

**AN ANALYSIS OF THE IMPLEMENTATION OF AFFIRMATIVE ACTION
POLICIES IN NAMIBIA: A CASE STUDY OF THE MINISTRY OF JUSTICE**

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ABSTRACT

The aim of this study was to analyse the implementation of affirmative action policies in Namibia. The study adopted a mixed research design which incorporated both elements of quantitative and qualitative research designs. The quantitative approach method involved the use of a structured questionnaire which was distributed among the employees at the Ministry of Justice. A coded questionnaire was used which enabled ranking of qualitative responses into numerical responses. The qualitative approach involved literature review of empirical studies on affirmative action. Qualitative data was gathered through literature review and the findings from primary research were compared with the findings from secondary research. Qualitative data were also gathered through open ended questions on the questionnaire. The findings from the study suggests that there are numerous challenges in implementing affirmative action in Namibia. The overall implementation of affirmative action programmes has been below satisfactory levels. Not much has been achieved in terms of representation of the previously disadvantaged in management position. However considerable progress has been made through affirmative action and this has resulted in better representation of women in management positions.

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DEDICATION

This thesis is dedicated to God Almighty who has been my eternal rock and source of refuge, and for his word in Psalm 23 that kept me all through the journey of completing this work. I also dedicate this work to my parents who have always been my nearest and reverse nearest neighbours and have been so close to me that I found them with me whenever I needed. It is their unconditional love that motivates me to set higher targets. I also dedicate this thesis to my sister (Ursula Unengu) and brothers (Festus Unengu and Epafroditus Unengu) who are my nearest surrounders and have provided me with a strong love shield that always surrounds me and never lets any sadness enter inside. Last but not least I would like to thank the one person that kept me going and had me never give up, to my number one fan my son Tangeni John Unengu thank you, without you mommy could have never done this.

DECLARATION

I, Viola Karungu Unengu, hereby declare that this study is a true reflection of my own research and that this work or part thereof has not been submitted for a degree in any other institution of higher education.

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Viola Karungu Unengu

CHAPTER ONE:

Orientation of the study

1.1 Introduction

The objective of affirmative action within an organisational context is to democratise the workplace by enabling members of previously disadvantaged groups to progress in the ranks of the corporate world. This study is oriented towards investigating measures aimed at implementing affirmative action in the public sector of Namibia. An analysis of the pros and cons of rapid implementation of affirmative action in Namibia will be discussed. The paper is also oriented towards analysing the impact of affirmative action on Namibia's envisaged "vision 2030" program which amongst other things is geared towards making the country an industrialised nation. The study also attempts to explore whether the concept of affirmative action compromises the notion of "hiring people on meritocracy".

1.2 Statement of the problem

Namibia, like most African countries has experienced decades of state sanctioned racial discrimination policies and laws under the colonial system. This meant that "natives" were systematically excluded from holding management positions through a governance system which favoured the minority white race. Black women were specifically the hardest hit as they were subjected to what amounted to "double oppression", meaning they suffered from both the oppressive nature of the apartheid regime and the black customary practices that regarded them as inferior to men (Kennedy, 1993). After Namibia attained its independence in 1990, the new SWAPO led government embarked on a quest to address all the imbalances

that afflicted its people as a result of decades of oppression, hence, the passage of laws and policies of an affirmative nature (Jauch, 1999). In light of this background, it is important to establish whether or not the existing laws and policies in Namibia are sufficient enough to bring positive changes in the lives of the previously disadvantaged groups. The aim of this study is to analyse the implementation of affirmative action in the private and public sector in Namibia. The study will look into international treaties regarding affirmative action. International Treaties like the International Labour Organisation will be referred to for this purpose. Another important issue to be considered is the preparedness of government to ensure that affirmative action is implemented.

1.3 Objectives of the study

The aim of this study is to analyse the implementation of affirmative action in Namibia. The following specific objectives will be pursued:

- To establish whether or not employment policies, practices and procedures are aligned to the affirmative action programmes implemented.
- To identify employment barriers that affect affirmative action programmes.
- To establish whether or not affirmative action policies have resulted in the representation of people from designated groups in all management positions.

1.4 Significance of the study

Namibia is still grappling with the legacy of apartheid more than 20 years after independence. It is a trite in our public service that males occupy most top level management positions. The study aims at providing updated information on the successes and challenges of implementing affirmative action in the public service, hence, this data will be used by university students in their area of study. The study will enhance researchers' knowledge and understanding on the determination of the affirmative action and its effect on the Public Sector in Namibia.

Academically other researchers can benefit in finding answers to topics they are not clear and academically enhance their thinking, understanding and knowledge. The study will assist the government of the day to plan and implement policies that are geared towards poverty alleviation and allocation of resources. The paper also aims to educate members of the public the difference between the concept of Employment Equity and Affirmative action.

1.5 Limitation of the study

This review is limited to the Ministry of Justice of Namibia and is therefore justified to the databases of this Ministry of Justice. Due to the beaucratic nature of government it may be difficult to access the necessary information required for this study. The study also ventures into the political terrain, thus, some government officials may be unwilling to provide me with the necessary data for fear of compromising their political standing.

CHAPTER 2:

Theoretical Framework and Literature Review

2.1 Introduction

Van Jaarsveld (2000) discusses principles of equality and justice in order to justify affirmative action and clarify its need. Van Jaarsveld considered USA and South Africa for his study and his findings revealed that issues of segregation and discrimination are not new and both countries. His proposition was that the two countries had the opportunity to address their past policies by way of affirmative action programmes. He looks at what determined the denouncement of the affirmative action in the USA and why the answer to this question may have a great impact on South Africa's attempt to improve its own affirmative action programmes. He concludes that, although 30 years of affirmative action was deemed unconstitutional, how can South Africa derive and make use of the knowledge gained to help in stopping reverse discrimination. This study reveals that there are complex issues to be considered when implementing affirmative action in policies and Namibia is not an exception taking into consideration the similarities in history and conditions between Namibia and South Africa.

Affirmative action policies are also key elements in addressing gender imbalances at the workplace which is a characteristic in most African countries. Warren (1997) argues that in a context of entrenched gender discrimination, gender preferences might improve the overall fairness of job selections. Warren further stated that if individual men's careers are temporarily set back because of job preferences given to women, there are high chances that

these same men will have benefited in the past or will benefit in the future not necessarily in the job competition, but in some ways from sexist discrimination against women. Conversely, if individual women receive unearned bonuses through preferential selection, it is highly likely that these same women will have suffered in the past or will suffer in the future from sexist attitudes. (Warren 1977)

Warren's argument provides another angle of looking at the Affirmative Action debate. However, what the author fails to recognize is the fact that not only women can benefit from affirmative action but other marginalized groups in society. The purpose of this research is to contribute to the affirmative action debate through providing a detailed analysis of how the proper implementation of affirmative action can include other groups such as the disabled, sexual minorities and indigenous peoples.

Taking a comparative approach, it has been stated that the Affirmative action Act of South Africa was largely enacted for political reasons. Motivating factors identified for the implementation of such programmes in the post-apartheid era included the implications of employment equity legislation the Labour Relations Act 11 and the Employment Equity Act 12 are pertinent. The second reason for implementing such programmes is the assumption that organisation relations and interactions with the state and parastatal bodies will be determined by their employment equity track records. Thirdly, the client base rationale which relates to the pressure on organisations to restructure their workforce to ensure that it reflects the compositions of their changing customer profile. This shows that affirmative action policies can be enacted to benefit the ruling elite and given that this policy is not immune to

political hijacking it is important to establish whether such policy was aimed at people belonging to a certain political group.

It is in this light that the researcher intends to compare and contrast the Namibian legislation on labour and Affirmative Action and other literatures so as to come up with workable solutions in the implementation of such policies.

Affirmative action or positive discrimination known as employment equity in Canada, reservation in India and Nepal, and positive action in the UK is the policy of favoring members of a disadvantaged group who are perceived to suffer from discrimination within a culture.

