

Date Printed: 04/22/2009

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JTS Box Number: IFES\_67  
Tab Number: 100  
Document Title: Democracy and you  
Document Date: 1999  
Document Country: Nambia  
Document Language: English  
IFES ID: CE01197



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# **DEMOCRACY AND YOU**

**A GUIDE TO BETTER  
UNDERSTANDING**

**NID**

**NAMIBIA INSTITUTE FOR DEMOCRACY**

***Democracy and You***  
***A Guide to Better Understanding***

***F Clifton White Resource Center*** 8/98  
**International Foundation for Election Systems**

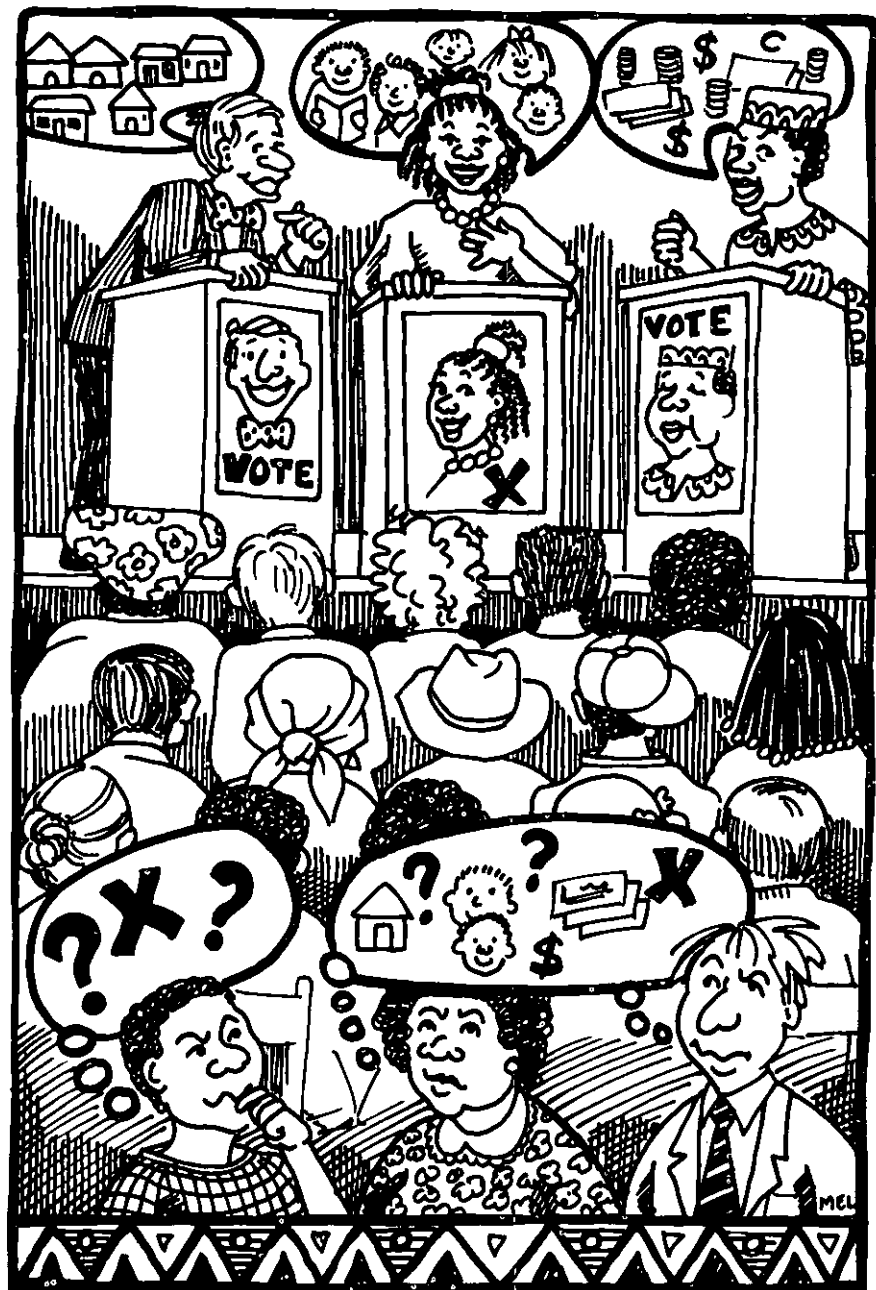
Issued by the Namibia Institute for Democracy  
P.O. Box 40161  
Windhoek  
Namibia  
Tel. 229117/8  
Fax 229119  
Artwork by Mel Futter

Printing of this book was made possible by the financial assistance of the  
Konrad Adenauer Stiftung  
P.O. Box 1145  
Windhoek  
Namibia

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# 1. DEMOCRATIC PRINCIPLES



All people strive for the ideal of a prosperous society, where every citizen is free and where no one is destitute. Freedom and prosperity are only possible if the political system protects the principles on which they are built. It is the duty of the government to protect these principles. The government is the servant of the people and should protect fundamental rights which enable a peaceful existence.

