people's demands and the political responses, making the process of negotiation

difficult. The present impasse stresses the restricted capacity for action of an Authority which seeks popular recognition. The unhappy experiences in the past and the desire to make a break with them means that any resort to coercion is out of the question, but new methods still have to be found. This period of 'indecision' in the administration of the population creates an impression of the Local Authority having absconded, and leaves room for the emergence of new institutional actors recognised by the population. These include the regional councillors, who are particularly active in Wana-heda and Hakahana, the two constituencies in the northern and north-western parts of the township, and the community development coordinators (CDCs) on the NHE's Oshatotwa programme, who are in touch with the population on a daily basis as a result of the location of community centres at the local level (Peyroux 1996).

While the political context is slowly evolving, the same is true for the conditions of the urbanites in the peripheral areas which have been selected here as indicators of social and political change. The surveys we carried out in the field have enabled us to define some of the features which are characteristic of the urban culture at the moment, namely a process of continuous development and adaptation, which is why we are unwilling to come to hasty and definitive conclusions.

### CONTINUITY IN THE PRACTICES OF BLACK URBANITES

Observation of the demographic and family structure in the northern and north-western periphery of the capital shows evidence of continuity in the practices of the black city-dwellers.<sup>7</sup> For these inhabitants Windhoek remains primarily a place for immigration and employment, as the geographical origin of its residents and the composition of the areas and residential units demonstrate. Most of the inhabitants come from what was then called Owamboland (today the regions of Omusati, Oshana, Ohangwena and a part of Oshikoto). The population structure by sex and age shows a very high proportion of adults of working age, of whom the majority are men. This has a bearing on the fact that the employment rate of the population on the periphery is higher than in the old township of Katutura and in the three main towns (Oshakati, Ondangwa and Ongwediva) of former Owamboland. To a large extent the characteristics of the residential units reveal strategies whereby geograph-

<sup>7</sup> The data which follow have been taken from the socio-economic studies carried out in Windhoek between 1990 and 1994 (Pendleton & Du Bois 1990; Peyroux & Graefe 1995; NHE 1994; Pendleton 1994) and in the towns of former Owamboland (Hangula & Tvedten 1993; Pendleton et al. 1991).

ically mobile individuals have come together rather than showing the constitution of cohesive and stable family units. The residential units, which are smaller than those in the northern regions of the country, house chiefly collateral relatives as well as a significant proportion of distant family members and even individuals with no kinship link with the head of the household at all. This fragmentation of housing units into individuals or groups of 'isolated' individuals reduces them to entities which are generally unstable and liable to break up as a function of individual or family opportunities, as well as at times of economic difficulty (children are then sent back to the north, for example). Moreover, a whole series of indicators bears witness to the geographical mobility of the residents and the maintenance of relations with their regions of origin. These indicators include the frequency of visits back home, the retention of seasonal agricultural activities, the transfer of urban and rural resources (money, agricultural products), and the segmentation of families between the capital and the town or village of origin (Peyroux & Graefe 1995). This is evidence of economic strategies at the level of the family, which exploits the totality of the resources at the disposal of its members. This search for work in the capital, where wealth and employment is still concentrated, and this residential dispersal of the family unit, seem to reproduce the model of migrant labour under contract, in a context where freedom of movement is guaranteed by the Constitution. Thus the former 'homeland' still contributes to the reproduction of the family unit.

Moreover it should be stressed that settlement in the peripheral areas has rarely been the outcome of the residents' choice. Legal inhabitants were rehoused, under municipal constraints, when the Single Quarters were closed down or when certain squatter camps were evacuated. The situation of those squatters who have settled on undeveloped sites, on pieces of land between plots or on the plots of legal households, is the outcome of what is often a temporary adaptation to the formal housing crisis in Windhoek, and the saturation of Katutura in particular, this being the traditional reception area for migrants due to family solidarity networks.

As yet there do not seem to be any clearly asserted community structures within the population. While good neighbourliness plays an important role in these households' daily lives, the organisation of the community along the lines of attempts made in the early 1990s to accompany initial relocation policies and to ensure the administration of collective services seems to be very difficult to achieve. These attempts were based on the collection of water payments in an unfavourable economic context, and was doomed to failure in almost all cases: short-term considerations and a concern for individual survival took priority over the desire to build a community. Moreover, the extreme diversity of individual situations and the divergences in personal practice tend to compromise what is already a fragile form of social cohesion.

The 1994 surveys, complemented by the surveys carried out in 1996 (*ibid.*; Peyroux 1996), show evidence of a fragmentation of the population into often opposing categories. There are legal inhabitants versus squatters; there are those who contribute to the financing of the community services versus those who don't; and there are squatters who really do have nothing and whose access to land is a strategy for survival, versus those who choose to squat in order to earn a rental income from houses they own in Katutura. The socio-economic differentiations which can be seen in the types of dwelling constructed, confirm and reinforce the divisions which constitute barriers to the formation of community solidarity. The present difficulty experienced by community leaders and local committees in mobilising residents, and in declaring and asserting their authority, perhaps lies in the difficulty of representing a fragmented society with such diverse, if not opposing, interests. The challenge faced by new housing policies based on community participation, and particularly the policy of the Windhoek Municipality, also lies in the capacity to find efficient (and recognised) intermediaries within the population. Such intermediaries are essential for establishing dialogue and discussion and in creating a dynamism based on the sharing of common interests.

## CONCLUSION

The political and institutional endeavours deployed in Windhoek since independence to deal with the question of housing for the low-income black population show signs of a lack of coherence and articulation. Furthermore, at the moment such endeavours are not conducive to achieving the official aims – whether they be quantitative in nature or whether they concern structural changes. This period of transition has been characterised by a mismatch between the political offers made and popular demands. Each of the parties involved – the Windhoek Local Authority, the MRLGH, the NHE and the banking sector – pursues its own particular interest. The National Housing Policy and the National Plan of Action have correctly analysed the situation and they promote innovative ideas, but both have thus far failed to influence or coordinate the various interests involved.

The Windhoek Municipality has endeavoured to provide housing for an urban population whose numbers constantly increase and whose financial resources are declining, by means of arrangements which have yet to be finalised – both in form and in their administrative structures. The policy elaborated in 1994 and being implemented today is based on new town-planning concepts. It is primarily the inhabitants' participation in the 'standardisation' of their environment that is sought, in an endeavour to correct

the mistakes of earlier policies and to gain public recognition – still lacking today – for the Local Authority. In the long run this policy will be judged on its capacity to adapt to a new urban situation and its capacity to provide infrastructure and services to the poorest. The MRLGII has launched a national programme which, despite its innovative concepts and popularity, undoubtedly implies technical difficulties and huge financial constraints. But while progress has been made at the grassroots level, the fundamental reforms which are an integral part of the programme and essential to any long-term success are all still in the process of being drafted. The NHE, on the one hand, is doing its best to reconcile commercial aims and its public service mission by implementing programmes based on self-help construction, incremental housing and community development in an unfavourable economic context. The banking sector, on the other hand, subject to severe financial constraints, has not played the role of the private partner which the NIIP had hoped for. The latter sector has instead initiated increasingly selective practices, thus penalising the poorest strata of the population.

However, how can the success of new housing policies adapted to the demand be envisaged if the ways in which the city is created – via urban planning, prescribed standards for building and construction, the availability of financing and of credit – remain unchanged? The logic of the growth of residential accommodation in Windhoek remains primarily a financial one in a declining economic context, which does not permit the needs of the poorest segments of society to be met. The poor are catered for marginally, at best, by one-off social programmes, the aims of which clash with the rigidity of the legal and institutional environment.

The slow pace of structural reform tends to negate existing policies, and helps to ensure that Windhoek, with its basic social and spatial divisions, retains its pre-independence appearance. The fragmentation of the town mirrors that of the society. The emergence of black urban middle classes which take advantage of the present Local Authority and government policies should not conceal the vulnerability of a considerable fraction of the population living in the peripheral areas of the city and who are increasingly differentiated on the socio-economic level (NHE 1996).

Given the inadequacy of economic development of the northern regions and the force of attraction exerted by Windhoek, access to urban resources in an independent Namibia may turn out to be the pivot on which social demands – and perhaps, in the long run, political conflicts – turn. A genuine plan for the post-apartheid city, which would endeavour as far as possible to reconcile the aspirations of political and institutional agents on the one hand with the interests of the urbanites on the other, still needs to be drawn up by the State.

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# Class formation and civil society in Namibia<sup>1</sup>

Chris Tapscott

### INTRODUCTION

The advent of Namibian independence in March 1990 brought to an end more than a century of colonialism and heralded a new era of democracy and human rights in Africa. Namibia's liberal constitution, its commitment to multi-party democracy and its policy of national reconciliation were lauded internationally as the hallmarks of political maturity. While it was recognised that a commitment to human rights and an open society were not in themselves a sufficient condition for the promotion of greater social equity in a country with severe inequalities, it was also widely believed that democracy was at least a prerequisite for this process to begin. From the outset the new Government made strong commitments to the alleviation of poverty and the improvement of the welfare of the majority of its citizens. To that extent the Namibian state formation and the Government's orientation were portrayed as models for other countries in Africa.

With the passage of over five years since independence, it is evident that despite its auspicious beginnings, Namibia is increasingly displaying the characteristic patterns of neo-colonialist states elsewhere in Africa, including continued economic dependence on its former colonisers, accelerated social differentiation amongst the formerly subordinated population, the arrogation of power by a newly emergent elite, the drift towards a *de facto* one-party state, and the slow but progressive erosion of civil liberties and growing corruption in the public sector. It is further evident that while the formalistic dimensions of multi-party democracy (a Legislative Assembly, an Office of the Ombudsman, a Bill of Rights) are in place, substantive parliamentary democracy has failed to take root.

<sup>1</sup> This chapter builds on an earlier paper on class formation in Namibia (see Tapscott 1995).

This state of affairs can be ascribed to a variety of factors, including the country's dependent and subordinate status within the international economy, the impact of apartheid and the effect of more than 20 years of war. The structure of civil society in particular may be seen to have been shaped not only by the imperatives of colonial rule, but also by practices of the national liberation movement and by the counteractive strategies of the occupying South African forces. In order to contextualise current developments, it is of value to briefly consider the factors that shaped the social formation in Namibia in the steps leading up to independence.

### THE SOCIAL ECONOMY OF THE COLONIAL STATE

The dispossession and disempowerment of the indigenous African population in Namibia that began under German colonial rule in the 1880s was further systematised under South African domination after 1915, culminating in the implementation of the apartheid policies of the 1960s. Up to and including this period, Namibian society manifested the familiar characteristics of a colonial society: the hegemony of the metropole in Pretoria, economic domination by a handful of international corporations, a small settler society which administered the country on behalf of the metropole and which controlled the economy, the polity and a broad mass of indigenous people predominantly resident in the rural areas and dependent on subsistence agriculture and the remittances of migrant labour.

Following the findings of the Odendaal Commission, which in 1964 recommended the extension of apartheid policy to Namibia, a programme of 'Bantustanisation' was introduced from the late 1960s onwards. As in South Africa, this system consigned all African Namibians to one of ten designated ethnic 'homelands', in which it was intended that they would realise their political aspirations as distinct nations. Since the principles on which this system was founded were premised on the ethnic distinctiveness of the various African population groups, primacy was accorded to traditional authority structures. Henceforth the power of traditional leaders was considerably strengthened, while at the same time their legitimacy as community leaders was progressively subverted. Although there was notable resistance to this process in certain quarters (in particular from the Herero Chiefs' Council), the Bantustan system accelerated the co-option of chiefs and headmen into the services of the colonial State. As salaried officials they increasingly served as surrogates for state control and repression.

The Bantustan system was coupled with stringent influx control measures, which restricted access to the 'white' areas and limited the number of Africans with the right to permanent residence in the urban areas to those

who had been born there, or who had lived or worked continuously in the area for ten or more years. This legislation effectively constrained the process of urbanisation in Namibia and forestalled the growth of an urban population with an economic base independent of subsistence agriculture, and with class identities of its own.

While resistance to South African rule in the years immediately following World War II had come from the Herero Chiefs' Council under the leadership of Hosea Kutako, the most significant political development of the 1950s was the emergence of the embryonic nationalist movements of SWANU and the OPO (the latter subsequently becoming SWAPO). While the establishment of the OPO and SWAPO have been portrayed in the official SWAPO literature (SWAPO 1981: 172; UNIN 1986: 44) as a joint venture of Namibian intellectuals and contract workers, reality suggests a more conventional nationalistic path: a popular mobilisation of workers and other class forces by a nascent intellectual elite.<sup>2</sup>

As in most other African countries at the time, the aspirations of intellectuals in Namibia were generally thwarted by the colonial administration, which not only restricted access to the commercial sector, but also recruited few indigenous intellectuals, and then only to minor ranks in the bureaucratic echelons. In consequence, as incipient nationalist movements, many of the demands of these organisations related to the disadvantaged position of their constituent members, particularly in their early stages.

The armed struggle against colonial rule launched by SWAPO in 1966 gained momentum in 1974 when the collapse of Portuguese rule in Angola facilitated the departure of several thousand young people to join the ranks of SWAPO's military wing, the People's Liberation Army of Namibia (PLAN). The increase in guerrilla attacks in northern Namibia in the years that followed precipitated a major deployment of South African troops and a reformulation of South Africa's policy towards black Namibians.

Much of the colonial State's policy towards the black population during the 1970s and 1980s can be directly ascribed to the formative action of the South African military in its efforts to counteract the threats of SWAPO insurgency. The approach, encapsulated in the notion of a 'total strategy', was intended to counter what was seen as a communist/Soviet-inspired onslaught on South Africa from without.

<sup>2</sup> Intellectuals in this context are distinguished from a professional intelligentsia. See Smith (1981: 108-112) for a discussion of this distinction. Although only some of the early nationalist leaders were in fact students or teachers (Andimba Toivo ya Toivo, Andreas Shipanga, Fanuel Kozonguizi, Mburumba Kerina, Emil Appolus and Kenneth Abrahams, for example), the majority were individuals with the drive and the ambition to rise above the oppression and inertia of colonial rule. They were what Gramsci (1971: 6-14) had called 'organic intellectuals' in other contexts.

## THE CREATION OF A BLACK MIDDLE CLASS

With growing internal resistance and mounting international pressure to withdraw from Namibia, the South African Government attempted to engineer its own internal solution to independence, which in 1978 culminated in the establishment of an interim Constituent Assembly under the leadership of the white-dominated Democratic Turnhalle Alliance (DTA). The reformist policies pursued included efforts to diffuse mass struggle by incorporating leading strata of the black population into an anti-SWAPO coalition. As in South Africa at the time, the creation of a black middle class was intended to act as a hedge against the growing militancy of the masses and to counter their growing antipathy towards capitalism.