The nature of positive discrimination policies varies from region to region. Some countries, such as India, use a quota system, whereby a certain percentage of jobs or school vacancies must be set aside for members of a certain group. In some other regions, specific quotas do not exist; instead, members of minorities are given preference in selection processes.

2.2 Theoretical framework

The term "affirmative action" (but not the practice) originated in the United States where it was associated with a turbulent history. Affirmative action (AA) is one of the most important public policies ever introduced by the American legislature in the twentieth century (Soni, 1999). In 1961, President John F. Kennedy signed Executive Order 10925, ruling that federal contractors should take affirmative action to ensure that applicants are employed without regard to their race, creed, colour or national origin (Shaw and Barry, 2004). The policy was originally conceived as a way of going the extra mile to attract and retain minority

employees, who hitherto had been underrepresented in the workplace, relative to their proportion in the population. In the American experience, minorities (mainly people of African and Hispanic origin) and women were discriminated against by white employers, (Noe, Hollenbeck, Gerhart and Wright, 2003)

Most African Americans are descended from slaves who had worked in the plantations of the South. Following their emancipation after the American Civil War, they were discriminated in the workplace, in schools and colleges. After affirmative action became law, many white males felt that they were being discriminated against, in favor of minorities and women. To them, affirmative action is reverse discrimination that is a discrimination against a majority race in favor of minority races and women.

This policy was subjected to an extensive legal and moral debate (Sachs 1992; Smith 1992). Justifying the policy in 1965 US President Lyndon Johnson said: "Imagine a hundred yard dash in which one of the two runners has his legs shackled together. He has progressed 10 yards, while the unshackled runner has gone 50 yards. How do they rectify the situation? Do they merely remove the shackles and allow the race to proceed? Then they could say that 'equal opportunity' now prevailed. But one of the runners would still be forty yards ahead of the other. Would it not be the better part of justice to allow the previously shackled runner to make-up the forty yard gap; or to start the race all over again? That would be affirmative action towards equality" (Fullinwinder 1980:94-95).

Affirmative action in employment and promotion for all Federal contractors, while the Equal Opportunity Employment Commission established quotas for certain minority groups in the early 1970's as prescribed by Johnson's Executive Order of 1965 (Weiner 1993:9). Employers

had to ensure that the composition of their workforce reflected the composition of the population. For example if 10% of the population was Black, then at least 10% of the workforce had to be Black giving them a "proportionate share" in the workforce.

Australia has its own version of affirmative action in the form of Equal Employment Opportunity for Women Act 1986, and the Racial Discrimination Act 1975 (Bush, 1998; Nankerrvis et al., 2002). Malaysia had her 'affirmative action' (Klitgaard and Katz, 1983), the New Economic Policy (Ayob, 2004), following the racial clashes of 1969, to give preferential treatment in corporate equity, and places in higher education to the indigenous peoples ('Bumiputra'), who form the majority (Rasiah and Shari, 2001; Chitose, 2003; Cohen, 2004)

Human postulates affirmative action as a means of creating equal employment opportunity and not as reverse discrimination. He stated that Affirmative action requires more than just the training and development of blacks and women; it also requires fairly major restructuring of the way in which human resources are recruited, promoted and developed (Human, 1993).

Affirmative action refers to specific measures taken to remove impediments to the full realization of the potential of individuals or communities. It is a tool or strategy to achieve goals and enable individual and groups to utilize the equal opportunities made available to them in the transformed environment. (Ramphele, 2007).

Darity stated that affirmative action constitutes a set of positive antidiscrimination measures intended to insure for members of groups who otherwise would be excluded or underrepresented in preferred positions in a society. It is intended as a strategy to address

present day exclusion, it is not compensation for past discrimination, oppression, or injustice. (Darity 2005)

This is further echoed by LaRRI (2005) that affirmative action must not become a new form of discrimination but an instrument to overcome the legacies (and still widespread practice) of racism and gender discrimination. It may promote the redistribution of opportunities in favour of previously disadvantaged groups, but is not the principal mechanism to redistribute wealth or to overcome poverty.

Furthermore, affirmative action or positive action does not imply that beneficiaries have something wrong with them or need to change, but it highlights and seeks to address the failure of labour market institutions to provide equal opportunities to all. Affirmative action is based on the recognition that the prohibition of discrimination alone may be insufficient to level the playing field, once inequalities have become entrenched. Affirmative action policy has gained international acceptance as a legitimate vehicle to promote social justice whilst enhancing the more efficient use of human resources (ILO, 2007).

Jauch (1998) further stressed that affirmative action has to compensate for the various disadvantages suffered by the majority of the Namibian population. Racism has not only resulted in vast socio-economic inequalities, but also created a number of legal and administrative barriers for black people. He added that affirmative action does not necessarily eradicate socio-economic inequalities. Instead, inequalities may be shifted from the basis of race, ethnicity or gender to the basis of class. He argued that affirmative action in Namibia have to go beyond the goal of representativeness to become a meaningful instrument of change. As a strategy to redress the legacies of apartheid and colonialism, it has to bring

about representativeness in areas and institutions which were dominated by white minority; it has to contribute to the transformation of institutions and their institutional culture and also has to effect some form of redistribution. (Jauch, 1998)

In the Namibian context, affirmative action means equal access to employment opportunities. It is perceived as a measure to correct the imbalances in employment that existed in the Namibian labour market arising from past discriminatory laws and practices. Affirmative action is intended to foster fair employment practices and equitable distribution of resources.

2.3 Empirical Evidence of Affirmative Action

Research by economists provides less evidence and consensus on the question affirmative action improves or impedes efficiency or performance. This implies that the empirical case against affirmative action on the grounds of efficiency is weak (Holzer & Nuemark, 1999).

2.3.1 Affirmative Action in the United States of America

Although the term "affirmative action" originated in the USA, the American experience is of less relevance to the Namibian situation than those of some Asian and African countries. Far from being a tool of transformation, affirmative action in the USA was essentially designed to integrate minority groups, and later women, into the mainstream of American life. This is because affirmative action was essentially a conservative notion designed and driven by the ruling class for Blacks who largely shared the same sets of socio-economic values with Whites. It was never intended to be a tool of egalitarianism, let alone transformation (Maphai 1993:6).

Moro and Norman (2001) concluded in their study that an affirmative action policy consisting of a quota may fail in the sense that there still may be equilibria where groups are treated differently. However, the incentives for agents to invest in the discriminated group are improved by affirmative action if the initial equilibrium is the most discriminatory equilibrium in the model without the policy.

Ayres argued that sliding-scale preferences may be ideal for setting aside minimum quotas of contracts for minorities, although such quasi-quotas are consistent with narrow tailoring when dramatic shortfalls in minority participation, would undermine government's remedial efforts (p.3). In the case of Namibia, it has been found that improvement from government initiatives have not been significant for women. The representation of the previously racially disadvantaged men increased at the special/skilled/supervisory level where they formed the dominant group, and the share of their female counterparts also improved. However, white men dominated both top and senior management positions while women, were still under-represented (ILO, 2007).

Studies on affirmative action have shown that physical impairments and handicaps are the cause of the socio-economic marginalization experienced by people with disabilities. Aeberhard-Hodges and Raskins argued that it is not enough to treat these people the same as the general population due to the barriers they experience as a result of their particular situation; instead, they will need special affirmative action programmes to allow them to arrive at an equitable position when competing for training and employment. Therefore they concluded in their study that before introducing affirmative action programmes, the existence of support systems must be contemplated. Furthermore they argued that a programme may be

very well designed, but if buildings are not accessible; if outreach programmes are not put in place to address the negative stereotypes and discriminatory attitudes that persons with disabilities face when seeking for employment and if the education system does not provide the necessary training adapted to their needs, then the practical result is to limit the effectiveness of the programme's impact (Aeberhard-Hodges & Raskins, 1997).