But what type of government or political system best protects these fundamental rights and freedoms that are required for peace and prosperity?

Firstly, we must find out what a political system is.

*POLITICS is the study of how a country is ruled and how its rulers are chosen. So, the POLITICAL SYSTEM is the manner in which citizens of a country regulate their society aimed at resolving disagreements in a peaceful manner.* In the News you will often hear and read words like democracy, federation, constitutional democracy, social democracy, dictatorship, monarchy and many more. These all describe political systems in different countries.

A **GOVERNMENT**, on the other hand, is the way in which power is organised over the citizens of a country. Government works much the same way as a sports game, just as it is impossible to play a game of soccer without everyone following the same rules and recognising the power of the referee, so **SOCIETY** must follow the rules and laws of the country and recognise the authority of government.

A **SOCIETY** is formed by people who share a common culture, ideals, language and similar traditions and who live within a specified territory. The most important function of a society is to regulate the lives of individuals. To do this a political system is assimilated by the society and laws are adopted to regulate interaction within the social structure. To enforce laws in society, the state employs **GOVERNMENT SERVICES** such as the police, defence force and courts of law.

Society, territory and government services together form the **STATE**, which is the organized political community under one governmental system. In the past there have been different types of governmental systems, each developed according to its society, territory and use of government services.

So let's now take a look at a few types of government.

## **NON-DEMOCRATIC FORMS OF GOVERNMENT**

Non-democratic governments are systems where the rulers are not chosen by the citizens themselves e.g. military governments, dictatorships and some colonies.

A **MILITARY GOVERNMENT** is where the military e.g. army, airforce and navy is in power and rules the country.

In a **COLONIAL GOVERNMENT** the government of one country controls another group of people who live outside the nation in what is called a colony. The colonial

government will make laws and decide what political rights the people in the colony can exercise. Namibia was a colony of Germany from 1884 and then of South Africa from 1919. America, Australia, India and South Africa were all once colonies of Great Britain.

A DICTATORSHIP is when a leader imposes his will on the citizens by force.

The question is whether these non-democratic societies can be prosperous.

Non-democratic societies have undoubtedly been prosperous, for a time. However, this prosperity has always been linked to the protection of individual property rights. This means that people had the right to own land, money, implements and other possessions, and to use these as they wanted. But prosperity never lasts long in these societies because leaders interfere with property rights and individual freedom.

## DEMOCRACY AND PROSPERITY

The word "*democracy*" itself means "*rule by the people*". A democracy is a system where the people can change their rulers in a peaceful manner and the government is given the right to rule because the people say it may. Some people believe that any decision taken in a democracy is always fair. They say, in such an unlimited democracy, the decisions will reflect the will of the people. But this is not what democracy is all about.

## DEMOCRACY AND THE RULE OF LAW

Democracy was introduced to the world by the ancient Greeks, who did not have such unlimited power in mind. They saw democracy as a tool which could be used to elect new leaders or to peacefully get rid of unwanted ones. This did not mean that elected leaders could do what they wanted, even if they had the support of the majority. They could only do what the law allowed them to do.

In those days, the word *law* had a different meaning than it does today. Laws then were rules of behaviour that developed or evolved and were not made by anyone. The laws came about from the daily activities of people and existed long before governments. Such customary laws have regulated people's behaviour and have helped them to survive and prosper.

To understand how customary laws developed, suppose two people had an argument. They would take their case to a *law-giver* or *law-speaker*, what we today call a judge. He would have knowledge of the traditional rules of the people and would decide which rule applied to the specific case. If the case was new and the law-giver could not find a law in existence to make his decision, he would use every-day principles of fairness and justice to make his decision.

This decision would then be used in similar cases in the future and would eventually be seen as another general law of society.



In this way, the law did not change every time the government changed, but changed gradually and over centuries to become known as the *common law*. The rule of law simply meant that everybody, including the leaders of government, had to obey the same laws.

Today few people understand what the terms *common law* or *the rule of law* mean, or what their relation is to a true democracy. Most people seem to think that in a democracy the elected government can make any law it pleases.

This is not what the Greeks meant when they spoke of democracy. Laws came from the traditions and customs of the people and could be changed only gradually and applied to everybody. There are many different forms of democracy created by the interpretation of the rule of law.

Firstly, let's start with *direct democracy*. In a direct democracy, the people can participate directly by voting for the laws themselves. This was popular in early times, when women and slaves did not have the right to vote and when societies were much smaller than today. It was easy for the voting men to meet somewhere, discuss a problem and vote directly on it.

Today, the closest form to direct democracy is a referendum, where the citizens vote either "yes" or "no" on a specific issue.