Consequently, in 1977 a range of discriminatory pieces of legislation (including the influx control, residential settlement and inter-racial sex and marriage laws) were repealed by the South African-appointed Administrator-General. Although nominally improving conditions for all blacks, in practice these liberalisations benefited only those who could afford to take advantage of the new dispensation, i.e. the new collaborative elite.<sup>3</sup> This group, which was popularly known as the '*Waseranta*' (a corruption of the term 'sell-out'), comprised a range of politicians, civil servants and professionals (teachers and nurses) who earned salaries that were on a par with those of their white counterparts and which were vastly higher than those of the average black worker.<sup>4</sup>

The establishment of 11 second-tier ethnic administrations under the DTA Government (Proclamation AG8) afforded further opportunities for high salaries and benefits for those wishing to collaborate. The considerable autonomy exercised by the ethnic Governments, as well as a general lack of accountability, also presented opportunities for some individuals to enrich themselves through corruption.<sup>5</sup> It is evident that corruption and inefficiency, while not endorsed, were nevertheless tolerated as necessary in retaining the support of the leadership of the second-tier authorities. As Dutkiewicz and Shenton (1986: 111) have noted in other contexts, inefficiency and

mismanagement of the State, far from preventing the reproduction of a ruling group, are often a prerequisite for it.

In contrast to the nascent black middle class and an even smaller class of black traders in the north, the vast majority of black Namibians lived in the rural areas and relied to a greater or lesser extent on subsistence agriculture for their livelihood. As with peasant farmers in so many developing countries, this segment of the population displayed little class consciousness. Where they were mobilised, it was under the banner of SWAPO nationalism, although this was severely constrained by the oppression of the colonial forces.

At the same time, the formal organisation of Namibia's workforce was constrained by the small size of the population (in relation to the size of the country) and the extreme dualism of the national economy, which was both heavily dependent on South Africa and narrowly based. The organisation of Namibian labour was also constrained by state repression, which prohibited the establishment of trade unions for much of the colonial period.

In addition it must be noted that SWAPO's own attitude (particularly that of the exiled leadership) towards organised labour appears to have mitigated against the establishment of a more rigorous worker consciousness. In as late as 1970, when the SWAPO Central Committee held its consultative conference in Tanga, Tanzania, and established structures for the SWAPO youth, women and elders, no consideration appears to have been given to (nor any need discerned for) the formal support of a trade union movement, although a SWAPO Department of Labour was established (Peltola 1992).

When SWAPO did become actively involved in the labour movement in the 1970s, its interest in organised labour appears to have been largely instrumental. That is to say the political mobilisation of workers in support of the liberation struggle was seen to take precedence over the immediate demands of the workplace, including campaigns for higher wages and better conditions of service.<sup>6</sup>

There is evidence that some among the SWAPO leadership were deeply suspicious of the trade union training conducted in the camps in exile. According to Peltola, himself active in these training programmes, the leadership feared that an independent trade union movement might, through industrial action, disrupt plans to transform the economy of an independent Namibia.<sup>7</sup> In consequence, he maintains, every effort was made to keep a tight reign on the trade unions and to control appointments to the top leadership rung.

<sup>6</sup> This was in strong contrast to the situation that pertained in South Africa, where organised labour, and COSATU in particular, while committed to the overthrow of apartheid rule, insisted strongly on maintaining a clear distinction between the nationalist struggle and the workers' struggle (see Webster 1984: 84).

<sup>7</sup> Peltola (1992: 7) cites the rise of Solidarity in Poland as the type of union which the leadership feared as potentially disruptive.

<sup>3</sup> As Simon (1991: 187) points out in respect to the repeal of laws governing residential segregation, only those in senior public positions could afford to buy housing at prevailing prices. In such a context, the 'operation of a capitalist land and property market ... replaced legislative fiat as the regulator of residential integration'.

<sup>4</sup> Abrahams (1982: 23-24), for example, states that while 86% of black workers were earning incomes below a household subsistence level of R261 per month, high school teachers and middle-level civil servants were earning salaries of R1 000 to R1 500 a month, together with such perks as 100% housing loan, a car purchase scheme, an entertainment allowance and a range of other benefits.

<sup>5</sup> The findings of the Thirion Commission of Inquiry, for example, revealed numerous cases of misappropriation of state funds (Werner 1987: 76).

Perhaps reflecting the prevailing suspicions, a number of the most prominent trade union activists in exile were incarcerated during the wave of detentions which took place during the mid-1980s, especially in Angola.<sup>8</sup>

## CLASSES WITHIN THE WHITE COMMUNITY

Apartheid policies in general afforded material benefits to most whites, and this factor served to reduce class differentiation within the white population, although some differentiation did exist. Within the Afrikaner community in particular, this was masked by the populist ideology which stressed the unity of the Afrikaner *volk*.

While foreign ownership of the lucrative mining sector constrained the development of a capitalist class, colonial rule facilitated the development of a significant white middle class. The upper echelons of the colonial Administration were dominated by whites, who received generous employment packages. At the same time the military occupation also represented a boon to business for certain sectors of the white business community. For those prepared to risk the dangers of the war zone, the returns were significant. Tendering procedures were frequently waived and lucrative contracts were renewed by the military on a regular basis.<sup>9</sup> Thus in the decade prior to independence, considerable wealth was accumulated by certain strata of the white community. Moreover, it is this economic elite which appears to have ridden the period of transition most successfully, and its members are now among the most direct beneficiaries of the policy of national reconciliation.

## SETTING THE MOULD

In its 1976 *Political Programme*, SWAPO (1976: 6) firmly committed itself to 'unite all Namibian people, particularly the working class, the peasantry and progressive intellectuals into a vanguard party capable of safeguarding national independence and of building a classless, non-exploitative society based on the ideals and principles of scientific socialism'. The extent to which the organisation had committed itself to these principles is not entirely

<sup>8</sup> These included Henry Boonzaair, Fritz Spiegel, Theodor Thaniseb, Aron Seibeb, Pejava Muniaro and Victor Nkandi, the latter two of whom died in detention (Peltola 1992: 7).

<sup>9</sup> A Windhoek businessman who supplied telecommunications equipment to the military confided that he had never had to submit a tender in more than nine years of business with the SWATF (private interview, name withheld, Windhoek, 5/9/92).

clear, although political expediency (the need for support from socialist-bloc countries in particular) is certain to have been an important determinant (Strand 1991). It is likely, moreover, that a latent contradiction persisted between the aspirations of the incipient elite within SWAPO as a nationalist movement and the goals of scientific socialism. In that respect it is noteworthy that many of the young people who went into exile were motivated as much by a desire for better education to improve their social standing as by the drive to take up arms in the struggle (Tötemeyer 1978: 181).

By 1982 there is certainly evidence that following pressure from the Western Five Contact Group (comprising the USA, Canada, Britain, France and the Federal Republic of Germany), SWAPO had abandoned many of the more radical tenets of its 1976 programme and was adopting an increasingly moderate and conciliatory line on such issues as nationalisation, property rights and a free-market economy (Abrahams 1982a: 11).

The structure of Namibia's political economy and the reformist policies of the interim administrations (particularly the creation of a new elite), together with the US-led Contact Group's increasing squeeze on SWAPO and the party's own nationalistic predispositions, thus in many respects cast the mould for a post-colonial society and set the pattern for future social differentiation.

## STRUCTURAL INEQUALITY AND THE EMERGENCE OF NEW ELITES

At independence the incoming SWAPO Government inherited a society in which racial, ethnic and class differentiations were firmly entrenched, and in which political enmity and social distrust were endemic. In its efforts to overcome these divisions and to forge a new national identity, the new Government adopted a policy of 'national reconciliation' as its lodestar.<sup>10</sup> However, while the adoption of this policy was politically and economically expedient in the light of the experiences of Angola, Mozambique and Zimbabwe, national reconciliation has also reinforced the status quo by protecting the pre-independence gains of the minority, by reproducing existing relations of production and by legitimising patterns of social differentiation that had existed in the colonial era.

In that respect the small white settler population had controlled both the economy and the political order at independence. The settler community, together with the tiny black elite which had emerged under the interim

<sup>10</sup> The Constitution, which was forged through inter-party consensus, enshrined multi-party democracy, a Bill of Rights and a range of other commitments to human rights.

Governments, comprised just 5% of the population, though in 1989 the two together were estimated to generate 71% of the GDP. Conversely, the bottom 55% of the population generated just 3% of the GDP (World Bank 1991: 3). Access to primary resources and services was likewise heavily skewed in favour of the elite.

While it is not possible to determine class formation from a series of social indicators, there is evidence of a growing class stratification which transcends previous racial and ethnic boundaries to a more considerable extent than in the past. This observation relates primarily to the emergence of a new elite, comprising much of the existing elite together with an expanded organisational elite of senior black administrators, politicians and businesspeople, who inhabit an economic and social world largely divorced from that of the majority of the urban and rural poor. With the limited resources available to the country, it may be argued that sustaining the lifestyles of this elite must inevitably be at the expense of development projects for the poor.

As intimated, while this trend is by no means unique among newly independent African countries, it is of interest in a country ruled by a political party that had been viewed by many western Governments as Marxist in orientation and which had demonstrated its own predilections towards socialism. As indicated, however, SWAPO was first and foremost a nationalist movement, composed of a broad spectrum of social strata and mobilised towards national liberation (Katjavivi 1986: 41). As is the case with many other nationalist movements, SWAPO's populism, packaged in the rhetoric of socialism, in significant part became a vehicle for advancing specific interest groups within the movement.<sup>11</sup> Although there is little evidence that individuals among the (extremely small) indigenous elite joined SWAPO specifically to advance their own interests (this only occurred, to a limited extent, near the end of the liberation war),<sup>12</sup> it is evident that the struggle began to create its own elite among those in exile and also, though to a lesser extent, among those who remained in Namibia.

Over and above the cadre of political and military leaders who grew out of the liberation struggle and who came to occupy leading positions in the new Government, the primary determinant of social and economic standing in the post-apartheid era appears to have been education. Of the 40 000-50 000 Namibians who went into exile, a relatively small proportion (15% at most) underwent comprehensive post-secondary training (Tapscott &

Mulongeni 1990). The remainder were trained as soldiers or they learnt rudimentary artisan and agricultural skills in camps in Angola. Access to training would therefore seem to have been a key determinant in the social differentiation of exiles, not least in the employment opportunities which it has afforded in the era since independence, but also in the lifestyles to which it accustomed many repatriated exiles. Although educated individuals by no means lived a life of affluence in exile, their expectations of the good life once independence was achieved were clearly influenced by their years in Europe, the USA and elsewhere.

Since independence the latent divide between the various social strata (workers, subsistence farmers, businesspeople, intellectuals, etc.) that comprised SWAPO as a nationalist movement became undoubtedly accentuated. Due in part to the policy of national reconciliation and in part to a commonality of material interest, the new elite has reached a measure of accord with both the white settler community and the previously existing black elite.

### THE NEW BUREAUCRATIC BOURGEOISIE

Although the independence struggle was characterised primarily as a battle between the white settler minority and the black majority, both the exigencies of war and the practicalities of administering the interim Governments and of forming a black middle class, as indicated, necessitated a degree of racial integration. Mixing of the leading strata of the white and black populations at independence was therefore not as precipitous as it might have been even a decade earlier. Although race and ethnicity remain latent lines of stress, they do not at present appear to be a limiting factor in the development of a broader class identity.

Nevertheless, following pre-independence trends, racial integration in the post-apartheid era has tended to take place almost exclusively in the upper echelons of the social order. This was a process set in motion by the establishment of a 'Government of National Unity', whereby a number of opposition leaders were brought into the Cabinet, and white Namibians (not all of whom are SWAPO members) were appointed to key portfolios in the Ministries of Finance, Agriculture, Justice and Transport.<sup>13</sup> This practice of

<sup>11</sup> See, for example, Smith (1981), Kedourie (1971) and Brenda (1962).  
<sup>12</sup> Perhaps the most controversial of these last-minute conversions was the announcement by millionaire businessman Frans Indonga in the late 1980s that he was siding with SWAPO. Indonga had previously served as Minister of Finance in the second-tier Owambo 'Government' and had built his fortune during the period of military occupation.

<sup>13</sup> These included Otto Herrigel as Minister of Finance (until his sudden resignation), Gert Hanekom as Minister of Agriculture, Water and Rural Development (then Minister of Finance), Dr Zedekia Ngavirue as Director-General of the National Planning Commission, Vekuui Rukoro (NNF President) as Deputy Minister of Justice, Reggie Diergaard (UDF) as Deputy Minister of Youth and Sport, and Claus Dierks (SWAPO) as Deputy Minister of Works, Transport and Communication.

incorporation and co-option was maintained in the Cabinet appointments that ensued after the March 1995 elections (*The Namibian* 22/3/95).<sup>14</sup>

Following this, the opportunities that a higher income affords have ensured that most senior black civil servants have been able to purchase homes in the more affluent and formerly exclusively white suburbs of Windhoek. Senior government officials, in part for language reasons, have also tended to send their children to formerly exclusively white schools, where the medium of instruction is English and where the standard of education is generally higher than in predominantly black (but less expensive) schools.

### REPRODUCTION OF RELATIONS OF PRODUCTION

While the demands of the liberation struggle may have served to differentiate its members, the political economy inherited by SWAPO has also reinforced tendencies towards elitism. The decision to opt for a 'mixed economy' – in practice, a capitalist economy – though in large part dictated by circumstance (Namibia's dependent economic status and the collapse of support from socialist countries in particular), has set the parameters in which the new Government will be able to operate. While SWAPO controls the political arena, it does not control the economy, which continues to be dominated by forces which vary in their support from indifference to open hostility.<sup>15</sup> Consequently, in its efforts to promote the confidence of the business sector (which retains the ultimate sanction of disinvestment from Namibia), the Government has moved extremely cautiously on issues of affirmative action and minimum wages, which are fundamental to a redress of past inequities.

The hegemony of transnational capital and the excessive dependency on the South African economy, will clearly not be easily diminished under existing circumstances. In consequence, much of the inequity of the past dualistic system is simply being replicated in the new political order. While it is recognised that the policy options open to the SWAPO Government are relatively limited, it is also questionable whether the emerging elites would wish to promote a social order that is radically different to that currently in position.