However, in a number of cases, affirmative action has redressed labor market inequalities between dominant and designated groups and raised productivity and stock return of enterprises (ILO, 2003).

There are, however, other countries whose experiences provide relevant lessons for Namibia. In Sri Lanka and Malaysia affirmative action was implemented to benefit the majority ethnic groups while South Africa and Zimbabwe introduced the policy under conditions similar to those in Namibia. In all these countries, affirmative action was implemented in societies that were, like Namibia, ethnically heterogeneous.

2.3.2 Affirmative Action in Sri Lanka

Sri Lanka is a multi-ethnic and multi-religious society. The 17, 3 million inhabitants consist of 74% Sinhalese, 18% Tamils, 7% Muslims and 1% this small minority groups. Sinhalese and Tamils are separated by language and religion, the former being 95% Buddhist and the latter being 90% Hindu, (De A. Ssmarasinghe, 1993). Sri Lanka was more focused on changing the civil service and education system. So Affirmative Action policies implemented by the ruling party United National Party (UNP) were ethnically inclusive but those of the

breakaway party Sri Lanka Freedom Party (SLFP) were ethnically biased in favor of Sinhalese. (ibid: 46-47).

This is ethnically quite similar to Namibia. As known, there are 11 ethnic groups in Namibia and each advocating for its own interests. So an insight into how Sri Lanka overcame ethnic barriers to affirmative action would help Namibia also to overcome such a scenario when it arises.

Sri Lanka's ethnic conflict was exacerbated by a slow economic growth rate which led to extreme ethnic competition for jobs. As affirmative action programmes were imposed by the Sinhalese majority on the politically powerless Tamil minority, these programmes were seen as blatant discrimination by the non-beneficiaries. Affirmative action was no longer perceived as a justified mechanism for closing inequality gaps, but was increasingly perceived by some as a new form of discrimination. This undermined the chances for achieving a broad consensus among all ethnic groups on the need for affirmative action.

The deterioration of a policy designed to overcome inequality into an instrument of discrimination led to its failure. The continued identification of the intended beneficiaries on an ethnic basis exacerbated existing ethnic divisions even further. As affirmative action benefited Sinhalese even if their economic standing was better than those of Tamils, it could no longer be justified as a mechanism to overcome economic inequalities. The allocation of benefits on the basis of economic standing could have been a more acceptable policy as the beneficiaries would have been the poor of all ethnic groups. Such a programme could have been based on a broad consensus among the major ethnic groups preventing the more privileged from exploiting the policy as was the case with ethnic based programmes (ibid:52).

This is one of the important lessons to be drawn from the Sri Lankan experience where the special opportunities for some, overruled the equal opportunities for all with disastrous consequences for the country (Weiner 1993).

2.3.3 Affirmative Action in Malaysia

Malaysia is another good example of ethnic-based, albeit more successful affirmative action. Like in Sri Lanka the majority group was targeted as the direct beneficiaries. These were the Malay who constituted close to 50% of the population at the time of independence in 1957. They were regarded as the victims of historical discrimination which Puthuchery described as consisting of structural constraints on Malay participation in the modern sectors of the economy rather than one of domination and exploitation of Malays by other groups. (Puthuchery, 1993).

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

Unlike the Sri Lankan case, affirmative action in Malaysia was successful in reducing socio-economic inequalities between ethnic groups without imposing undue hardships on the non-

beneficiary group. The Government avoided a situation where the special rights for the Malay would result in the erosion of the rights of non-Malays. Sachs pointed out that this approach was of crucial importance for the success of affirmative action programmes. Since affirmative action tried to overcome inequities in an equitable manner, both the foundation of the programmes and the way they were handled had to be equitable. Thus, not only the interests of discriminated groups were to be considered but also those of the formerly advantaged. In this way affirmative action should try to find solutions which were acceptable to all parties concerned (Sachs 1992b:36-37).

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

Secondly, the inequalities within each ethnic group widened as affirmative action concentrated on the eradication of inter-ethnic inequalities. In the process, the really poor members of all communities were neglected, resulting in a shift from inequalities on the basis of ethnicity to inequalities on the basis of class (Puthuchery 1992:60). This is an inherent feature of affirmative action programmes which concentrate on the eradication of imbalances on the basis of race, ethnicity or gender without giving consideration to class-based

inequalities. Such programmes might achieve a greater balance in terms of ethnicity or gender but they need to be supplemented by other measures if all socio-economic inequalities are to be overcome.

2.3.4 Affirmative Action in Southern Africa

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

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

and social class which is unsurpassed anywhere in the world, though social and economic inequality exists in many other places.

Sachs warned that the exclusion of the Black majority was not only unjust, but that it also threatened the stability and progress of the nation (Sachs 1992a:109). Against this background, it becomes obvious that the abolition of formal discrimination and the guarantee of equal rights alone, will not lead to fundamental change. Substantive equality of opportunity will remain a myth unless active steps are taken to redress the existing social and economic inequalities. One of these measures is affirmative action which aims to achieve fair equality of opportunity.

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

Consequently, affirmative action has been described as imperative for South Africa, Namibia and Zimbabwe as it constitutes a commitment to the taking of firm, orderly and principled steps to overcome the enormous divisions of "life's chances" created by the apartheid system (Maphai 1992:10).

Against the background of systematic discrimination and dispossession suffered by the Black majority it can be argued that the State has a duty to repair the damage done. Constitutional provisions will have to be made to lay the foundation for the eradication of inequalities which were created by the apartheid system (Sachs 10,1992a:100).

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

2.3.5 Affirmative Action in South Africa

South Africa and Namibia share a common history of being subject to apartheid laws, practices and policies. The discourse of affirmative action in the two countries has been similar arising from the apartheid system that prevented blacks from taking up positions at management level. Given the close similarities in labour practices between South Africa and Namibia, the study found it necessary to analyse the affirmative action policy in South Africa to draw lessons for Namibia.

Prior to 1994, Black South Africans were unprotected by the law. People were categorized as African, Coloured, Indian or white by the Apartheid regime. Blacks were denied job and educational opportunities on the basis of their race, and access to housing, health services, transport and economic opportunities was limited (Msimang 2000).

Given this history, the new government realized the need for a legislation that will protect the rights of poor including, women and socially marginalized groups. The goal was to ensure equity and equal access to job opportunities for all South Africans. As a result the Labour Relation Act of 1995 (LRA) and the Basic Conditions of Employment Act of 1997 (BCEA) were drafted and set out parameters under which workers can be employed and organize themselves. The LRA allowed legal strikes and industrial action for all workers for the first time while the BCEA established clear rules about overtime, working hour and remuneration

(Msimang, 2000). These acts were among the few initial documents to level the playing field in the labour market.

In 1998, the government of the Republic of South Africa implemented the Employment Equity Act (EEA) of 1998 with the aim of achieving equity in the workplace by firstly promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and secondly implementing Affirmative Action measures in order to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workplace (Department of Labour, 2004, 5). The execution of the law specifically targets blacks, women (of any race) and the disabled (of any race) as the beneficiaries of the policy.

Affirmative action in South Africa was necessitated by evidence of the racial and gender composition of employment of the type, where the management of about 455 South African firms was dominated by white males, accounting for 89 per cent, while the remaining 11 per cent was held by blacks, coloureds or Indians. The reason why there was a need for government intervention is due to the fact that whites are the minorities accounting for only 11 per cent of the total population, yet they dominate management positions in a large number of firms. (Msimang, 2000).

2.3.6 Affirmative Action in Zimbabwe

Zimbabwe provides the most relevant experiences for Namibia, as many areas of its colonial legacy are similar to those of Namibia. At independence in 1980, Whites formed only three per cent of the population but occupied 63% of the skilled jobs in the economy, while almost

all semi-skilled and unskilled jobs were performed by Blacks (Strachan 1993:142; Gatherer and Erickson 1993:151).