<sup>14</sup> Gert Hanekom as Minister of Wildlife and Tourism, Hampie Plichta as Minister of Works, Transport and Communication, and Vekuui Rukoro as Attorney-General

<sup>15</sup> According to Mr Bob Meiring, then Chairman of the Board of the parastatal First National Development Corporation, many local businesspeople had been 'sitting on their hands' since independence, withholding new investment in Namibia until the political scenario became clearer. This has inevitably had an effect on general investor confidence in the country (personal communication, HAR Meiring, Windhoek, 22/6/92).

Given the prevailing geo-political climate, the new Government's pursuit of a policy of national reconciliation, as intimated, was both politically and economically necessary. It not only forestalled the flight of much-needed skills and capital, but also minimised the potential for political destabilisation by disaffected opponents. Nevertheless, the policy of national reconciliation has done much to reinforce the status quo, and in so doing it has further strengthened trends towards elitism amongst the indigenous population.

At the same time, while most government policies could be rationalised as being in the interests of national reconciliation or in terms of the limitations of the economy, it is nevertheless certain that specific segments of the population are benefiting more directly than others from certain courses of action. This is nowhere more evident than in state policy towards conditions of service in the public sector.

Article 141 (1) of the Constitution in particular has served to reinforce the status quo, by affirming that '... any person holding office under any law in force on the date of Independence shall continue to hold such office unless and until he or she resigns or is retired, transferred or removed from office in accordance with law' (Republic of Namibia 1990: 70). This clause has been interpreted to imply that individuals employed by the colonial Government would lose none of their existing employment benefits, including generous housing, pension, medical aid and car allowances. This presented the SWAPO Government with something of a dilemma: whether to introduce a differential system of benefits for existing and incoming civil servants (many of whom were SWAPO members), or whether to equalise all employment packages. For both practical and political reasons the decision was taken to maintain the existing benefits system. Namibia is now reputed to have one of the highest civil service salary structures in sub-Saharan Africa.

### A NEW 'UNDERCLASS'

While on one level this decision was understandable, on other levels it has done little to redress one of the most glaring inequities of the colonial system: that of the disproportionate spending of public funds on a largely urban elite (roughly 30% of Namibia is urbanised), with 40-50% of all formal wage employment to be found in Windhoek (Department of Economic Affairs 1988: 13). This factor, together with a progressive decline in the productivity of the traditional agricultural sector and the loss of military-related employment, has contributed to ongoing rural poverty and to a massive influx of people into the capital since independence (Frayne 1992).

Illustrative of the prevailing levels of relative and absolute poverty is the 1994 UNDP *Human Development Report*, which ranked Namibia at

127 out of 173 countries in terms of the Human Development Index (HDI). The HDI is a composite index believed to be a more accurate indicator of national poverty than GNP per capita. However, reflective of the high level of economic inequality in Namibia, only four countries in the world show a higher negative discrepancy between GNP and HDI.

In view of the shortage of formal wage opportunities, the majority of the new work seekers in the urban areas are compelled to seek employment in the informal sector. However, due to the absence of a strong productive base in Namibia, the informal sector is supported largely by the recycling of wages earned in the formal sector, and its capacity to absorb the influx of migrants is severely constrained. This implies that levels of urban unemployment are likely to increase rather than decrease in the years to come. The consequence of this expansion in the numbers of the urban unemployed is likely to be the consolidation of a new underclass. In the absence of the unifying goal of national liberation, the lumpen predisposition of these subaltern classes is likely to be reinforced. The steady rise in crime rates in Windhoek since independence is probably indicative of this trend.

## GROWING DISSATISFACTION

The Government's caution in effecting extensive changes within the political economy has led to public charges that national reconciliation is a one-sided process that is benefiting the white settler community far more than the poor majority.<sup>16</sup> This bitterness has been most strongly felt by the thousands of repatriated exiles who are struggling to re-enter the labour market and to fully reintegrate themselves into Namibian society. For these individuals, the widening economic gap between themselves and their former comrades-in-arms is being most cruelly felt.<sup>17</sup> In October 1995 a long-running series of protests and demonstrations by ex-combatants culminated

<sup>16</sup> This has been expressed in numerous letters to local newspapers, epitomised as follows: 'Our country has gone through a long struggle. The People have struggled together, workers and students have really sacrificed; our PLAN combatants have given up their education and lives to serve (for no salary) the motherland – but it seems our ministers have forgotten ... Our education system has to continue to support racists and autoerats who now pretend to have changed so as to retain their jobs, all for the sake of reconciliation. Is reconciliation the reason for these high salaries?' (*The Namibian* 11/5/90).

<sup>17</sup> 'What about the people who were at the battlefield during the liberation of our country, and who are not educated? What are we going to do? Many of us are illiterate people who only know how to fight. Now we are being threatened by intellectuals who were lucky to be sent abroad by SWAPO to study for the benefit of the Namibian nation. Many of them are now proud and arrogant because they have been given jobs and are driving luxurious cars ...' (Amandjange, letter to *The Namibian* 23/7/90).

in a confrontation with the Namibian Police, in which twelve former soldiers were wounded by tear gas and rubber bullets (*Namibian* 11/10/95).

The 'land question' in Namibia remains similarly problematic, and is a source of continuing dissatisfaction for many of the rural poor. Unequal access to productive land and water is a central feature of Namibia's colonial inheritance. In a context where both resources are positively scarce, the private ownership of some 45% of the total land area and 74% of the potentially arable land by some 4 000 mainly white commercial farmers is a major factor in determining inequality of incomes and wealth. In attempting to redress these imbalances, however, the Government has confronted the paradox of matching increased production (or at least maintaining existing levels of production) with greater social equity, since much of Namibia is unsuitable for agriculture.

This state of affairs has been exacerbated by the fact that there is a growing trend among certain farmers in the former Owambo and Kavango areas to fence rangelands hitherto recognised as communal pasture for private use. By this practice, private farms (often being several thousand hectares in extent) have been acquired from the local traditional leaders for fees, which seldom exceed N\$1 000 or N\$2 000. Not only is this practice disrupting age-old patterns of transhumance in the region and creating land shortages by confining seasonal grazing into ever smaller areas (with the concomitant danger of environmental degradation), but it is also relieving pressure on the Government to reallocate land in the commercial area. This is because those who are thus enclosing land comprise a powerful alliance of senior traditional leaders, the local business elite and senior political figures, including some members of the Cabinet. Without the support of this group, calls for land reform from the north are largely muted (Tapscott 1994).

Although there are no serious signs of desertion from SWAPO at present, many quarters (particularly in the populous Omusati, Oshana, Oshikoto and Ohangwena Regions – the party heartland) are becoming unquestionably disillusioned with both the pace and form of economic and administrative reconstruction.

## AUTHORITARIANISM

The elections of late 1994 returned SWAPO to power with an increased majority and with the support of some three-quarters of the electorate. There is increasing evidence that with this consolidation of power there has been a resurgence of a strain of authoritarianism that was latent within SWAPO's leadership ranks during the struggle era. The genesis of this authoritarianism has been discussed at some length by Saul and Leys (1995), and may be

traced back to the late 1970s and 1980s and the predominance of the military/security establishment within the party in eliminating real and imagined spies. This was characterised by a highly centralised structure of authority, intolerance of criticism and the repression of any perceived dissent.

The events of this era have been suppressed in the official history of the struggle, and at independence SWAPO declined to investigate any of the accusations of human rights abuse made against its members by former detainees, on the grounds that this would be against the spirit of national reconciliation.<sup>18</sup> It was argued that, to be fair, the process would have to apply equally to officials from the former colonial and South African forces, and that the exercise would not only be difficult to conduct (since the SADF had withdrawn from Namibia), but also that it would stir up old enmities and impede the development of a new national identity. Many of those reputed to have been implicated in the excesses were appointed to positions of influence in the new Government, and most pointedly within the military.<sup>19</sup>

Although the tendency towards greater authoritarianism appears for the present to be held in check by the more liberal and social democratic tendencies within SWAPO, there have been repeated attempts to impose more rigid control over the polity. This was evident in attempts made in 1995 to promulgate a bill to prohibit the publication of 'biased reports' on the deliberations of Parliament. Although the more contentious dimensions of the bill were subsequently removed, that it should have been put before Parliament at all is indicative of the sensitivity to criticism which exists within certain quarters of the SWAPO leadership.

While it is significant that both the press and judiciary remain independent, both have been strongly attacked by SWAPO ideologues in recent years. The parastatal Namibian Broadcasting Corporation (NBC), which aspired to journalistic autonomy at its inception at independence, has increasingly become the Government's mouthpiece and allows little, if any, substantive criticism of official policy in its reporting.<sup>20</sup> At the same time, *The Namibian* newspaper, which championed SWAPO's liberation struggle and was victimised by the colonial regime, is increasingly vilified by the party leaders since taking a critical stance on corruption in Government.<sup>21</sup>

Attacks against the judiciary have generally been on the grounds of the alleged racism of white judges, magistrates and lawyers and their stated

leniency in dealing with criminals.<sup>22</sup> Whatever the legitimacy of these claims, their impact has been to undermine public respect for and confidence in the judiciary. For example, the Legal Practitioners Bill, which was intended to address racial imbalances in the profession by exempting would-be lawyers from mandatory practical exams, has been criticised for its perceived threat to the independence of the Namibian judiciary. This was because the Bill suggested that lawyers would qualify at the Government's discretion. In particular it was felt that this could lead to a situation where the Government, by determining who could enter legal practice, could indirectly dominate and control the Law Society of Namibia and thereby influence the composition of the Judicial Service Commission which is instrumental in the appointment of judges. While much of the opposition to the Bill was expressed by the white-dominated Law Society of Namibia and the Society of Advocates of Namibia (hence it reflected their own corporatist interests), it is significant that the UN Special Rapporteur on the Independence of the Judiciary asserted during a visit to Windhoek that the Bill 'violated the universally accepted norms for the protection of an independent legal profession' (*The Namibian* 14/6/95).

## EMERGING CORRUPTION

Concomitant with the concentration of power in the hands of the political elite has been growing evidence of corruption among senior civil servants and members of the SWAPO leadership. While some of these malpractices may be ascribed to poor financial management rather than dishonesty,<sup>23</sup> others clearly may not. The most publicised of these cases were allegations of the illegal drilling of drought-relief boreholes on the farms of leading politicians,<sup>24</sup> and the abuse of Tender Board regulations and the receipt of kickbacks.<sup>25</sup> The sudden enrichment of the President's brother-in-law, Aron Mushimba,<sup>26</sup> has likewise been the subject of frequent speculation in the press and has raised charges of preferential access to state tenders. While a measure of corruption might be expected in any democracy, the use of inconclusive commissions of inquiry as a mechanism to cover up and even-

<sup>18</sup> Cf. Lombard in this volume.

<sup>19</sup> The most publicised of these appointments was that of Salomon 'Jesus' Hawala as Chief of Staff of the Namibian Defence Force. Hawala had earned himself the nickname 'Butcher of Lubango' for his reputed exploits in the SWAPO detention camps in southern Angola.

<sup>20</sup> Cf. Köbler & Melber in this volume.

<sup>21</sup> See, for example, comments made by leading SWAPO officials in the issue of *The Namibian* commemorating the newspaper's 10<sup>th</sup> anniversary.

<sup>22</sup> In 1995 four out of the eight High Court judges were white, but the overwhelming majority of magistrates and prosecutors were not.

<sup>23</sup> 'More Financial "Funnies" in the Ministries' (*The Namibian* 25/7/95)

<sup>24</sup> 'Disciplinary Action is the Next Step' (*The Namibian* 23/6/95)

<sup>25</sup> 'Call for Clarity on the Guibeb Case' (*The Namibian* 30/6/95). 'Get the Quota.

Buy the Merc' (*New Era* 5/1/95).

<sup>26</sup> 'Big Commission for Mushimba' (*Windhoek Advertiser* 4/9/95). 'Company with fingers in many pies' (*Tempo* 12/2/94).

tually quash what appear to have been prima facie cases is inconsistent with the ideals of public accountability.

## A WEAK CIVIL SOCIETY

The growth of a self-serving elite and the drift towards authoritarianism within the public sphere has been made easier by the weakness of civil society within Namibia. As intimated, this state of affairs may be ascribed to policies of the colonial Government and to SWAPO's political strategies during the independence struggle, both of which inhibited the development of NGOs, community-based organisations and other organisations outside of formal politics.

Historically, the majority of the population of Namibia have lived in the northern regions in scattered rural communities. This factor alone served to limit possibilities for the development of a broad national identity and a wider notion of civic responsibility and entitlement.<sup>27</sup> At the same time, a number of factors retarded the development of community-based activity and constrained the growth of NGOs in the northern regions. The South African occupation forces in particular actively discouraged the establishment of independent community-based NGOs, in the belief that they could be mobilised towards resistance by forces sympathetic to SWAPO.

The influence of autocratic traditional authority structures, following their co-option by the colonial Government, further mitigated against the establishment of community-based organisations. For many chiefs and headmen, autonomous and democratically elected community structures posed a threat to their power and influence over local communities. Likewise, despite the importance of their role in mobilising communities, rural churches were not broadly participatory in structure. Finally, the dictates of the struggle for independence and SWAPO's own penchant for authoritarianism implied that the dominant political force in large sections of the north was both military and hierarchical in orientation for much of the past two decades. Under these circumstances it was not possible for a tradition of mass-based organisation to develop in the rural areas.

<sup>27</sup> While a number of authors have questioned whether the notion of 'civil society' can justifiably be ascribed to largely pre-capitalist and rural societies such as those found throughout Africa (see Mamdani 1995 for a discussion of this view), it is the contention that in most African societies some influence groups did exist with powers countervailing those of the traditional leadership. These were councillors, elders, wealthy farmers and others who held the powers of the leaders in check, either through counsel or through the threat of political mobilisation against them.

The trade union movement, which in other contexts has been an important player in civil society, is generally weak. This is partly due to the small size of the organised labour movement (scarcely 50% of those in formal employment are union members), and partly to the role of the trade union movement in the national liberation movement and its relationship to SWAPO. Up until the advent of independence the trade union movement was characterised more by its capacity to mobilise politically than by its ability to win concessions for its members.

Since independence the emergence of a strongly independent union movement has been constrained by the fact that some of its most prominent leaders are still closely linked to SWAPO. The conventional line upheld by SWAPO officials is that of the unity of party and unions. While this view is still prevalent among some workers who remain fiercely loyal to SWAPO, it is clear that many among the unions' leadership structures would wish to disaffiliate themselves from the party and steer a more independent line. In general, however, the trade union movement is in disarray and has yet to find a strongly independent voice within civil society.

Though SWAPO was never officially outlawed during the three decades of the armed struggle, the party leadership in exile strongly discouraged the development of internally-based leadership structures (cf. Saul & Leys 1995). This was in strong contrast to the developments in South Africa at the time, in that mass-based resistance was a characteristic of that country's anti-apartheid struggle.

It is argued that in the independence era the presence of securocrats (associated with repression while in exile) in the upper echelons of Government has served to restrict free speech within SWAPO and that it has limited critical debate on issues of national importance. It is no coincidence that the most frank discussions and the most explicit criticisms of government policy are to be heard through the anonymous medium of phone-in radio shows. With the passage of time these 'chat shows', broadcast in English and the vernacular and dubbed 'the people's parliament', have become the fora for increasingly vociferous attacks on the Government. In November 1995, open criticism and veiled threats against the SWAPO leadership led to the suspension of the Oshiwambo call-in programme, *Ewilyamangaguuka*, because of the abusive tone of callers (*The Namibian* 24/11/95). That such a step was deemed necessary within SWAPO's political heartland illustrates the levels of frustration existing within certain segments of the community, and of the party's growing intolerance of popular criticism.

The lack of open debate and free expression within the party is creating a climate for a resurgence of the intrigue, subterfuge and factionalism that plagued SWAPO in exile in the 1980s. This trend is likely to be accentuated should President Nujoma step down (as constitutionally obligated) at the end of his current term of office (i.e. in 1999) and succession struggles ensue.

## CONCLUSION

While SWAPO's gains in the 1994 elections would appear counter-intuitive in view of the party's inability to significantly improve the living standards of the majority of Namibians, they are not inconsistent with trends elsewhere in Africa. For many of SWAPO's supporters, their loyalty transcends party-political issues. Being a member of SWAPO during the long years of struggle often meant as much in terms of personal and family identity and commitment to one's community as it did in terms of loyalty to political leaders. Therefore, as disenchantment with the SWAPO leadership grows, a decline in poll percentages rather than a swing to opposition parties is likely to occur, as has been the case in Zimbabwe.

It is also likely that the extended family system that exists throughout Namibia's rural areas will mitigate the effects of growing class contradictions in the short run. Charney (1987: 52), in other contexts, speaks of the role of 'lineage ideologies' in reinforcing the legitimacy of elites in societies where capitalist and domestic modes of production interpenetrate. Under such circumstances, kinship obligations and clientelism serve to reduce tensions between the elite and subaltern classes by extending influence and to a lesser extent economic gains to subordinate groups. In Namibia, the reciprocities and obligations of the extended family system are such that the socio-economic standing of many rural households depends heavily on remittances from those in waged employment in the public sector. Undermining the jobs of those in positions of influence in the public sector could thus prove to be self-defeating.

Many of the tendencies discussed above are still at an early stage, and their full development might yet be mitigated by an array of endogenous and exogenous factors. Therefore, while the emergence of a new elite was an inevitable and anticipated development that was accepted by the influential international donor community in Windhoek, the occurrence of corruption has not been well-received. The sanction of reduced aid, at least in the short run, could serve to hold overt corruption in check.

Similarly, the excessive authoritarianism and associated human rights abuses that occurred in the SWAPO camps in exile would not be concealed as easily in independent Namibia – from either the public at large or the international community, including the leading countries within SADC.<sup>25</sup> The autonomy of the press, while under assault, remains an important bulwark against such developments. However, any steps to formally curb the independence of the news media must be interpreted as an ominous move towards authoritarian rule.

It is also possible that a new configuration of political forces within Namibia, including disaffected SWAPO members, could emerge to challenge the hegemony of the ruling party, even if they do not seriously threaten its hold on power in the short run. The orientation of the current youth leadership has yet to manifest itself clearly, but it is likely to differ from that of the old guard which currently holds the reins of power.

<sup>25</sup> The intervention of South Africa and Zimbabwe in the attempted coup in Lesotho during 1995 is indicative of such a possible future trend.

## 18

## How to be a Namibian and a democrat: on the question of the project of nationhood after apartheid

Ingolf Diener

Various aspects of independent Namibia have been examined in the course of the preceding chapters. The reader has been given the opportunity to assess both achievements and setbacks within the fifteen areas discussed. Going on from there, and taking into account several supplementary aspects worthy of our attention, I propose at this point broaching a subject that lies just beneath the surface: What can be said on the subject of building a nation and a democratic state in what is, after all, a post-colonial, post-apartheid society?

### DIALOGUE ON DUAL REALITIES

A recurring theme emerges in the preceding chapters, namely a gap between what is said and what is actually done in respect of *de jure* organisation and *de facto* situations. It is as if the Namibian reality were a dual one: the foreground presents the observer with a constitutionally instituted reality which would appear to be functioning smoothly, while in the background, we can see a completely different social reality, having its own rules, with an intermediate level marked by a certain 'opaqueness', a sense of 'blurring', a 'vacuum' – all terms that occur frequently in the numerous documents consulted. We have here a situation in which observers and actors alike ask themselves which of the two realities will finally emerge to shape the other.

One's first thought on the matter may be that the gap between the ideal and reality has always dogged man's efforts: 'Out of the crooked timber of humanity no straight thing can ever be made'.<sup>1</sup> On a more political level we might quote Winston Churchill, who said that parliamentary democracy was 'the worst form of government possible, with the exception of all the others'. Moreover we should point out that in essence, all power corrupts (those who wield it and those close to them), absolute power corrupts absolutely, and democracy consists precisely in organising power into a number of distinct branches which, when taken together, work in such a way as to guarantee the transparency required to check corruption and abuse. It is common knowledge that bureaucracy – that sentinel of a system in which everything can and must be verified, anticipated and calculated, so producing rationality (Weber) – engenders an endless series of tragi-comic absurdities (Kafka). In short, the gaps pointed out thus far are simply the Namibian version of an anthropological constant. Yes, quite!

On closer inspection it would appear that democracy is under constant attack from within those very societies (American and European) from which it emerged as a permanent means of regulating divergent, if not opposing, socio-economic interests, both within and between the ruling classes and those whom they rule. In France today, what appears to be the irresistible rise of the extreme right – accounting for roughly 15% of the national vote and in some cases over 50% at the local level – is now coming up against what appear to be the first signs of massive rejection. This of course must be carefully monitored. The first German democracy was swept away in 1933 by Hitler's national-socialist movement. The Weimar regime has been qualified as 'a democracy without democrats'. If nothing can ever be said to be certain in a world in which democracy first emerged, how can one object to Namibia's shortcomings? Are the emphasis on human rights, transparency in the management of public funds and the principle of the accountability of the ruling class to the people who regularly exercise their sovereignty at the ballot box at all levels of government no more than the latest manifestation of western cultural imperialism, which unremittingly sees itself as morally superior? After all, the West, however democratic it may be on home ground, reserved special treatment for its colonies, and this includes Namibia: a way of life in which *democracy* rhymes with *hypocrisy*,<sup>2</sup> and in which the dream of equality has become the nightmare of exclusion.<sup>2</sup> Not before several decades of resistance in various forms, including armed resistance, did the colonised Namibians manage to wrest from the West and its local and regional relays the application of the latter's own founding

<sup>1</sup> Emmanuel Kant, *The notion of a universal history from a cosmopolitan point of view*, 6th proposition, 1784.

<sup>2</sup> Rhetorical figures taken from Malcolm X.

principle, deemed to be universal: 'one person, one vote'.<sup>3</sup> Exit *Herrenvolk* democracy (Giliomee), enter plain democracy and national independence. The founding act on both counts came about as a result of a veritable plebiscite in November 1989 (which was repeated in South Africa in April 1994, in circumstances both similar and different).

The duplicity of the democratic West stretches far into the past; it has its present, and doubtless, its future, but none of this can ever invalidate the basic figure of the citizen. That the latter can no longer be called into question is the result of struggles which took place on the European continent, in North America and in Namibia, at various times and under different historical circumstances. The figure of the citizen is the only distinction to which a human being can lay claim when confronted by constantly changing interests which tend to see him as a mere pawn in a complex socio-economic game of power politics, whose intricate rules and aims he cannot hope to master. There is no lack of causes of all sorts inciting the individual to act on their behalf, which in the final analysis work against his own interests. Instead of upholding, everywhere and at all times, the basic right of the individual/citizen to stand at that distance without which he cannot hope to maintain the position of the citizen, conflicting interest groups create situations marked by hostility, in which one group is thrown to the lions by another. The end result is renewed misery and an increase in the number of deaths, and sometimes even genocide: Herero and Armenians in the past, European Jewry only yesterday, and today's Tutsis and 'moderate' Hutus, and Bosnian Muslims – victims today of massive 'ethnic cleansing'. Whose turn will it be tomorrow? 'It is all right to die for an idea,' said the French bard, Georges Brassens, adding 'but of a natural death'. He also pointed out that 'those who preach the moral obligation to die for one's convictions generally live to a ripe old age'.

If one accepts the principle of the right of all persons to the pursuit of happiness, the success of democracy in Namibia, as elsewhere in Africa, can only reinforce determination in Europe, just as Europe's own failures in this respect can only weaken Africa's chances. This is the crux of the matter under discussion here regarding Namibia's contradictions, which have been raised by a number of authors residing in Namibia.

<sup>3</sup> Yet another interesting distinction might be added here. In Namibia, the official and semi-official usage of English, whether written or oral, expresses the will to stop replicating symbolically the male chauvinism which still holds its sway, exemplified in the following preferences: *he/she* (instead of simply *he*), *his/her* (instead of *his*), *chairperson* (instead of either *chairman* or *chairwoman*), *humankind* (instead of *mankind*), etc. This is in sharp contrast to official French linguistic practice, which is reluctant to admit the need to look for ways of changing from a mode of representation where women are flatly subsumed under the category of 'Man'.

The German Constitution, for example, declares, 'All power comes from the people.' 'But where does it go?', asked the poet and playwright, Bertold Brecht. It is in this context that the question crops up: How can one be a Namibian and moreover a democrat?

### WHAT ARE THE GROUNDS FOR DEMOCRACY?

Nearly all the chapters herein make it clear that the decolonisation formula for Namibia is the result of a compromise at the regional and international levels, the principles of which were fixed long in advance and after lengthy negotiations. This leaves the new power scant room for manoeuvre. This 'liberation', imposed on an inherited social structure which it perpetuates, by and large, appears to be limited to the symbolic level.

We might add that the temptation to appear 'authentic' has not given rise to a plethora of new names, as is the case elsewhere. The fact that a great number of symbols of a colonial past have been left intact may pass for an act of opportune wisdom. The 25 000 or so German-speaking citizens, most of whom are descendants of early colonists, must themselves find a way in the future to grasp the hand of friendship held out to them in view of 'national reconciliation'. Changes in the many symbolical names of streets in Windhoek are few and far between, which is quite baffling. Those that have changed include the imperial 'Kaiserstrasse', which formerly ran only through the city centre. The old road has a new branch, linking the city centre to the very end of Katutura, and is now called 'Independence Avenue'. The former 'Leutweinstrasse', not far off, was renamed 'Robert Mugabe Avenue' on the occasion of the latter's visit to Windhoek. There is also 'Sam Nujoma Drive', which crosses all the major through roads named after the historic leaders of anti-colonial resistance: Mandume Ndemufayo (Ovambo), Hosea Kutako (Herero), and Hendrik Witbooi (Nama). As for Nelson Mandela, he found it somewhat premature to have an avenue renamed in his honour: as a politician currently in office, the possibility that he might do something heinous in the future which would preclude any monument in his name cannot be ruled out (*The Namibian* 10/8/94). His publicly stated aversion to self-adulation is obviously not shared by the SWAPO bigwigs. Indeed, streets, roads and housing estates bearing their names are mushrooming, particularly in provincial towns. To state but one recent example: the coastal town of Swakopmund now has a residential area called 'Hage Heights' (after the Prime Minister). As for the arch which bears the inscription *Suum Cuique* ('to each his due') over the route linking white Windhoek to black Katutura, it did not resist Independence Day for long. In fact, its disap-

pearance is due to a drunken driver rather than a deliberate political act. Though it has never been restored, *Suum Cuique*, symbolic of a form of racism which denies blacks any hope of social betterment, formerly inscribed over the entrance to the Buchenwald concentration camp, can still be found on the city's coat of arms.<sup>4</sup> In 1996 the Herero went on an impressive march to see Germany's Chancellor Kohl, who was on an official visit to Namibia at the time, and demanded that Germany acknowledge the former genocide and pay subsequent compensation. However, in Klein Windhoek, a chic residential quarter of the capital, there is still a Von-Trotha-Strasse,<sup>5</sup> named after the butcher of the war of extermination against the Herero. After so much rhetoric over the 'divisive signs of apartheid', the constant presence of ethnic letters to the old Katutura is also disconcerting. Furthermore, when one considers that many of SWAPO's militants were given a public flogging for daring to use the term 'Namibia', one wonders why the party in power has not yet changed its name from 'SWAPO' to 'NAPO'.

Following Namibia's independence, the state, the origins and nature of which are colonial, must nonetheless fulfil tasks concomitant with the democratic paradigm. As a result it finds its capacities limited by an administration which is ill-equipped at the material, judicial<sup>6</sup> and human levels. Although the State's administration is being extensively restructured, all chapters herein include numerous examples of inefficiency, incoherence and irrationality in the distribution of its powers and functions. We should not forget that there is a Central Government whose ministries and services extend throughout the country. Yet the division of the latter into administrative entities varies, depending on the ministry, and fails to coincide with the thirteen new regions. In the absence of budgetary means of their own, these Regional Councils find themselves shunted between the commercial sector and the communal areas, and they find it rather difficult to establish themselves as regional centres of power with clearly defined roles. At the Local Authority level there is the duality of status between *municipalities* and *towns*, the latter lacking a budget of their own (cf. Ch. 14 herein). In the designated *communal areas* themselves, in which most of the population reside, there are the traditional chiefs, among whom a growing number of 'kings' are to be found, whose respective areas of influence straddle a number of regions on which they depend for their salaries. Under such conditions

<sup>4</sup> The *Suum Cuique* is perfectly ambiguous. Emblematic here of institutionalised racism, it might well serve as a Republican maxim: Everyone carries a Marshal's staff of office in their bag. In a strict meritocracy, public office is bestowed in accordance with proven ability, rather like the French-style system of competitive examinations, for example. However, not a trace has been found of a possible reinterpretation of this time-worn symbol.

<sup>5</sup> In fact a slight impasse, which might even serve to indicate that militarism leads to a dead end.