Like Namibia, Zimbabwe inherited grossly unequal socio-economic structures: The 3% controlled nearly two-thirds of the national income; they controlled about half of the land, including two-thirds of the best land, as well as nearly all the capital in industry and mining (jointly with foreign companies). By contrast the lowest paid 40% of Zimbabwe's labour force received only 15% of total incomes. Most rural households had no cattle of their own and were forced to live on less than five hectares of land which was needed to provide for a family's minimum needs (Stoneman and Cliffe 1989:42 and 69).

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

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

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

In appointments to senior posts, preference was given to Black Zimbabweans who had the necessary qualifications, but not necessarily the required experience (Bennell and Strachan 1992:26).

This Presidential Directive was the only legislation in Zimbabwe which dealt directly with the correction of racial imbalances in the field of labour. It was legally binding only to the Public Service Commission and no guidelines were provided for parastatals or the private sector. The Government made frequent calls for Black advancement in the private sector but did not pass any legislation for fear of adversely affecting the fragile economy (Strachan 1993:146; Gatherer and Erickson 1993:152).

White Zimbabweans had an almost complete monopoly over managerial positions and the possibility of a sudden exodus to South Africa would have left Zimbabwe with a lack of managerial skills and experience. The Government was thus forced to implement affirmative action in the private sector at a much slower pace to allow for the training of a sufficient

number of Black managers. As far as the parastatals were concerned, the minister responsible for each parastatal assumed the responsibility for advancing Black Zimbabweans. However, there was no legislation to guide the process (Bennell and Strachan 1992:27).

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

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

Strachan noted that as in other sub-Saharan countries, the "Africanisation" of Zimbabwe's civil service was essentially a conservative exercise because it aimed at replacing the White bureaucratic elite with Black bureaucratic elite.

Little was done "to alter the content or rewards of the jobs themselves" (Strachan 1993:141). A new bureaucratic elite emerged and acquired wealth through access to state power and control. Instead of changing the structures, only the personnel was changed and affirmative action became a means of getting Blacks into positions previously occupied by Whites (Ibid:146; Bennell and Strachan 1992:28).

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

This study reveals that there are complex issues to be considered when implementing affirmative action policies and Namibia is not an exception taking into consideration the similarities in history and conditions between Namibia, South Africa and Zimbabwe.

CHAPTER THREE:

Affirmative Action in Namibia

3.1 Introduction

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

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

- Firstly, to make institutions that were dominated by Whites representative of the country's population.

- Secondly, to effect a change in institutional cultures which were shaped by White racist practices during colonial rule.
- Thirdly, to bring about socio-economic redistribution.

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

Therefore, the likely beneficiaries of appointments into key positions of the civil service are people sympathetic to the ruling party as they are seen as capable to effect the desired changes.

Regarding gender-based affirmative action in employment, Meer has pointed out that the beneficiaries of moves towards the balancing of gender roles are predominantly middle- and upper-class women (Meer 1990:269). In the Namibian context this could mean that White women and Black middle-class urban women might become the main beneficiaries of gender-based affirmative action in employment. On the other hand gender-based affirmative action programmes in areas like adult education and access to land and health facilities might be most beneficial to rural women. As a mechanism to effect redistribution on an economic basis, affirmative action will have to address class-based inequalities. Sikhosana has warned that: An uncritical focus on race and gender would not only have leave the majority of the

black and female working class and rural peasantry worse off, but would further widen the class inequalities by improving the conditions of the already affluent black petty bourgeoisie or women (1993:19).

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

3.2 Affirmative action in the civil service

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

The Public Service Commission was given the task to achieve this aim. It therefore decided that blacks (including 'coloureds') and women should be given preference whenever appointments, promotions and transfers take place in the civil service. As most Namibians could not gain experience in the colonial civil service, the Commission also decided to relax the experience requirements. However, only people with the necessary qualifications were considered for appointments and promotions.

Six years after independence, in March 1996, about 70% of the management posts in the civil service were held by people from disadvantaged groups. Most of them were black men (52%) and only 13% were black women. These figures indicate that affirmative action made the

civil service more representative of the country's population but women continue to be under-represented. Affirmative action has also not addressed the huge income gap between civil service managers and lower paid public workers. The gap has even increased since independence! Affirmative action programmes in the civil service did not entail a systematic education and training component for people who were denied such opportunities in the past.

3.3 Affirmative Action in Agriculture

In 1992, the government introduced the 'Affirmative Loan Scheme' to support communal farmers who wanted to buy land in a commercial farming area. The scheme is administered by the Agricultural Bank of Namibia which offers loans at low interest rates are given to full-time communal farmers. However, such farmers need to have at least 150 cattle or 800 goats or sheep. The loans given under the affirmative loan scheme do not cover the full amount and communal farmers have to pay about 10% of the price themselves. Given the high price of farms, this condition prevented many communal farmers from buying a commercial farm. In addition, farmers from the northern communal areas were not allowed to bring their animals across the 'red line' (veterinary fence) which separates the northern areas from the rest of the country. This meant that farmers from the North had to sell all their animals if they wanted to move to a commercial farm.

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

3.4 Affirmative Action in the Local Government Elections of 1992

The Local Authorities Act of 1992 provided for a quota for women on the candidate lists of political parties. In municipal or town councils with up to 10 members, all political parties had to nominate at least 2 women while at least 3 women had to be nominated for councils with more than 10 members. This quota system had a positive effect on women's representation. All parties nominated more women than required by law. Out of the 362 elected councilors, 114 (or 31, 5 %) were women. This is a much higher representation of women than in the National Council, the regional councils and the National Assembly where women account for less than 5% (Hubbard and Kavari 1993).

3.5 Affirmative action and fishing quotas

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

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

3.6 Successes and failures

So far, affirmative action in Namibia has been successful in bringing about a more representative civil service. Quotas for women in the local government elections of 1992 have contributed to a far better representation of women than is the case in the National Assembly and the National Council. Since the implementation of affirmative action in Namibia, the representation of people from designated groups has improved. The number of previously racially disadvantaged men increased at the management level in the different sectors, and thus contributing to the economy of the country.

However, women and people with disabilities are still under-represented. In 2006, the previously racially disadvantaged people represented 66 per cent of all executive directors and managers, while women accounted for 42 per cent of all positions in the executive director and management occupational categories. Persons with disabilities represented a mere 0.5 per cent of positions at the executive director and management levels of employment (Employment Equity Commission, 2007).

Namibia still has a long way to go before the country can claim to have leveled the playing field. Women especially black women are still largely excluded from better paid jobs and decision-making. Affirmative action in Namibia has also not addressed socio-economic inequalities thus far. The country is still characterised by a huge gap in the distribution of wealth and income. Unless steps are taken to redistribute resources in favour of the poor, the rich will continue to be privileged and their children will have better access to education and jobs.

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

3.7 Conclusion

The international experiences cited in this thesis indicate that affirmative action does not eradicate the root causes of inequality. Existing economic power structures which determine the distribution of wealth and income have not been challenged. Affirmative action is essentially a reformist strategy and not a tool of transformation. It can, however, redress specific imbalances which exist in society, for example on the basis of colour, gender or ethnicity. In the Namibian context, affirmative action can play a significant role in overcoming the entrenched racial and gender inequalities in institutions which were dominated by White males. It is important to explicitly detail the aims of affirmative action and to supplement the policy with other measures if all forms of inequality are to be overcome.

In view of America, the policy benefited mainly the Black middle class as it was designed to help members of minority groups who met minimal job qualifications (Days 1993). While contributing to the enlargement of the Black middle class, affirmative action remained meaningless for the poorest sections of Black Americans (Kennedy 1993). The policy was instrumental in narrowing the gap between groups in American society but it also contributed to an increasing gap within groups. Greater equality was only achieved in the sense that

various racial groups were fairly represented in the privileged classes. In other words, affirmative action shifted the emphasis from racial inequality to class inequalities.

It was merely concerned with making institutions more representative in their ethnic composition but it did not challenge institutional cultures, let alone become an instrument of redistribution. Affirmative action "the American way" would fail to meet Namibian expectations.

The experiences of Sri Lanka and Malaysia demonstrate the importance of reaching broad consensus on affirmative action. Both the intended direct beneficiaries, as well as the benefits should be clearly defined. Controversies over who should benefit are likely to lead to a perception of affirmative action as a policy which benefits some, while being a burden to others. This "punish-reward model" is likely to occur when affirmative action is implemented in the allocation of scarce resources, and in the field of employment. As their availability is limited, the allocation of jobs to some will mean exclusion of others. This will invariably lead to conflict. On the other hand, affirmative action as a forward looking policy has to be understood as a necessary measure to create conditions that will allow members of disadvantaged groups to compete on the basis of merit.

Affirmative action in South Africa appears to have had an impact on the workforce profile of employers covered by the Employment Equity Act with black men having benefited the most. In 2003, black men accounted for 18.5 per cent of the top management positions compared to 5.3 per cent and 15 per cent for black and white women, respectively. According to the promotion figures in 2002-2003, over 37 per cent of the blacks were promoted to higher positions indicating the impact and effectiveness of affirmative action policy. However, the

number of people with disabilities has remained low and variable, leading to an insignificant impact of the affirmative action policy for people with disabilities (ILO, 2007).

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

CHAPTER FOUR

Research Design and Methodology

4.1 Introduction

This chapter presents the methodology used in this study. Furthermore, the chapter presents ethical considerations taken into consideration in conduct of this study.

4.2 Research Design

The study adopted a mixed research design which incorporated both elements of quantitative and qualitative research designs. Mixed methods refer to the use of qualitative and quantitative approaches in the methodology of a study. The use a qualitative approach provided detailed understanding of a problem while the quantitative data enabled generalization of research findings.

The quantitative approach method involved the use of a structured questionnaire which was distributed among the employees at the Ministry of Justice. A coded questionnaire was used which enabled ranking of qualitative responses into numerical responses. The qualitative approach involved literature review of empirical studies on affirmative action. Qualitative data was gathered through literature review and the findings from primary research were compared with the findings from secondary research. Qualitative data were also gathered through open ended questions on the questionnaire.

4.3 Population

The researcher identified all employees at the Ministry of Justice who are working on affirmative action issues. This is a population of about 250 employees in various departments which include finance, human resources and legal. These include senior managers, middle managers and ordinary employees.

4.4 Sample, sampling procedures and sample size

The sample included fifty respondents who are permanently employed by Ministry of Justice and are directly involved in dealing with affirmative action issues. A non-probability purposive sampling method was used to select the sample. The researcher intentionally chose participants because they are knowledgeable in affirmative action policies. The sample may be regarded as being representative of the relevant population.

4.5 The questionnaire

The questionnaire was used as a research instrument for this study because it allowed the collection of data from a large group of people within the time constraints. The questionnaires included both open ended and closed ended questions. The researcher personally administered questionnaire and collect the data from the employees at the Ministry.

Closed ended questions were constructed using the 5- point Likert scale. The Likert scale was be used scale in this research because it is useful in determining the opinion or attitude of a subject. The questionnaires was pre-tested on a small sample of 10 Ministry officials. Pre-

testing of the questionnaire revealed possible flaws in the questions. The researcher examined the response pattern and identify abnormalities in the completion of questionnaires

4.6 Procedure

Qualitative data was collected through key informant interviews. The respondents for the key informant interviews were be managers of the Ministry of Justice, Gender Equality and Child Welfare and Labour and Social Welfare. The researcher carried out interviews with top management to find out their views on the implementation of affirmative action policies. Secondly data's was collected from various Ministries.

4.7 Procedures for data collection

Data was collected through the use of a self administered questionnaire. The questionnaires were distributed to the respondents and a collection box was used to anonymously collect the questionnaires from the respondents.

4.8 Data Analysis

Responses to each question were categorized and coded. The qualitative and quantitative response was inputted into the Statistical Package for Social Sciences (SPSS) for analysis. A frequency table was used to analyse the quantitative and qualitative responses. Qualitative data was grouped into themes and will be presented in the form of summaries. Data on the implementation of affirmative action in Namibia was gathered from the questionnaire and presented in the form of summaries, bar graphs and pie charts.

4.9 Research Ethics

The confidentiality of all participants was ensured, through signing confidential forms. In the study the researcher did not fabricate, falsify, or misrepresent data. The findings of this study are going to be used for academic purposes only.

4.10 Confidentiality

The use of a self administered questionnaire which did not require the identity of the respondents ensured that the identity of the respondents was kept confidential. A collection box was placed at the reception to ensure that the researcher could not identify the respondents.

4.11 Right of Privacy

The privacy of the participants was guaranteed through an anonymous data collection system. The questionnaires gathered from this study were not accessible to other employees. The findings from this study are only used for research purposes.

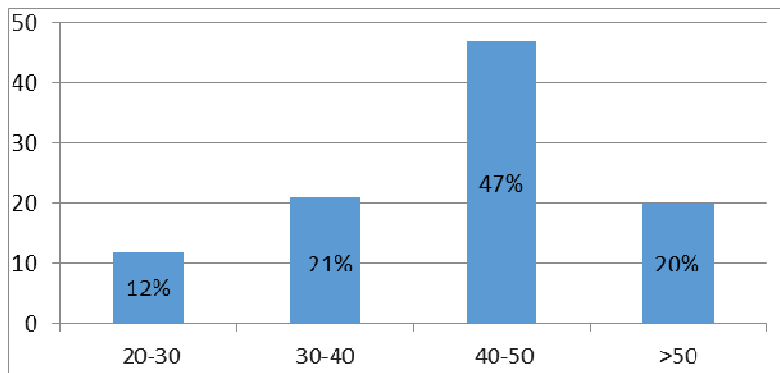
4.12 Conclusion

This chapter presented the methodology used in this research. In addition, the chapter presented ethical issues that were taken into consideration during the course of this study.

CHAPTER FIVE

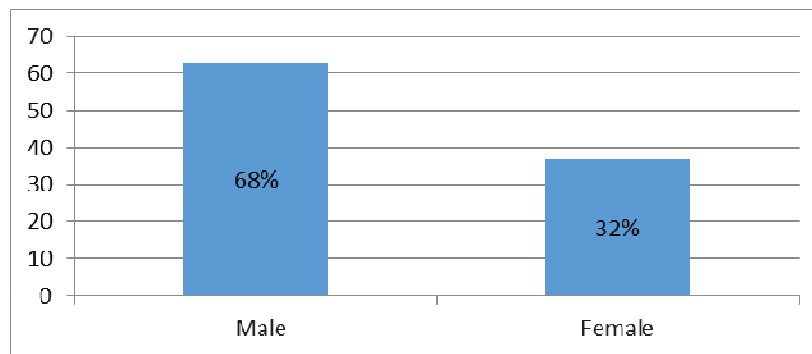
Presentation of Data/Research Findings

5.1 Age Group of Respondents



The results above shows that the majority of the respondents (47%) are in the 40-50 age group. Significant proportions of the respondents are between 30-40 years (21%) and above 50 years. Only a small proportion of the respondents belong to the 20-30 age group. The age distribution above roughly reflects the age distribution at the Ministry of Justice.