<sup>6</sup> Cf. 'A museum for South African law' (Lohman, Hinz & //Hoabeb 1993: 5-6).

of institutional imbroglio, in which a multitude of actors at the social level find themselves almost systematically in an awkward relation to one another, it is hardly surprising that the administration becomes a source of confusion, starting with unreliable statistics. Such a dynamic tends to shoot itself in the foot.<sup>7</sup> Where is the citizen in all this?

The passage to a representative – parliamentary – democracy, has established Namibians as free citizens, equal in their right to human dignity. However, this fundamental act cannot, in one stroke, establish a social base corresponding to the ‘ideal type’ of the citizen/bourgeois so dear to Max Weber: the individual free agent, whose function is acquisitive, and who demands, in order to achieve this end, a rational system as a *sine qua non* for his or her undertakings. Davidson’s résumé (1992: 230) of the political sociology which largely predominates in Africa is equally valid for Namibia. The repetitive failure of the nation-state paradigm –

... was increasingly ascribed to a failure of persons rather than of institutions. The reality, as the facts have urged, was rather that the nature of society had failed to meet the requirements of the parliamentary models by which the new nation-states were supposed to operate. No strongly hegemonic ‘middle strata’ had emerged, or even, outside small clusters of capitalists in several cities, begun to emerge; nor did it seem at all probable, given the ambiance of the world economy, that any such hegemonic strata could emerge in a foreseeable future.

The figure of the citizen/bourgeois, an autonomous individual, took root only in the former ‘police zone’, with its capitalist social ties, but this was in a form that was biased by the ‘*Herrenvolk* democracy’, prospering on the basis of a subjugated, colonised population, organised around social formations of the lineage type, with differing principles of power and representation. That is why any analysis in terms of a state/civil society dialectic does not apply. However satisfactorily they take into account the expansionist nature of state bureaucracy facing society, there is always the fact that the latter is not ‘civil’.<sup>8</sup> The fact remains that if we analysed the

<sup>7</sup> Identically reproduced, as it were, but in a different context: recall, if you will, the overblown apparatus of apartheid, with its eleven different ethnic Governments. As for the tangle of administrations in charge of Katutura. cf. Pendleton (1996: 46-51).

<sup>8</sup> Let us clarify some terms. The opposition ‘state-civil’, which can be found in the juxtapositions ‘civil-military’, ‘civil-penal’ (the monopoly on violence reserved for the State), etc., acquires its full meaning only in a ‘modern’ political configuration, i.e. *capitalist*. It is here that the state is conceived and constituted as an institution emanating from individuals posed as ‘citizens’ (cf. the theories of social contract from the 17th to the 19th Centuries, from Hobbes and Locke to Hegel, not to mention Rousseau). The opposition between state

various types of power which existed in pre-colonial Namibia in terms of their democratic potential, lumped together under the general heading ‘traditional’, we would doubtless find a variety of dynamics. Take, for example, in the north, ‘Ombalantu – a people’s democracy’ (Williams 1991: 135-137). The regicide committed during the last century on a tyrannical ruler, which is proudly recalled by at least part of the Ombalantu population, has today become a political argument. Thus it is that the chief of the Ombalantu Owambo, demanding that the title of ‘King’ be bestowed on him by the Kozonguizi Commission, provoked a sharp written reply which figures in the commission’s report (1991: 65):

... issued by peasants, teachers, nurses, businessmen and all who are involved ... We in Ombalantu, we need only headmen and not a Chief. As we have grown up we are only with headmen ... . We do not know a Chief, how they work and what their ideology is. *If we are forced to have Chiefs in Ombalantu, automatically war will arise yet as in Haiyavela’s days. As we killed Kamhaku, we show the world that we no more need Chiefs. Everyone whom the people see is able to rule can be elected as a headman, does not matter in which family he/she belongs. We need headmen who are elected but not who are appointed. We have suffered a lot under the rule of headmen who are appointed.* [Here Kozonguizi parenthetically added ‘original emphasis’.]

Without doubt, the socio-economic hierarchy created under apartheid was deracialised by the SWAPO Government, namely at the level of the

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and society existed long before the emergence of the capitalist configuration, but the individual was regarded not as a ‘citizen’, but rather as a ‘subject’.

The term ‘civil’ must not be confused with the term ‘civilised’, in spite of the common root, i.e. the Latin ‘civis’, which favours this amalgamation. ‘Civilised’ stands in opposition to ‘barbarian’, ‘brutish’ or ‘uncultured’. As for determining the extent to which states based on citizenry can be said to act in a ‘civilised’ manner, cf. for example Hannah Arendt’s exposition on imperialism, *The Origins of Totalitarianism*, Vol. 2 (1951). The more or less ‘civilised’ existing relations with their citizens proved ineffectual when it came to reverting to a state of savagery – supposedly held in check by the citizen contract – as regards external relations between states and towards ‘immigrants’. This is a question of considerable importance today, and it is equally relevant to Namibia, in fact so much so that the figure of the citizen can attain its finished form only insofar as it is applied universally in the figure of the ‘citizen of the world’, the stages of which were outlined by Kant. The question of how citizenship status can be extended beyond its grounding in the capitalist social order to each and every man, woman and child living on Earth constitutes an enigma of our time. As a result of unparalleled productivity gains, full-time full employment has become a thing of the past in the industrialised world and can no longer be taken as a viable model for the rest of the world. Regarding the ambiguity of the citizen/bourgeois world, cf. Horkheimer & Adorno (English translation: *The Dialectics of the Enlightenment*, New York, 1972).

State, at a much faster rate than was previously the case, but it was not abolished, despite SWAPO's longstanding promises to the contrary. For the time being, the resulting rise in discontent at its social base has not had a significant impact on the party, with its close-knit internal structure.<sup>9</sup> Nor has it found support within the official opposition, the DTA. As the former party of Pretoria, the DTA backed a policy that corresponds to the one currently enacted by SWAPO, a party which plays both on its attractiveness as the one in power and on its traditional discourse on social justice as a means of promoting integration. At central state level, a state of divorce exists between social protests and duly elected representation.

Political power-sharing, as provided for by the Constitution, between the central, regional and local echelons is blocked today (cf. Ch. 14 herein). Highly visible, Central Government considers all possible forms of control and intervention in regional and local affairs to be its exclusive reserve. The reasons put forward by the Ministry of Regional and Local Government and Housing (MRLGH) in the course of the 1992 parliamentary debates were the lack of experience of Namibians in this type of management, and the threat of gross mismanagement and corruption, in view of the sombre precedent of scandals in the former ethnic administrations. However, here again we find SWAPO's traditional taste for authoritarianism (brought to the fore in several chapters in this book). Moreover, the rigorous framework imposed by the Central Government on newly elected bodies appears to safeguard the economic privileges of the whites against any attempt to substantially modify the existing structures by those formerly kept in an inferior position. Thus Staby, a DTA deputy, went on record as saying that 'the proposed dispensation concerning local authorities does not depart radically from existing and known structures. There is nothing radically new, nothing revolutionary, nothing strange or outlandish ...' (*Assembly Debates* 5/8/92). In addition, the lingering fear of ethnic enclaves is reflected in today's deliberations on the land tenure of natural reserves under the control of local populations (*The Namibian* 29/10/96). In the meantime there are clear signs of the gradual extension of the Central Government apparatus, as tentacular as it is inefficient (cf. Ch. 5 herein).

Here a double conclusion can be reached. On the one hand, the state organisation fails to give support to its democratically mandated representatives at the local level, created as ramparts of equity to ensure open and above-board arbitration between Central Government and divergent interests emanating from the social base. On the other hand, public life characterised by vigorous debate goes on despite this, as all the chapters herein make clear. That this is a fact is due to the vitality of numerous

<sup>9</sup> Cf. Lauren Dobell, 'SWAPO in office', in Leys & Saul (1995: 171-195).

instances of intervention by non-governmental agencies – the churches, NGOs, CBOs, trade unions, entrepreneurs, socio-professional organisations, chambers of commerce, political parties, environmental pressure groups, traditional leaders, international development agencies – who, to make their grievances known, can count on the press, which sometimes gets muddled but which has the courage to act as a springboard. A totally different climate has come about, compared with that of the recent past. The new generation is growing up amid new social paradigms, without the trauma of war, exile and apartheid. The conditions of education and training have improved markedly, and administrations and businesses are taking on more competent personnel of all 'races' and 'ethnic groups'; this in spite of nepotism, which the press never fails to expose.

This gap between playing by the rules and the actual game itself, which is a result of the structural shortcomings mentioned above, leaves some grey areas. These have been exploited until such time as legislation indispensable to clarifying procedures is enacted. On the one hand, the pressing need for a given project works in favour of ad-hoc contacts from a pragmatic position. So, personalised communication networks come into being, short-circuiting official channels and outdistancing official bodies designed to provide the very framework for such operations – and indeed to bring them about on a consensual, transparent basis. Such underlying networks pave the way for arbitration in which the concern for efficiency is accompanied by a pull towards murky dealings, an invitation to corruption. While today's press, always quick to sniff out and make an issue of the slightest hint of corruption and scandal, and while the Auditor-General and Justice endeavour to limit the phenomenon, they cannot suppress its structural causes. The incidence of a small population is not without importance here too: the extremely low amount of candidates qualified for middle and upper management is hardly conducive to making corrupt personnel redundant. On the other hand, the chiefs know how to turn Central Government's traditional weakness to their own advantage in the context of *indirect rule*, the ideal type of which was apartheid. The new police force and courts of law in Herero communal areas showed themselves to be ineffective in checking the high incidence of cattle-rustling. *Epango*, a tribal militia, was born, giving the state no other choice but to come to terms with this *fait accompli* in the absence of any other solution. In the meantime *Epango* has developed branches in urban areas and is now considered something of a model.

The Namibians, formally established as citizens, thus find themselves in a situation which gives them scant room for effective intervention through democratically legitimised institutions, in the process of making decisions about what concerns them. The sole recourse open to them is kinship solidarity, and this has in fact become an instrument manipulated by traditional

leaders anxious about their future status, particularly as regards their right to bestow lands in usufruct. These leaders in turn become pawns in the hands of a politico-business establishment bent on achieving certain ambitions (cf. Ch. 12 herein). This tendency is substantiated by the illegal enclosure of vast tracts of community lands in the east and to the north of the country, where half of the Oshikoto Region (part of former Owamboland) has already been subjected to this treatment. Although, at its inception, the practice was vigorously denounced at the 1991 Land Conference (cf. Ch. 13 herein), the resulting situation is apparently being approved of in the ongoing legislation process on the status of communal lands (*The Namibian* 29/10/96).

### THE ENVIRONMENT: A TELLING FACTOR OF THE STATE OF CITIZENSHIP

The uncertain outcome of efforts to democratise public life can be found in the area of environmental policy (cf. Ch. 2). Since the 1992 Earth Summit in Rio de Janeiro, the slogan 'Think global, act local' has become the current agenda internationally. Virtually everywhere, not a single political party in power or about to assume power can afford to do without an environmental programme adapted to local circumstances. However, we must not forget that this novel state of affairs had its first beginnings in the early 1970s, with small groups of citizens resolutely exercising their democratic right to call into question those wielding economic and political power. The latter presented themselves as the high priests of progress, treating their detractors contemptuously as dreamers, if not saboteurs. Thus the relation that a society has with its natural environment, quite apart from any scientific and technical considerations, reveals the real status of citizenship. With respect to this, a provisional assessment of Namibia shows up clear contrasts.

On the one hand, novel initiatives do exist. Traditional leaders find their intimate knowledge of the land recognised by virtue of their newly acquired legal status as protectors of the rural environment. Attempts to extend the benefits of the flourishing tourist industry to the former 'Bantustanised' areas take the concrete form of legislative measures; all obstacles and contradictions that come up are exposed in the press. In order to provide long-term protection for its elephants, Namibia submits a carefully balanced set of proposals to the international community: the controlled export of ivory to Japan, in two shipments of 9 000 kg each over the next two-year period, with the resulting profits to benefit programmes for the conservation of elephants and the environment. The Ministry of Environment and Tourism points out that in the long run the protection of elephants and the defence

of the legitimate interests of the peasants must be reconciled, for not all elephants live within the confines of nature reserves. If the peasants, victims of the proliferation of elephants who depend on the same resources and damage fields, end up thinking that they have no other choice but to defend themselves, the result will be uncontrolled killing and ivory smuggling – the exact opposite of the desired objective (*The Namibian* 30/10/96).

This particular case exposes a line of reasoning which is fast becoming the rule. It can be found, in the case of Namibia, in the conflict pitting environmentalists against those who hunt baby seals on the north-west coast. The former denounce the cruelty of seal harvesting and would like to see it banned. The latter talk not only about employment and exports, but also claim to be concerned with the defence of national economic interests. They argue that seals deplete fish stocks, an industrial raw material which is subsequently transformed. This is precisely the sort of argument used by Norwegian whalers, for example, when they object to the moratorium on whaling. Above all, however, such a state of affairs is symptomatic of a rapidly declining global situation. By dint of the wholesale destruction of fauna and flora, a predatory humanity finds itself ultimately in direct competition with this or that animal species for the same nutritional resources.

On the other hand, in a world that worships technology, pacts are made between technocrats, political decision-makers and international projects, the foreseeable after effects of which are kept in the background by dominant short-term interests. The history of the spread of the so-called 'civil nuclear industry' in the industrialised world, particularly in France – with its attendant host of authoritarian measures, the withholding of information and official doublespeak – demonstrates that democratic processes, although applied, cannot in themselves guarantee transparency. Hence the emergence, in Europe for example, of numerous popular initiatives, defence and watchdog committees. In Namibia the Constitution offers similar possibilities.