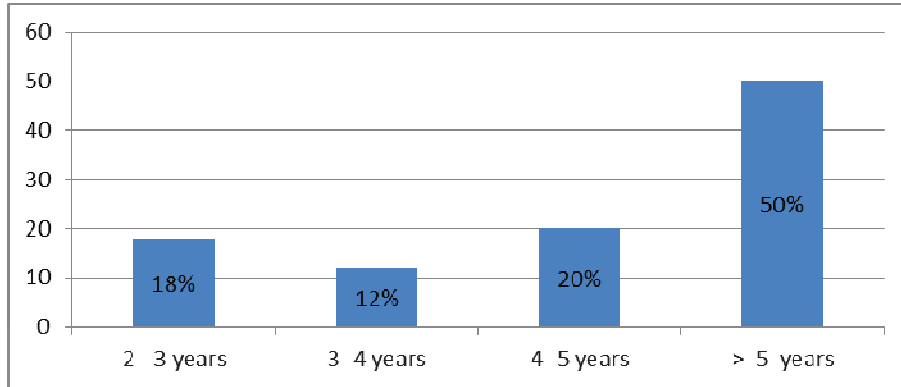
5.2 Gender of the Respondents



The bar graph above shows that more males (68%) than females (32%) participated in this study. This suggests that the people who are working on affirmative action programmes at the

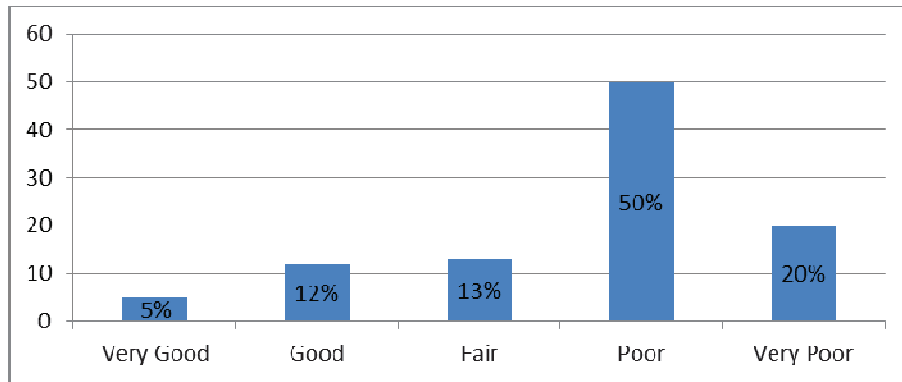
Ministry of Justices are mostly male. However the researcher reached out to as many female participant as possible to ensure that the study is gender sensitive.

5.3 How many years have you worked for the Ministry of Justice?



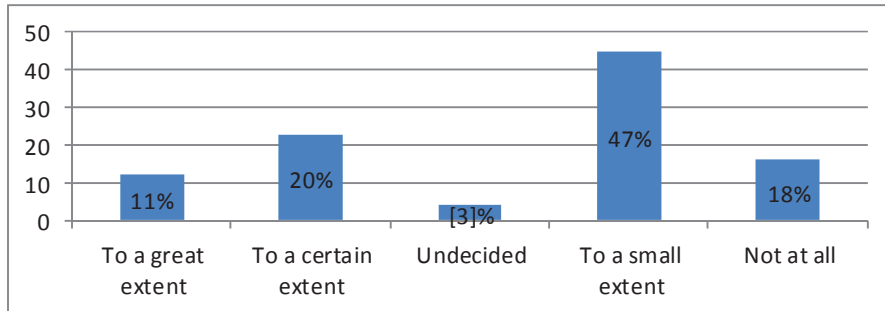
The bar graph above shows that half of the respondents have been working at the Ministry of Justice for over five years. A significantly large proportion has been working at the Ministry between 4-5 years. The distribution above suggests that the respondents have adequate information on the issues relating to affirmative action since they have dealt with them for a considerably long period of time.

5.4 How best can you rate the Implementation of Affirmative Action Programmes in Namibia?



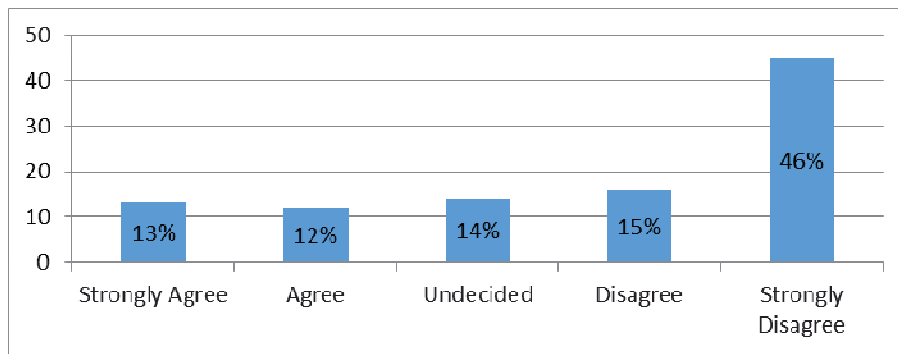
The results above show that the majority of the respondents (50%) are of the opinion that affirmative action programmes are being poorly implemented. In addition, a significantly large proportion of 20% cited that the implementation of affirmative action programmes in Namibia has been very poor. In contrast a proportion of 12% and 5% rated the implementation of affirmative action programmes as good and very good respectively. Overall, the results show that the affirmative action programme implementation has been unsatisfactory.

5.5 To what extent did implementation of affirmative action programmes resulted in better representation of the previously disadvantaged communities in Management positions?



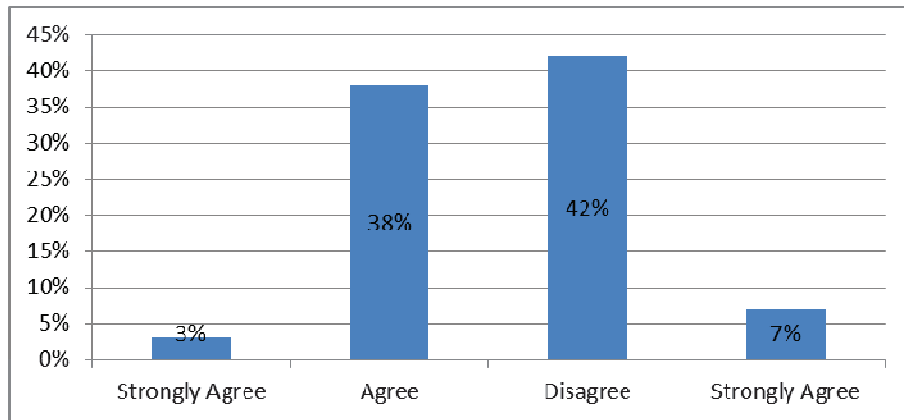
The chart above shows that the affirmative action programmes have not yet resulted in the previously disadvantaged communities benefiting in terms of increased chances of getting into management position. This is evidenced by 47% of the respondents who highlighted that the extent to which affirmative action programmes resulted in better representation of the previously disadvantaged communities in Management positions has been very low. Only a total of 20% indicated that they are to a certain extent affirmative action programmes have resulted in better representation of the previously disadvantaged.

5.6 The management is doing enough to improve implementation of affirmative action in Namibia



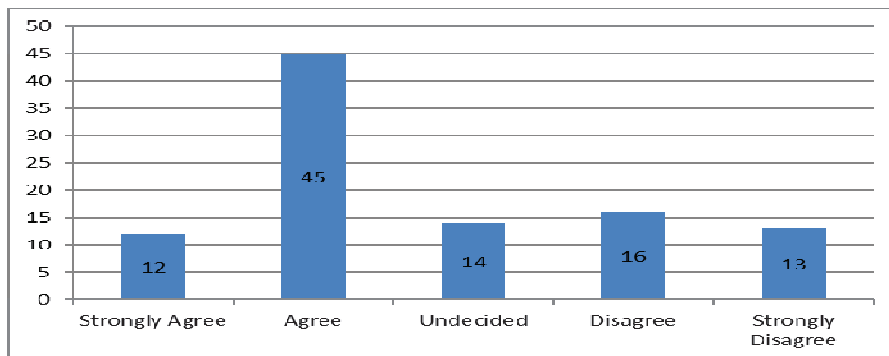
The results above show that the majority of the employees believe that the management is not doing enough to improve the implementation of affirmative action programmes in Namibia. A large proportion of 46% strongly disagreed with this statement while the second largest proportion (15%) disagreed with the statement. However a total of 25% are of the opinion that the management is making efforts to enhance the delivery of the affirmative action programmes.

5.7 Employment policies, practices and procedures are aligned to affirmative action principles



The results above show that the majority of the employees (38%) agreed that employment policies, practices and procedures are aligned to affirmative action principles. However a significantly large proportion of 42% do not hold this opinion.

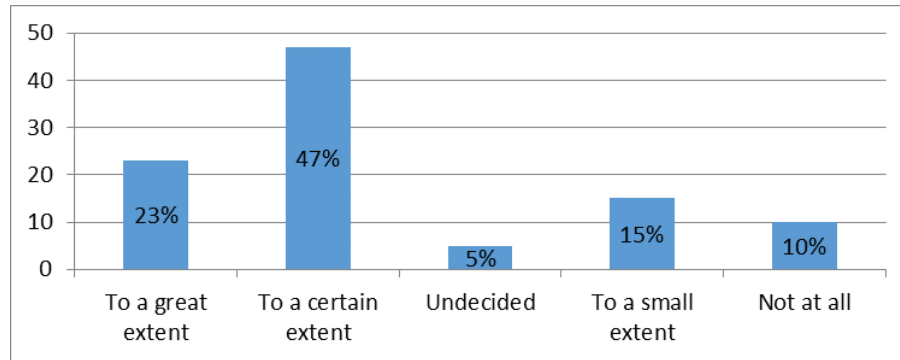
5.8 The Ministry staff is well trained to implement Affirmative action programmes in Namibia



The results show that the Ministry has well trained staff who can effectively implement affirmative action programmes. More than 57% of the respondents shared this opinion. A

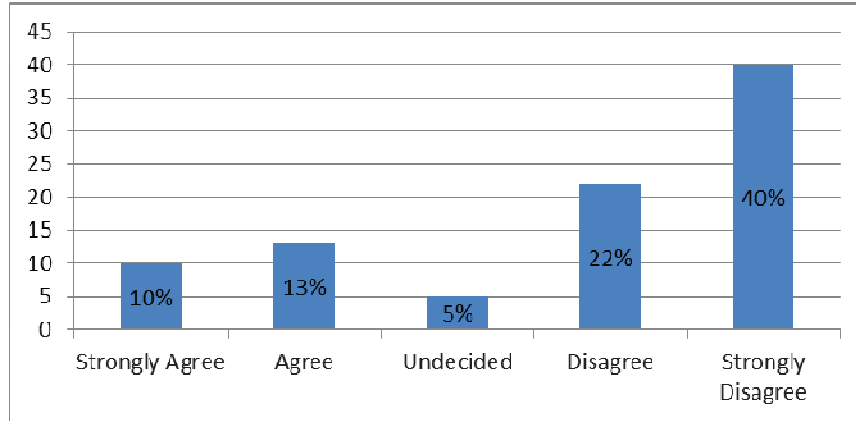
proportion of 14% was undecided while 29% feel that the ministry staff lacks necessary skills to implement affirmative action programme.

5.9 Affirmative action has led to better presentation of women



The results above indicate that to a certain extent, affirmative action programmes have resulted in better representation of women in management positions. A total of 70% of the respondents are of the opinion that affirmative action programmes have resulted in better representation of women in management positions. However, a small proportion were of the opinion that the contribution of affirmative action programmes towards better representation of women had been very small.

5.10 There is adequate staff to effectively implement affirmative action programmes at the Ministry?



The results above show that even though there are evident challenges in the availability of staff to effectively implement affirmative action programmes. The results show that a total of 62% who are of the opinion that there is no adequate staff to effectively implement affirmative action programmes. Only a small proportion of 23% cited that the Ministry had enough staff for the implementation of affirmative action programmes.

CHAPTER SIX

Discussion of Findings

6.1 Introduction

This chapter presents the conclusions that are drawn from the findings of the study. The aim of the study was to examine the implementation of affirmative action in Namibia. A case study approach was adopted using the ministry tasked with overseeing the implementation of affirmative action in Namibia which is the Ministry of Justice. Affirmative action was implemented with the main aim of increasing the representation of the previously disadvantaged groups and women in management positions. The study examined the overall implementation of affirmative action and how this has improved the lives of the previously disadvantaged.

6.2 Discussion of Findings

The study revealed that the implementation of affirmative action has been below satisfactory levels. This is evidenced by a majority of the respondents (50%), who are of the opinion that affirmative action programmes are being poorly implemented. In addition, a significantly large proportion of 20% cited that the implementation of affirmative action programmes in Namibia has been very poor. However, a proportion of 12% and 5% rated the implementation of affirmative action programmes as good and very good respectively. Overall, the results show that the affirmative action programme implementation has been unsatisfactory.

The findings show that the affirmative action programmes have not yet resulted in the previously disadvantaged communities benefiting in terms of increased chances of getting into management position. This is evidenced by 47% of the respondents who highlighted that

the extent to which affirmative action programmes resulted in better representation of the previously disadvantaged communities in Management positions has been very low. Only a total of 20% indicated that they are to a certain extent affirmative action programmes have resulted in better representation of the previously disadvantaged.

The evidence from the study suggests that the management is not doing enough to improve the implementation of affirmative action programmes. The majority of the employees believe that the management is not doing enough to improve the implementation of affirmative action programmes in Namibia. A large proportion of 46% strongly disagreed with this statement while the second largest proportion (15%) disagreed with the statement. However a total of 25% are of the opinion that the management is making efforts to enhance the delivery of the affirmative action programmes.

The results showed that a significantly large proportion of (38%) agreed that employment policies, practices and procedures are aligned to affirmative action principles. However a total 42% do not hold this opinion.

The results indicate that to a certain extent, affirmative action programmes have resulted in better representation of women in management positions. A total of 70% of the respondents are of the opinion that affirmative action programmes have resulted in better representation of women in management positions. However, a small proportion were of the opinion that the contribution of affirmative action programmes towards better representation of women had been very small.

6.3 Conclusion

Evidence from this study suggests that there are numerous challenges in implementing affirmative action in Namibia. The overall implementation of affirmative action programmes has been below satisfactory levels. Not much has been achieved in terms of representation of the previously disadvantaged in management position. However considerable progress has been made through affirmative action and this has resulted in better representation of women in management positions.

CHAPTER SEVEN

Summary and Recommendations

7.1 Introduction

The purpose of this chapter is to discuss the results of the impact of Affirmative Action Policies in Namibia. This discussion is based on the estimated model's results. The chapter further prescribes policy recommendations. These policies are meant to provide an economically viable environment that will foster growth of Namibia's employment sector and make it more competitive. The chapter further looks at areas of further research that could have complimented this study.

7.2 Summary

The full potential of affirmative action as envisaged in the Namibian constitution has not yet been realized. Despite the government's efforts to redress the imbalances of the past, very little progress has been made so far in terms of increasing the representation of the designated groups at management level of various institutions. Ten years after the implementation of affirmative action policy in Namibia, the workforce profiles of some relevant employers still reflect the dominance of advantaged persons in management positions relative to people from the disadvantaged groups. The representation of people with disabilities at management level is relatively insignificant.

The aim objective of this study was to analyse the implementation of affirmative action in Namibia. This was achieved firstly establishing whether or not employment policies,

practices and procedures are aligned to the affirmative action programmes implemented. Secondly identifying employment barriers that affect affirmative action programmes. And lastly by establishing whether or not affirmative action policies have resulted in the representation of people from designated groups in all management positions.

7.3 Recommendations

Affirmative action on the face of it, at least, violates the principles of non-racialism and non-sexism. It should, therefore, remain a temporary measure to be placed under constant observation and reassessment to avoid unintended side-effects, and to ensure that the policy is not abused. Corruption and nepotism under the disguise of affirmative action will destroy the reputation of the policy and need to be combated vigorously. Affirmative action as a permanent feature is likely to become a new form of discrimination, especially if it is imposed by a numerically and politically dominant group as happened in Sri Lanka.