Namibia's consumption of electricity is practically equivalent to the level of production by the parastatal NamPower (formerly SWAWEC). In order to meet growing energy needs, four solutions have been proposed. Firstly, some propose the construction of a barrage at Epupa on the Kunene River. Secondly, others favour buying electricity from South Africa, which has a surplus, or constructing a thermal power station operating on gas extracted from the Kudu platform off the Namibian coast – the exact volume of which remains to be determined. Thirdly, a combination of these latter two energy sources is envisaged (*World Bank* 1995: 126). Fourthly, the idea of drawing on recent technological advances in solar power has also been

put forward. However, for the time being this last option suffers from the absence of any significant lobbying.<sup>10</sup>

Conceived in 1990/91 as the means for and symbol of future economic independence at a time when South Africa was still under apartheid, the Epupa project was intended to generate hydropower for yet another project: pumping water from the Okavango River to supply Windhoek and other industrial centres in the central south of the country.<sup>11</sup> Sceptics draw attention to the Kunene's weak current, already insufficient to exploit the existing capacity: one turbine at the Ruacana barrage upriver has in fact never gone into operation. Apart from the difficulty of capping the cost of such a project and the ensuing long-term debt, the proposed development also threatens the social and economic stability of roughly 30 000 Himba herdsman (of whom 10 000 are on the Angolan side of the border). The original site chosen for the project is environmentally vulnerable: a gigantic works site lasting five years will be created; vast pastoral zones which are of immeasurable value in times of drought will be permanently flooded; paths used during the seasonal migration of herds would be disrupted; and access to the riverbanks, which would be very steep, would be difficult. Moreover, many ancestral graves would be immersed. The Himba cause, embraced by the press, has already obliged the consortium in charge of the initial survey to envisage at least four other sites in order to reduce the extent of the social and environmental damage.<sup>12</sup> A feasibility survey is planned for August 1997. However, according to the World Bank, which vigorously supports the new regional economic framework, the Ministry of Mines and

<sup>10</sup> Cf. Hans Beukes, 'Viewpoint: A frightening scenario' (*The Advertiser* 6/8/96). In this country, one of the sunniest in the world, with a small and scattered population, a decentralised supply of solar-based electricity appears particularly attractive and would cause a drop in the nation's energy costs. However, it would also lower the total profits of the prosperous NamPower ...

<sup>11</sup> Preparations for taking this enormous quantity of water from the Okavango River have been gathering momentum with a pledge of financial support amounting to N\$270 million from China, as well as the offer by an American firm to furnish the necessary piping at a cost of US\$50 million. However, the Okavango irrigates one of the largest marshlands on the entire planet, located in northern Botswana and providing an agriculture and tourism base for some 100 000 people. The prospect of its eventually drying up due to pumping on the Namibian side can only serve to worsen relations between the two countries, which have already been soured by the border dispute over several islands. Botswana is presently purchasing arms (*Courier International* No. 341, 15-21/5/97, based on an article in the *New African*, London).

<sup>12</sup> The consortium includes Scandinavian companies (Norway and Sweden being countries which have provided considerable support in the anti-colonial struggle as well as for independent Namibia), a Namibian company and an Angolan company. It was established by the Angolan-Namibian Permanent Joint Technical Commission for the Kunene River Basin (*The Namibian* 20/10/96). For a detailed understanding of the Himba society's reaction, cf. Bollig (1997).

Energy 'does not have the capacity' to deal with the consortium's interests on an equal footing. Further, if the leading role falls to the officially designated public power utility, NamPower, whose 'commitment to the project is already total', the feasibility study will be 'seen more as a technical exercise to build up a case for external financing and as the preliminary input to implementation. A dangerous situation has therefore arisen where the outcome of the feasibility study is already taken as a foregone conclusion.' (World Bank 1995: 126).

As for the Rössing Uranium Mine, established over twenty years ago quite outside of any legal framework in terms of international law, with its immediate and long-term consequences on the environment and on people, the problem is rarely discussed. One has to remember that SWAPO's former protests were strictly limited to the legal dimension (Diener 1986: Ch. 10). Evidence suggests that there has been a considerable drop in the Kuiseb water table due to the requirements of the Rössing complex, to which one must add those of the towns of Swakopmund and Walvis Bay, with the latter's expanding industrial sector. As regards long-term medical monitoring to determine the number of cancer cases of (former) workers in the nuclear sector, the figures are still unknown. It would be surprising if Namibian uranium turned out to be an exception to natural law, according to which even small doses of radioactivity are carcinogenic. The only lawsuit in this connection is between a former British worker and the mother company, Rio Tinto Zinc, whose headquarters are in Britain. The lawsuit came under review in the British courts, only to be passed on to Namibian justice (*The Namibian* 21/8/95).

On the question of desertification due to global warming and ultraviolet radiation which the rapidly depleting ozone layer can no longer filter out, Namibia is now experiencing the backlash due to that portion of humanity which, through its industrialised, consumer-oriented culture, has decided to adopt a lifestyle which is beyond the planet's resources.

## THE CHALLENGE OF THE NASCENT NATION

All the chapters herein emphasise the efforts undertaken in the name of the new doctrine of 'national reconciliation', to go beyond the structures left by apartheid. The term 'reconciliation' indicates the method chosen, and the term 'national' indicates the stated goal. At stake here is bringing about the necessary conditions for all the country's inhabitants to accept and even claim their identity as 'Namibians', beyond the simple fact of holding a passport of the state called 'Namibia'. This implies taking a gamble on

identity and challenges the whole fabric of colonial society to reweave itself. Conversely, it is not at all certain that people whose interests, identities and mentality have been shaped on the colonial pattern with an added zest of apartheid for good measure should be prepared unhesitatingly to join the project of nationhood, a hitherto unknown symbol of the common good. Here the dead weight of what has gone before constitutes a set of challenges all pulling in the opposite direction, the overall dynamic of which may well reduce the initial project from the status of a regulative idea to that of a mere incantation.<sup>13</sup>

### Race, ethnic group and balanced structure in public services

The fact that racism is banned by the Constitution sets the stage for a new paradigm, but the individual pieces of this reality, rather like a puzzle, each follow their own distinct rhythm while attempting to fit in with the whole (cf. in particular Ch. 6 and Ch. 7 herein). This imposes a paradox on state policy: the elimination of racial and ethnic categories as standards for recruitment and promotion within the state apparatus, in favour of a strictly individual meritocracy implies that at one level of the administration or another, the same criteria will have to be reintroduced to achieve the 'balanced structuring' of state services. 'Affirmative action' cannot escape the dialectics of anti-discriminatory discrimination: a racism which is anti-racist, ethnicism which is anti-ethnic, an anti-sexist sexism.<sup>14</sup> It sometimes

<sup>13</sup> A 'regulative idea' (Kant) does not establish the existence of something to be found in reality, yet it does prompt one into thinking and acting as if such a thing existed.

<sup>14</sup> The constitutional principle of a 'balanced structure' tends toward a pattern of public service staffing which roughly reflects the proportional composition of the population, in particular with regard to region of origin and gender. As for the *supreme* constitutional principle of 'citizen equality', the requirement, on the contrary, is that such criteria be systematically ignored, and that the recruitment and advancement of staff be based strictly on individual merit. If this latter principle, in line with its aspect of equal opportunity for all, was fully developed throughout society, it should in the medium run produce such a 'balanced structure'. Any persistent imbalance is then an indicator of discrimination, unless one assumes that the under-represented groups are congenitally inferior to those over-represented. From time immemorial, socially dominant groups have used this argument. If one admits that the idea of equality is a gamble on the future rather than a judgement based on factual findings, the multifarious devices for exclusion which tend to reproduce existing domination patterns are, on the contrary, perfectly capable of being empirically proved. Rather like the fact that they have always been resented, and often fought, sometimes successfully.

Apartheid was such a device, and sexism still is. Affirmative action as a constitutional command is therefore aimed at creating the conditions for equal opportunity in reality, thus giving all its chances to the bet on equality. Apartheid had legally institutionalised asymmetrical reproduction on the criterion of skin colour, and perpetuated it on the gender

receives criticism for placing the logic of the quota system above competence and for often acting as a cover-up for nepotism and clientelism.

Officially outlawed, racism has marked the way people see things for far too long to disappear just like that. Although it is true that the traditional approximate equations white = rich, black = poor, coloured = moderately poor or moderately well off, apply less and less to real-life situations, it cannot be denied that the ranks of the poor are nearly all black.<sup>15</sup> While there has been a drop in its more visible manifestations, and in spite of frequent incidences reported by the press, racism appears to be endemic, albeit in milder forms that merit further study. Also, it occasionally changes sides (cf. Ch. 11 herein).

This applies equally to ethnic demarcations. Suppressed in territorial and administrative state structures, reference to ethnic origins finds its way from the bottom up. The official term 'communal areas' today designates the ex-Bantustans by means of a common denominator, i.e. communal land tenure. However, one only has to consult the highly official University Five-Year Plan (1995) to find therein 'Hereroland', 'Damaraland', 'Owamboland', etc., as the basis for statistics designed to evaluate the influence of higher education on the country, in particular on 'persons ... who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices' (*Constitution*, Article 23).

As for political parties, there has been a relaxing of the traditional structuring along ethnic lines. The November 1989 ballot exposed the fact that only eight parties out of roughly fifty (covering round 1,5 million inhabitants!) could claim any representativeness. However, with the exception of the two major parties, SWAPO and the DTA, none of them can count on significant trans-ethnic support. In as early as 1960 the incumbent party symbolised its national calling in its choice of the name 'South West Africa People's Organisation' (SWAPO). Nevertheless, striking regional disparities can be seen among its electorate, and its 95% majority in former Owamboland, which represents 38% of the total population (Pendleton et al. 1991: 1), provides it with a comfortable electoral base, for the time being at least. Yet the DTA, now in the opposition, remains an alliance of ethnic parties. It never went beyond the decision of 1991 that an individual can become a DTA member or official without having to be a member of one of its ethnic components in the first place.

criterion, hence a two-pronged 'affirmative action' in reverse. While the ethnic subdivisions reserved for blacks had not been organised into a hierarchy at statutory level, *hierarchising* had happened – all the more so – at the level of the imagination and in practical behaviour. Hence the particular ethnic slant in interpreting the 'balanced structure' principle.

<sup>15</sup> If the white and coloured portions of the population were proportionally greater, so would their distribution over the whole of the socio-economic pyramid be.

In its 1976 *Political Programme*, SWAPO resolved 'to combat all manifestations and tendencies of tribalism, regionalism, ethnic orientation and racial discrimination' once independence was achieved. Indeed it took special care to place its armed struggle squarely within the history of the anti-colonial resistance movement.<sup>16</sup> Without hesitation it had postulated the idea of the existence of 'Namibianness' stretching back into the 19th Century (UNIN 1986), in the face – in all fairness – of the principle of ethnicity elevated to the level of state doctrine and standard administrative practice by the South African colonial power. Yet in the book *To be Born a Nation* (SWAPO 1981), which is noteworthy for its pragmatism, SWAPO emphasised its character as a project and a process. The same pragmatism is visible in its language policy: having opted, right up until the eve of independence, for 'hard choices', i.e. English only, the party subsequently changed its mind and accepted tuition in the mother tongue for the first years of primary school education. The outcome of this pragmatism, as much as from initial constraints, is that the Constitution calls for all cultures and languages, traditions and religions to be respected, to the extent that they do not conflict with constitutional norms, nor impinge on another's rights (Article 19). It recognises the validity of customary law, even if the Constitution and the legislation take precedence over it. Parliament is empowered to abrogate or modify customary law by limiting its temporal and spatial scope (Article 66). Furthermore, the State of Namibia is to have a 'council of traditional leaders ... in order to advise the President on the control and utilization of communal land ...' (Article 102). However, although the official key word here is *reconciliation*, both reality and the ways in which it is perceived remain charged with ethnic tension, despite a gradual move evident in the urban setting towards crossing these barriers.

It has become apparent during the course of the endless discussions designed to determine how the above-mentioned articles of the Constitution apply, that the notion of *cultural identity* varies greatly and is a key issue in political mobilisation in what remains a shifting landscape (cf. Ch. 12 herein).

<sup>16</sup> The date 26 August plays a key role here. In 1923, the body of Chief Samuel Maherero was repatriated from Bechuanaland (presently Botswana) and buried in the cemetery of Herero Chiefs at Okahandja. In 1904 he had led the war of resistance against German colonialism. On 26 August 1966 a South African police patrol took the bush camp at Ongulumbashe (in former Owamboland) by surprise. This camp had been set up by SWAPO fighters as a base for armed struggle (Leys & Saul 1995: 70). SWAPO artfully turned this setback to its own advantage, proclaiming that its fighters had 'engaged South African forces in battle', thereby establishing a symbolic link with former acts of armed resistance, and thereby forging the history of national resistance (SWAPO 1981: 163, 177).

## SOCIO-ECONOMIC DIFFERENTIATION AND LINEAGE SOLIDARITY

Social and economic fragmentation appear destined to last and even deepen, bringing in their wake a significant relocalisation of poverty as well as of wealth, between the dominantly capitalist zone and that based on lineage solidarity (cf. Ch. 15 and Ch. 16 herein). On the one hand, the traditional areas which produce a labour force outside the market are shrinking due to a combination of environmental erosion, illegal enclosures and the gradual extension of the market economy spurred by the spread of state administration. On the other hand, sub-capitalist exchanges, which recycle a portion of the revenue from the capitalist sector to the advantage of the lineage sector, grouped together as the 'informal sector', range far into the former white zone, which had previously armed itself with an impressive arsenal in order to prevent such entry. It is not uncommon for poor households on the urban fringes of Windhoek to benefit from the regular contributions of some of their members who, being employed in the public sector, generally earn good wages but also work in the communal areas, usually in the north. In addition to the usual monetary flux from the former white zone in the direction of the former homelands, there is a corresponding flow of money in the opposite direction. This can be regarded as evidence of the lineage strategy, a structure which cuts right across the entire range of its members' socio-economic standing, and which puts itself in an advantageous position, combining several sources of revenue and access to services.

Yet lineage solidarity, which constituted an invaluable recourse in times of adversity under the apartheid system, is on the decline today under the influence of the new forces of acquisitive individualism and social disintegration – which are mutually reinforcing. Alongside examples of plain mutual aid, counter-examples of exploitation can be cited which belie the Sunday sermon on 'traditional values' or ethnic solidarity. We might cite the example of a public meeting between commercial farmers and farm-workers in the Mangetti district of the new Oshikoto Region in the north. The meeting was called by the Ministry of Labour following a surprise inspection. A report on the meeting amounts to a catalogue of injustice and abuse that in former times were attributed only to white farmers, namely extremely low wages (i.e. N\$50-100 a month) or none at all, poor housing conditions, poor food rations, unpaid overtime, and no access to clinics. Some workers received no wages as 'our bosses say [we] are family members and there is no need to pay'. In this respect we should bear in mind that these workers knew their rights and did not hesitate to demand them from bosses whose skin colour and ethnic origin they in all probability share, in the presence of the Ondonga king and his senior headman (*The Namibian*

27/11/96). This incident illustrates the diminishing importance of lineage ties, leaving the new kings to stand by helplessly. On the contrary, their efforts to preserve such ties unwittingly undermine their positions when they condone illegal enclosures. Have they possibly done this in exchange for undercover political support for their own royalist ambitions?