Although it might not be possible to always set out a detailed timetable for affirmative action, a broad framework for specific measures should be calculated to ensure that affirmative action remains an interim measure. As a law-governed and principled process that clearly targets and spells out the intended benefits and beneficiaries, affirmative action is likely to obtain the necessary legitimacy to become a successful instrument of change in Namibia. Although the policy has limitations and will not lead to fundamental social change, it should be seen as a point of departure to redress some of the imbalances created by Namibia's colonial past.

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

The identification of affirmative action's beneficiaries on the basis of economic standing would ensure that the most disadvantaged sections of society are reached. This approach could avoid ethnic mobilisation as has happened in Sri Lanka because the poor of all ethnic groups would be the beneficiaries. Class based affirmative action programmes are undoubtedly the most difficult to implement as they have to bring about fundamental changes in the distribution of wealth and income. Sachs has pointed out that a reduction of inequalities and improvements in the lives of the vast majority can best be achieved through a combination of good government, and strong community and other organisations, rather than through mere affirmative action measures (Sachs1992b:23-24).

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

Namibia will therefore have to decide which role affirmative action has to play in the process of change. The restriction of the policy to the achievement of employment equity is an indication that affirmative action will focus on the task of making institutions representative

of the country's population. Colour, gender and disability were identified as the criteria to identify the direct beneficiaries.

This seems to indicate that class-based inequalities are seen as falling outside the scope of Namibia's affirmative action programme. However, access to training for Namibian workers, childcare facilities for women workers and the provision of transport for workers attending training courses could be some measures that form part of companies' affirmative action plans. Such measures could well benefit Namibian workers and give the policy relevance beyond the interests of the middle class. Thus Affirmative action has noble aims, which are consistent with high moral values. It is not intended to discriminate against any group based on their skin color or their gender; any lessened opportunity faced by a group is an incidental upshot (a 'collateral damage'?) of addressing a grave issue. It is not intended to simply fill quotas without regard to minimum qualifications; it is merely an attempt to remedy past injustices or oversights, to ensure a better distributive justice. Being man-made, it is not a perfect remedy, 'Discrimination' will continue to exist as long as the sun continues to rise from the east, but we hope it is of the positive kind, like the need to 'separate the chaff from the wheat' in our everyday life. Affirmative action is man's small attempt at containing blatant discrimination, in order to make life more bearable for the majority of peace-loving souls.

7.4 Conclusion

In conclusion Affirmative Action has resulted in different results for USA, South Africa and Namibia. In the USA Affirmative Action was essentially designed to integrate minority groups, and later women, into the mainstream of American life. This is because affirmative

action was essentially a conservative notion designed and driven by the ruling class for Blacks who largely shared the same sets of socio-economic values with Whites. It was never intended to be a tool of egalitarianism, let alone transformation (Maphai 1993:6). However Affirmative action in South Africa was necessitated by evidence of the racial and gender composition of employment of the type, where the management of about 455 South African firms was dominated by white males, accounting for 89 per cent, while the remaining 11 per cent was held by blacks, coloureds or Indians. The reason why there was a need for government intervention is due to the fact that whites are the minorities accounting for only 11 per cent of the total population, yet they dominate management positions in a large number of firms. (Msimang, 2000).

According to empirical results of other studies so far, affirmative action in Namibia has been successful in bringing about a more representative civil service. Quotas for women in the local government elections of 1992 have contributed to a far better representation of women than is the case in the National Assembly and the National Council. Since the implementation of affirmative action in Namibia, the representation of people from designated groups has improved. The number of previously racially disadvantaged men increased at the management level in the different sectors, and thus contributing to the economy of the country.

However according to results of this thesis Graph 5.2 shows that more males (68%) than females (32%) participated in this study. This suggests that the people who are working on affirmative action programmes at the Ministry of Justices are mostly male. Graph 5.4 shows that the majority of the respondents (50%) are of the opinion that affirmative action

programmes are being poorly implemented. In addition, a significantly large proportion of 20% cited that the implementation of affirmative action programmes in Namibia has been very poor. In contrast a proportion of 12% and 5% rated the implementation of affirmative action programmes as good and very good respectively. Overall, the results show that the affirmative action programme implementation has been unsatisfactory. Chart 5.5 shows that the affirmative action programmes have not yet resulted in the previously disadvantaged communities benefiting in terms of increased chances of getting into management position. This is evidenced by 47% of the respondents who highlighted that the extent to which affirmative action programmes resulted in better representation of the previously disadvantaged communities in Management positions has been very low. Only a total of 20% indicated that they are to a certain extent affirmative action programmes have resulted in better representation of the previously disadvantaged.

7.5 Directions for Future Research

The study recommends that further research be conducted using a longer series to assess the impact of the policy on the employment of the designated groups in management positions. The study would benefit by disaggregating data according to the different categories of designated group, such as women and people with disabilities whose representation is still low.

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Questionnaire

<p>This questionnaire intends to evaluate the factors affecting implementation of affirmative action in Namibia. Cross (x) or write the appropriate answer for each of the following questions.</p>																	
1	<p>Age Group of Respondent</p> <table border="1"> <tr><td>20-30</td><td></td></tr> <tr><td>30-40</td><td></td></tr> <tr><td>40-50</td><td></td></tr> <tr><td>50-60</td><td></td></tr> <tr><td>> 60</td><td></td></tr> </table>	20-30		30-40		40-50		50-60		> 60		2	<p>Are you male or female?</p> <table border="1"> <tr><td>Male</td><td></td></tr> <tr><td>Female</td><td></td></tr> </table>	Male		Female	
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3	<p>What is your current post at the Ministry?</p> <p>_____</p>	4	<p>How long have you been working at the Ministry?</p> <table border="1"> <tr><td>1 -2 years</td><td></td></tr> <tr><td>2 - 3 years</td><td></td></tr> <tr><td>3 -4 years</td><td></td></tr> <tr><td>4 -5 years</td><td></td></tr> <tr><td>> 5 years</td><td></td></tr> </table>	1 -2 years		2 - 3 years		3 -4 years		4 -5 years		> 5 years					
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5	<p>What is your highest qualification?</p> <table border="1"> <tr><td>Diploma</td><td></td></tr> <tr><td>Degree</td><td></td></tr> <tr><td>Master</td><td></td></tr> <tr><td>PhD</td><td></td></tr> <tr><td>Other (specify)</td><td></td></tr> </table>	Diploma		Degree		Master		PhD		Other (specify)		6	<p>In what department do you work?</p> <p>_____</p>				
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9.	<p>How best can you rate the implementation of Affirmative Action Programmes in Namibia?</p> <table border="1"> <tr><td>Very Good</td><td></td></tr> <tr><td>Good</td><td></td></tr> <tr><td>Fair</td><td></td></tr> <tr><td>Poor</td><td></td></tr> <tr><td>Very Poor</td><td></td></tr> </table>	Very Good		Good		Fair		Poor		Very Poor							
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10	<p>What programmes/ techniques are in place to improve the implementation of affirmative action?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	11	<p>In your own words, describe the effectiveness of these programmes/ techniques?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																				
12	<p>The management is doing enough to improve the implementation of affirmative action</p> <table border="1" data-bbox="329 779 794 947"> <tr><td>Strongly Agree</td><td></td></tr> <tr><td>Agree</td><td></td></tr> <tr><td>Undecided</td><td></td></tr> <tr><td>Disagree</td><td></td></tr> <tr><td>Strongly Disagree</td><td></td></tr> </table>	Strongly Agree		Agree		Undecided		Disagree		Strongly Disagree		13	<p>The management involves the key stakeholders when implementing affirmative action programmes</p> <table border="1" data-bbox="902 814 1367 982"> <tr><td>Strongly Agree</td><td></td></tr> <tr><td>Agree</td><td></td></tr> <tr><td>Undecided</td><td></td></tr> <tr><td>Disagree</td><td></td></tr> <tr><td>Strongly Disagree</td><td></td></tr> </table>	Strongly Agree		Agree		Undecided		Disagree		Strongly Disagree	
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