In view of the various facets broached in this study, the role of lineage in the new dynamic of interacting forces now at work is demonstrably complex. Lineage is the underlying principle of social organisation of the formerly colonised population who are largely in the majority. From the political angle, lineage appears as the chieftainship system. From the cultural angle, lineage is a manifestation of what were formerly fluid ethnic entities but which today are fixed: lineage is the road along which most identifiable socio-economic interests have been attempting to advance, often in opposite directions. It cannot possibly be said whether or not the result of these twists and tensions will be a 'nation', the officially declared goal, or 'tribalism', officially condemned with equal vehemence and often in the same breath.

We use the term 'tribalism' in the sense of a political and socio-economic configuration in which the state left behind by the former colonial power, conceived and run to serve the latter's interests, becomes a bone of contention, open to the struggles for power of the moment in the name of tribal and ethnic loyalties. Rhetoric about *identity*, at this point, amounts to so much mortar designed to cement the members of a given ethnic group into a united political force cutting right across members' varied socio-economic positions, with a view to asserting control over part, or indeed the totality, of the state machinery. Where this manoeuvre succeeds, the possibility of privileged access to the State's resources, all the more coveted in times of penury, only adds substance to such rhetoric. Client networks emerge which, though very similar in their modus operandi, enter into competition with one another. Speeches extolling the merits of a common identity may take on aggressive overtones, with rival networks being accused of immoderate appetites. Such power politics tends to reduce state machinery to the level of booty, and its already meagre capacity to satisfy the needs of the entire population, far from improving, only diminishes. This situation sets the stage for a potential spiral of 'mal-development' (René Dumont) in which the ferocity of the competition is inversely proportional to the value of the booty to be plundered, a situation which leads to the unravelling of the state and the eruption of genocidal wars.

The chances of such a catastrophic scenario occurring in present-day Namibia are rather remote. Her relatively good GDP per inhabitant, despite a highly skewed distribution, is likely to improve along with the anticipated economic take-off once Angola achieves stability, and the entire sub-continent stands to benefit from this. To the extent that a drop in the per-

formance of the state machinery would jeopardise economic growth, it is not at all unreasonable to think that the need to protect this central instrument in the long term will prevail over the temptation of short-term plunder.

The fact remains that the various threads of the web of tribalism are gradually being spun. The democratically constituted power, in an attempt to impose its authority, starting from the centre, brings about the unrelenting inflation of the state apparatus in an already overblown capital. A heavy-handed administration, combined with SWAPO's marked taste for centralisation, prevents the emergence of decentralised powers, democratically elected in turn. The traditional leaders' system, always ready to manipulate kinship sentiment and real grudges, profits from and contributes to this. The first clientele circuit emerges: the chieftaincy conditions the electorate to follow the central authority, and the latter lends it tacit support in return. This results in existing economic resources being diverted to a considerable extent by both of them, with the lion's share going to the central power. Those left behind by independence find themselves dangling between the stagnation of the former Bantustans and the joblessness of Katutura's and other urban centres' shanty towns. New neighbourhoods called 'Luxury Hill' here or 'Dorado' there are open only to those who have modestly gained from independence, whereas the big operators are to be found in the really chic areas. As the parliamentary opposition becomes an anachronism for those whites who embrace the cause of 'national reconciliation', with its system of privileges and perks, while failing to represent the desperately poor, the regime finds itself slipping towards a one-party system. Here the second clientele circuit emerges: the feeling of frustration by the dispossessed is to some extent blunted by lineage, and thus ethnic solidarity. To the extent that the levers of power and the country's only source of cash are located at the centre, the latter becomes the main bone of contention.

### A FEELING OF HOPELESSNESS

The map that can be drawn of the '*polis*' of Namibia, following the itinerary charted in the preceding sixteen chapters, is disconcerting. There is a State, of colonial origin, which aims to forge into a nation the population living on its territory, the borders of which were defined roughly a hundred years ago using maps of the dark continent drawn by whites, spread out on 'green tables' in chancelleries somewhere in the Antipodes. This population was split up until very recently by applying distinctions useful to colonial domination, to which were added the extremist precepts of apartheid: the split was spatial, it was racial, it was ethnic, it was political, it was economic and

it was social. Each group, partitioned by its particularity from the other groups, was carefully drilled into adopting a position of distrust towards the others. The colonisers, conditioned into uncritically accepting their position of superiority, which appeared justified daily by the superior wealth and power they held, found compensation for their feelings of guilt as the occupier in forms of behaviour marked by an offensive display of privilege and open disdain, alternating with fear. While the behaviour of the colonised masses, indoctrinated into believing that their inferiority was linked to the degree of pigmentation of their skin – each group having been led to believe in their superiority over the remaining inferior masses – went from openly submissive conduct to one of derisory imitation of their masters, along with undercover areas providing an outlet for compensation and self-expression which were half tolerated and barely controllable. They finally got the better of the *Herrenvolk* 'democracy'. In such a colonial-style dialectic between master and servant, there is the fact that the combined trauma of humiliation fell to the colonised. The cumulative effect of dispossession, of collective identities manipulated to a greater or lesser extent, of migrant labour, police repression, of war and exile, of a God presented in terms of a theology of superiority and a theology of liberation, of poverty and ignorance, is the falling apart of the entire social and emotional fabric from which individuals fashion a reasonably balanced inner existence,<sup>17</sup> a life considered worth living. Formed yesterday, these segments of today's population find themselves jumbled together under the same figure of 'the citizen'. What must be done to make these strips of the social fabric into the stuff of a nascent nation?

In the past, unruly behaviour and disobedience were as much part of survival strategy as forms of resistance. If the 'dividends' of independence are not paid out in the near future, the resulting sense of bitterness among the dispossessed will fuel a return to such attitudes, which in turn will strengthen a tradition of authoritarianism which is already embedded in the public sector and among the former colonial bosses, as well as within SWAPO. long accustomed to looking after the refugee population in camps. The churches did not practise grassroots democracy either, and the traditional-leader system has been authoritarian at least since its instrumentalisation by the colonial power. From this it follows, as a condition and a corollary, that there is a kind of 'hand-out' mentality, maintained in exile by a dependence on substantial foreign aid (Dobbel 1995: 172), and within the country by the – in most cases – free, if limited, water supply.

The lack of self-confidence of those kept in an inferior position was central to the thought and action of the South African Black Consciousness Movement in the 1970s. The idea of organising at grassroots level in order

<sup>17</sup> Cf. Diener, Lachartre & Meillassoux (1982).

to promote clearly defined interests, and of relying on one's own resources, was advocated as an effective means to counteract state-organised penury; it was further considered as a form of collective therapy: a 'decolonisation of minds', through the application of self-management. Such civic initiatives spread throughout Namibia during the 1980s.<sup>18</sup> Part and parcel of the resistance culture ('beat the system!'), they were destabilised by the new citizenship agenda, as much as by the State's promise to make the desired improvements a maxim for its future initiatives (cf. Ch. 4 herein), as it had done with the absorption of many hardened militants into the new official structures. In spite of successes in many areas, the proper remedy to the (in)subordination/authoritarianism syndrome, which will permit the emergence of the self-confident citizen, publicly critical and capable of freely given solidarity, has yet to be found. For the time being it is the local authorities that are paying the price: unpaid electricity and water bills are an additional burden on decentralisation. At Tsumeb, for example, people who regularly failed to pay their utility rates and angered by their power and water supplies being cut off, stormed the town hall. The new policy of charging rural people for water consumption and borehole maintenance could well turn out to be 'a disaster'.<sup>19</sup>

The chapters of this publication lead to a better understanding of the objective conditions surrounding the loss of psycho-social bearings, and Chapter 10 touches on the way people feel and act. Although we do not here present a study on the way people's inner lives have been damaged and on the sordid processes in which they are ultimately trapped, and though we cannot shed light on this side of reality by resorting to largely non-existent works of fiction, we still feel that it necessary to point out the extent of the problem.

Alcoholism soon turned the colony into a captive market for the products of European distilleries. The endless virtuous vituperation denouncing the vicious spiral that linked candidates for evasion with alcohol dealers, whose products found their way to shebeens everyone knew about, though it did not have any significant effect on the colonial process, further undermined the victims' self-respect and provided profiteers with an alibi. The evidence furnished twice in the 1980s by Seith Eixab (1981, 1988), founder of the Katutura Community Centre, on his own turbulent existence as a street child sheds light on the daily desolation and the collective flight into alcohol that begins on Friday evenings. After the initial party frenzy, dancing and sex die down, daily life becomes a little more unbearable with a new batch of related murders, rape and serious injuries.<sup>20</sup>

<sup>18</sup> Cf. Watkins (1995).

<sup>19</sup> *The Namibian* 27/6/96, 26/7/96, 5/8/96; *New Era* 2-4/8/96.

<sup>20</sup> A social worker trained in Germany and a SWAPO member, Seith Eixab conferred

This reminds one of the absurd state of affairs encountered by Antoine de Saint-Exupéry's Little Prince (1946: 44-45) on the planet of the tippler:

'What are you doing there?' he said to the tippler ...  
 'I am drinking,' replied the tippler, with a lugubrious air.  
 'Why are you drinking?' demanded the little prince.  
 'So that I may forget,' replied the tippler.  
 'Forget what?' inquired the little prince, who already was sorry for him.  
 'Forget that I am ashamed,' the tippler confessed, hanging his head.  
 'Ashamed of what?' insisted the little prince, who wanted to help him.  
 'Ashamed of drinking!' ...<sup>21</sup>

This sense of shame has found its way into anti-apartheid solidarity literature, always ready to believe that the milk of human kindness flows more abundantly when people are oppressed, even at the cost of having to censure evidence to the contrary.<sup>22</sup> In 1978 Daniel Tjongarero, then Deputy National Chairman of SWAPO (inside Namibia) and today Director-General of the NBC,<sup>23</sup> was mistakenly over-optimistic: 'Once Namibians have been given the responsibility of nation-building, they would have other things to think about than merely alcoholism.'<sup>24</sup> Doubtless they are thinking about it, but up to now this has had no noticeable effect. The recent explosion of what appears to be gratuitous acts of violence that single out those who are least able to defend themselves – old men, women and children – has sent waves of insecurity and disbelief throughout a shocked society. The exponential rise in the ravages of the AIDS virus, which affects young people in particular, has in the course of time undermined people's belief in the promise of a better life in the wake of independence. The spread of AIDS has been 'aggravated by the fact that many people did not believe it was there

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autonomous status to this community centre, which soon became a pole for community life. This earned him suspicion from both sides: SWAPO saw the hand of the colonial power in any undertaking which went beyond its control, whereas the colonial administration saw in him a Trojan horse for SWAPO. Wearing by his unstinting generosity, coupled with the cumulative effects of his own drinking problem, this staunch advocate of walking with one's head held high died in 1994.

<sup>21</sup> Cf. *The Little Prince*, pp. 50-51.

<sup>22</sup> Thus Ingolf Diener's article 'Eine Reise durch Namibia', published in a semi-underground Frankfurt-am-Main biweekly, *Pflasterstrand* (27/1-9/2/79), appeared in an expurgated version in the collective work of the German anti-apartheid movement, in which Eixab is also published (1981).

<sup>23</sup> At the time of writing, Daniel Tjongarero has since passed away.

<sup>24</sup> Interview by Ingolf Diener, in 'Dossier Namibie. La SWAPO face à la farce électorale sud-africaine', *Apartheid Non!*, No. 28, décembre 1978, Paris.

and was killing the rest of the nation'.<sup>25</sup> Moreover, from 1990 to mid-1996, the number of Namibians committing suicide shot up by a factor of five in the regions constituting former Owamboland, which had backed SWAPO overwhelmingly and was hit so hard by the war. Thirteen-year-old youths stop trying, and 85-year-olds stop wanting to go on.<sup>26</sup> The society of the ex-colonised has fallen apart, its people are in a state of emotional shell-shock. If there is any glimpse of hope in such a bleak picture, it must be in the fact that Namibian society is facing up to it. Between a fit of lucidity and yielding to the temptation of the witch-hunt, who will win out?

### SPECIFICITY OF 'POST-APARTHEID'

From an objective point of view, independent Namibia strongly resembles what can be seen elsewhere in Africa. To an extent this raises the question of the specificity of apartheid as compared with the outcome of other (de-)colonisations.

What is particular to Namibia (and South Africa) does not reside in the articulation between the capitalist mode of production and the lineage mode – which provides the basis of all social formations under colonialism – but in its implementation. What might appear elsewhere as the 'spontaneous' result of the process of colonisation was brought about in this case through substantial colonial settlements, as the explicit result of a racial doctrine formalised, codified and regulated in minute detail by laws, which gave apartheid its particularly revolting aspect. The backbone of the State is firmly established on a flourishing capitalist system covering a major part of the territory, with the expropriation of lands extending to 83% of South African territory. The economy's enormous appetite for labour, which for a long time was concentrated in the mining area, formed the basis of the whole body of apartheid legislation and provided the underlying rationale for racist and ethnic discourse and practices. In such conditions of scale and asymmetry organised along racial lines, accumulative capitalism engendered an affluent white world of overlords exercising democracy in a closed world at centre stage, with a backstage black world that is poor, compliant and confined, while in between there is a small 'coloured' (and 'Asian') world. As a result

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<sup>25</sup> Stated by the Minister of Health and Social Services, presenting an official report in November 1996. If 7% of the population are HIV-positive, the figure may well rise to 13% by the year 2000. Those infected are: 11% of the under-20s, 18% in the 20-24 age bracket and 17% aged 25-34. In the urban centres the number of declared cases has doubled within a three-year period (*The Namibian* 7/11/96).

<sup>26</sup> According to *New Era*, a SWAPO mouthpiece, 2-4/8/96.

of its separating and sorting operations, Pretoria's social engineering made this contrast, in the rural and urban areas alike, even starker than elsewhere (Christopher 1994); hence the description of co-habitation within the same country as being simultaneously 'first-' and 'third-world', and even in terms of internal colonialism. Thus Pretoria attempted to establish its 'white country' as a metropolis, while presenting the process of Bantustanisation as a form of decolonisation.<sup>27</sup>

If we compare the inequalities created by apartheid and the state of dire poverty prevalent elsewhere in Africa, we observe that the apartheid propaganda machine often told the truth about illiteracy rates, extremely low wages, etc. Nevertheless, such scandal-mongering concerning other countries should not make us forget that the masters of apartheid had the means to improve things at home. This constitutes the challenge for the new democracy in Namibia (and that in South Africa) in the post-apartheid era, on which other countries in Africa pin their hopes.

The other specificity of apartheid is that social engineering affected the mental make-up of all the inhabitants more profoundly than elsewhere. On the basis of a common attitude of racist contempt and inhibiting mechanisms, apartheid promoted African languages and cultural authenticity. At the time of their accession to independence, the elites of future ex-colonies, being new nations-in-the-making, believed that the most effective means of warding off the spectre of tribalism was through an exclusive reliance on the applicable European vernacular. They therefore opted for their former masters' language which, to the extent that it was no one's mother tongue, was judged fit for use as a lingua franca. This pragmatic stance of the early days has since been called into question, in view of what it implies, namely a form of alienating self-repudiation. Thus we arrive at the paradox that the valorisation of African languages, urged by certain leading thinkers of independent Africa as an instrument for the 'decolonisation of the mind'

<sup>27</sup> Legal status and social formations should not be confused. From the point of view of international law, colonial status, with its widely varying formulas, boils down to a relationship of dependence, namely between a sovereign state, the *metropolis*, and a territory placed under its rule, the *colony*. For instance, South Africa ceased to be a British colony in 1910 and severed its last symbolic ties of dependence in 1961. Namibia, on the other hand, was a colony until 1990, its metropolis having been first Germany, then South Africa. As regards social formations marked by colonisation, these often take shape before formal colonial status and continue to exist after the demise of the latter. This overlapping of *de jure* independence and *de facto* dependence is referred to as 'neocolonial'.

It is in the nature of settler colonies to subjugate the native population, if they are not virtually exterminated (e.g. the case of the United States). However, such subjugation is independent of the legal status of the conquered territory. Thus social formations in the apartheid mould are categorised according to two distinct legal modes: within the framework of a sovereign state (the case of South Africa) and within a colonial framework (the case of Namibia).

(Ngugi wa Thiong'o 1986) was also promoted in apartheid territory, but here as a means of enclosing the population in ethnic ghettos. Since being liberated from the straightjacket of apartheid, Namibia (and especially South Africa, which recognises eleven official languages) perhaps has a better chance of weaving a unificatory cultural framework out of its diverse threads, for the reason that such threads are not simply thrown away, or at best recycled, for folklore.

Then again, furthering the cause of ethnic authenticity well before the transition to the citizen paradigm has made a prefabrication of what elsewhere has usually been assembled afterwards. Yet here too, the two post-apartheid countries have been grappling with difficulties that are all too evident in the rest of Africa and are (re-)emerging elsewhere (cf. Ch. 12 herein).

Is it possible to conceptualise post-apartheid developments? Inasmuch as the social pattern of apartheid came about by successive stages (a period in which conquest and segregation overlapped, followed by four decades of actual apartheid), and that the fall of apartheid is just as much a phased process, one is tempted to conceive the advent of the post-apartheid society as a kind of inverse process, i.e. a scraping away, layer after layer, of something which was built up in the course of time. In effect the transition lends substance to such a model, from the first signs of a bending of policy in Namibia imposed on the architects of apartheid in the mid 1970s, up to the final break marked by universal suffrage in 1989 and in 1994, including an interim period of neo-apartheid reform during which Namibia became a sort of test site for South Africa. Nevertheless, the model shows its flaws as soon as it is wrongly taken as a sort of Wellsian machine designed to take us back in time. At the risk of stating the obvious: on the verge of going global, with 'export processing zones' dotting the planet, capitalism bears little resemblance to what it was a hundred years ago, when it acted as a spur to colonial expansion. Just as the Herero of today must not be taken for the 'blacks with cattle' of former times, almost a century of migrant labour have split the Owambo into *mbuti* (the detribalised) and those who consider themselves authentic. Similarly, 1997's SWAPO Party of Namibia, which is raising questions about its own role, is no longer quite the same as it was in 1987 when it imposed the culture of silence, etc. Universal suffrage resulting from the fight against apartheid is part of the road toward something that has not existed before. In short, *post-apartheid* does not equate with *pre-apartheid*, and even less with *pre-colonial*.

A much more adequate approach to the reality of post-apartheid, to the extent that it synthesises its many contradictory aspects in their dynamics, can be found in the figure of the *Aufhebung* so dear to Hegel. Derived from the German verb *aufheben*, the concept has three meanings: a) 'to abolish,

put an end to something, deny'; b) 'to conserve', in a new global context; and c) 'to raise to a higher level'. *Aufhebung* is implicit in the reinterpretation by the South African economist, Francis Wilson, of an architectural metaphor widely used to represent apartheid, yet unable to clarify what comes next:

We have always considered the body of legislation on the racial and ethnic sorting-out of the population, their assignation to separate areas, unequal access to the State's services, repression, etc. ... as the pillars of apartheid. Now that all these laws are revoked, one after another, that the pillars are falling, one would naturally expect the entire edifice to crumble. And yet, one can only note that it remains standing. Might it be that these were not the pillars, but only the scaffolding, that were removed at the appropriate moment?<sup>28</sup>

The same applies to prior African decolonisations. Our use of this figure, taken from the Hegelian dialectic, does not imply taking on board the metaphysical notion of the *Weltgeist* ('world spirit'), which would carry with it the universal triumph of the idea of liberty in its final form. Namibia and South Africa have scarcely begun to engage in the *Aufhebung* of official racism, yet already, since May 1996, in post-colonial Angola, we see the return of race as a mark of identification on identity cards (*Le Monde Diplomatique* April 1997).

The main characteristic of post-apartheid Namibia and South Africa can be found in the continuing presence of whites, until yesterday the colonial overseers and/or the *Herrenvolk*, who today find themselves on equal terms with the others inhabitants as citizens. In these two countries, the vital forces at work are no longer divided, combat-ready, determined to inflict maximum mutual damage in order to conquer or maintain power. They now accept one another as major players in the social arena with conflicting interests, within a configuration of 'national reconciliation'. Where formerly there was a logic of military conflict and more or less endemic civil war, there is now the expressly stated determination to achieve synergy in order to guarantee, if not the well-being of all, at least increased well-being: democracy as both the basis and the goal of development. As for the questions 'What development?', 'Whose?', 'By whom?' and 'For whom?', it is our hope that the long journey through Namibia's *polis* will have contributed to a better understanding of the ins and outs of this debate.

Some will reproach me for what may appear at times to be excessive pessimism. I can only counter this criticism with a reminder that the external

observer is in no way tempted to come to terms with any kind of internal censorship; furthermore I consider with Gramsci that speculative pessimism, which envisages the worst with cold detachment, is a kindred spirit to active optimism: to act as if the very best was attainable. This is the price for the principle of hope. Or in the words of the poet Hölderlin:

But where there is danger,  
there too lies the wellspring of that which redeems.

(Translated from the French version by Jacob Edward Lewin)

<sup>28</sup> Contribution to a conference in Paris on January 15, 1993; cited from memory (I D).

## 19

## Conclusion

Olivier Graefe

## POST-APARTHEID CHANGE AND CONTINUITY

All contributors to this publication confirm that independence has brought political, institutional and territorial change. They show just as clearly the continuity in socio-economic development and the relations of production. As Chris Tapscott emphasises in his chapter on social class formation, this continuity includes inequalities. There are many indicators of continued disparities in the education system (Gretschel and Harlech-Jones herein), in the rural areas of the former 'homelands' (Werner herein) and in urban development (Peyroux, and Graefe & Peyroux herein).

While the processes of social differentiation began long before the colonial period, they were moulded by the German and South African colonial regimes and apartheid rule, becoming more marked in the 1970s with the easing and readjustments of the latter regime during the 1970s and 1980s. The beginning of social differentiation among migrant labourers<sup>1</sup> was accompanied by the impoverishment of rural people and the growing socio-economic disparities between town and country dwellers, due to the segregation policy of the first half of the 20th Century. The creation of middle classes during the neo-apartheid era of the 1980s through the extension of rights to landed property in the 'police zone', the expansion of the ethnic administrations after 1978 (Tapscott herein), the support given to local merchants, and the granting of freehold titles in the homelands of the time not only reinforced inequalities between urban and rural society, but also developed differentiation within the rural population itself.<sup>2</sup>

Aimed at maintaining the economy and minority domination, the readjustments under apartheid rule went beyond existing racial segregation to include increasingly marked social stratification. The partial incorporation

<sup>1</sup> The opportunities for social mobility were greater in the diamond-mining sector and in trade around Walvis Bay than in agriculture.

<sup>2</sup> in the Mangetti area and in former Hereroland.

of the homelands into the market economy was accelerated by the privatisation of certain agricultural sectors, as well as by the penetration of foreign companies into the local market. These developments reinforced the disparities that had been created, and which are being perpetuated – if not aggravated – by the new political, institutional and territorial framework.

With the growing number of civil servants (Melber herein) and the new liberal economic policy (Dubresson & Graefe herein), aimed at reassuring those at the helm of the economy and at attracting foreign investment, recent economic development is leading to the reinforcement of the role of wage labour in social mobility, and to greater differences between the top and the bottom rungs of the social ladder. The expansion of the market economy inside the former police zone, together with the commercialisation of water supply in the cities, the falling away of state subsidies for commercial agriculture (Werner herein), the termination of support to the NHE (Peyroux herein), and the reduction of subsidies to municipalities in the form of low-interest loans, are all forcing the relevant institutions to recover their costs. These steps have rendered access to property ownership, housing and services more difficult for those in the low-income bracket.

The growth of socio-economic inequalities is nonetheless mitigated by the strengthening of the middle classes in the urban and rural areas. While communal lands are informally reformed (Werner herein) by fencing off and privatising portions of them, by those who already have the means, and while this move is tolerated by Government, it also allows for greater access to land ownership for the middle classes and the new emergent elite. However, this practice of fencing off communal land has accelerated the impoverishment of the majority of small communal farmers: by reducing the land reserves, subsequent overstocking and the deterioration of natural resources, while population growth remains strong (Seely herein). A glance at the trends brought to light in the contributions of the authors mentioned above shows that the greatest changes appear in the former homelands, where the majority of Namibians live.

The acceleration of socio-economic disparities goes hand in hand with the deterioration of the social fabric in both rural and urban society: growing domestic violence (LeBeau herein), alcoholism, high suicide rates (Diener herein), the anger of former PLAN fighters finding it difficult to adjust (Köbler & Melber herein) and the peasants threatened with removal from town environs in the Oshana Region (Graefe & Peyroux herein). These social tensions are not necessarily expressed by way of mobilisation or political demands going beyond sectoral interests, but they raise the question of how the people's expectations and needs are politically represented, and question the nature of the State itself.

## RULE OF LAW AND CIVIL SOCIETY

In independent Namibia, the new State can be observed to be showing a very strong hegemonic tendency, which is only slightly counter-balanced by a civil society and a developing opposition in the process of reorganisation. The analysis of several authors demonstrates that, in its inability to affirm its authority by claiming it has reduced social and economic inequalities, the new central power structure is tempted to reinforce its influence, not only through monopolising the state apparatus (Köbler & Melber herein), but also by allying with the economic elite.

A *de facto* coalition can therefore be seen to exist between the 'new bureaucratic bourgeoisie' (Tapscott herein) and the traditional capitalist class, as in the example of Namdeb being jointly owned by the State and mining giant De Beers. But the elite which emerged from the liberation movement has found limited room to manoeuvre: Namibia's import/export-oriented economy is highly dependent on South African capital, and the Constitution caters, *inter alia*, for protecting the interests of the white minority, and kept former colonial government officials in their jobs. What is at stake for democracy is the capacity of these two elites to free themselves: in SWAPO's case, from a political culture of 'democratic centralism', and in the case of the others, from the authoritarianism inherited from apartheid.

The monopolisation of the state apparatus by a part of the bureaucratic elite is accompanied by an attempt to neutralise all the potential social actors: from traditional authorities, whose role in respect of land allocation has been undermined and who have been removed from urban management (Graefe & Peyroux herein), to the new Regional and Local Authorities which have been relegated the role of a mere vehicle of the Central Government for fear of their representing some kind of counter-balancing force. At the same time, the Central Government, as has happened in other African countries (Piermay 1993: 547), maintains the uncertainty that hedges in crucial reforms such as those affecting communal land or the proclamation of new municipalities. In this way the Government ensures the participation of the new elite and the middle classes, with a view to consolidating the electoral base of its power.

For many authors herein, the expansion of the Central Government's control and powers is occurring to the detriment of a new restructuring of civil society. Indeed, by recruiting personalities from civic associations and organisations from the pre-independence period, threatening to censure criticism coming from the rank and file of civil society relayed by the press, national television and radio, and by controlling neighbourhood committees as well as those involved in community development in the former homelands, the Central Government is impeding the transformation of what used to be acts of civil disobedience or a 'culture of resistance' (the preferred term for Hillebrecht herein) into 'citizen culture'. The weakness of civil society,

which limits its capacity to watch over the Central Government, is even more noticeable in the absence of a strong parliamentary opposition.

Now, if democracy is guaranteed by the rule of law through the separation of powers, respect for individual liberties and the cultural diversity (Hinz herein) so rich in Namibia (Hillebrecht and Du Pisani herein), it is civil society that leads it forward by utilising and filling this legal framework:

Democracy is never reducible ... to procedures or even institutions; it is the interplay of social and political forces that attempts to transform the rule of law in a direction that corresponds to the interests of the dominated, whereas legal and political formalism use it in an opposite and oligarchic direction, creating barriers to the social demands which threaten the authority of the leading groups (Touraine 1994: 38).

Thus the force of democracy does not lie in its laws, in the ensemble of democratic institutions or in majority rule, but rather in civil society and its political culture, which exists in Namibia. The example of the written press, of the association of the former SWAPO detainees (Lombard herein), as well as representatives of women, workers, students and churches, to name those cited by the authors, shows that civil society is successfully transforming the rule of law in a positive direction, despite the authoritarian spasms of the Central Government.

This analysis of civil society sheds light on one of the weaknesses of Namibian democracy: the absence of political representation capable of uniting a variety of demands, of provoking debate and of fulfilling the role of a counter-balancing agent. The lack of democratic bodies acting as links between the 'top' and the 'bottom' of the State and of the social hierarchy, and which are capable of regulating social tension, represents a threat to the development of democracy. This is particularly true in the framework of growing economic disparities, strong social differentiation and dwindling national resources.<sup>3</sup> Is there not a long-term risk of political forces emerging and once again making use of the ethnic divisions of apartheid in order to enforce their claims (Diener herein)? The question of how redistribution will take place is also far from settled. While redistribution seems limited in the current political and institutional framework, at the same time it takes other paths, in particular that of informal networks based on kinship, geographic origin or participation in the struggle against apartheid, allowing a certain stability despite the persistence of numerous disparities.

<sup>3</sup> The per capita GDP has remained the same or declined since independence, according to experts (World Bank 1995: 3; CSO 1995: 139).

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