## REPRESENTATIVE DEMOCRACY

Direct democracy is more difficult today in societies where there are **millions** of citizens. It is impossible to get all the citizens of a country together to try to discuss and vote on a solution every time a problem arises. Instead, a country is divided into voting regions or constituencies. People then form political parties that nominate specific individuals to represent them as candidates for particular constituencies.

During the elections, citizens vote for the candidate of their choice. The elected candidates or representatives, become the government of the country. This is known as a representative government in a system of representative democracy.

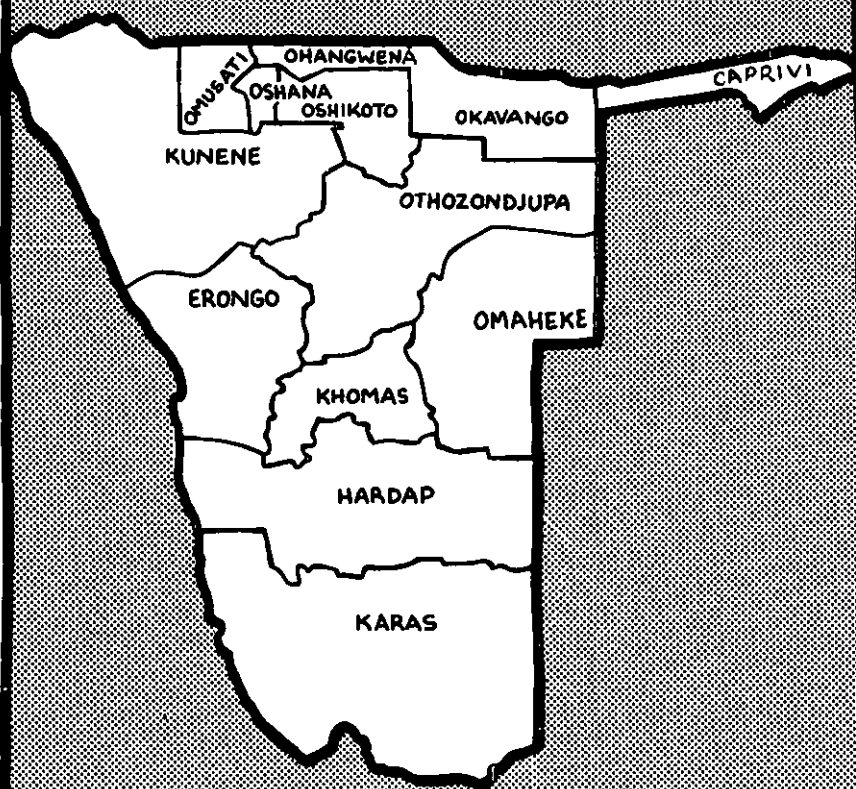
When a new law needs to be adopted in a representative democracy, all the representatives discuss and then vote on it. The new law will be passed if more representatives vote for the law, than against it.

People do not vote on issues directly in a representative democracy, instead their chosen representatives do. This is the most practical way for millions of citizens of modern societies to express their wishes. The political party holding the majority, or more than half the representatives in government, is the party that usually gets its way.

This is considered a fair way of deciding how a country should be ruled. Unfortunately, it does not always work as it is intended to.

For example, imagine a country where each constituency is represented in government by a democratically elected candidate.

# REGIONS



Let's say the country consists of 5 constituencies and a total of 500 voters, each constituency having 100 voters. Let's further say there are two political parties, the blue and the red parties.

After an election the result of voting is as follows: In the first region, 70 citizens voted for the reds and 30 for the blues. The candidate of the red party receives the most votes and will represent the 100 people of the constituency in government.

In the third region, the reds again take the lead with 51 votes compared to 49.

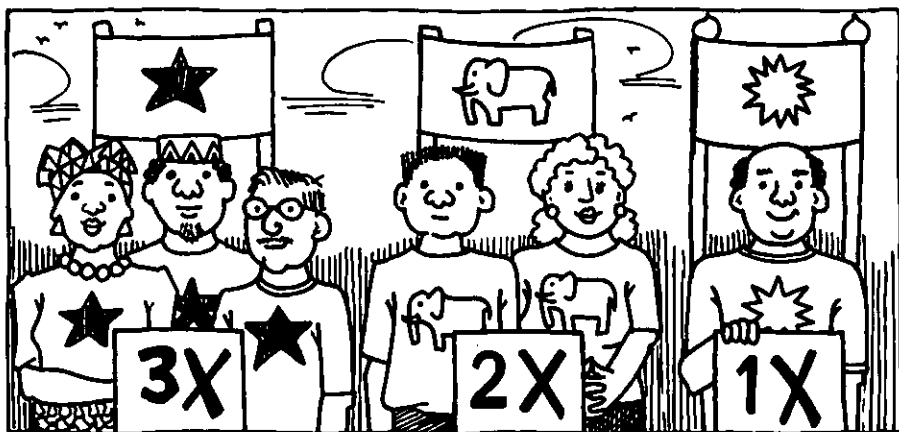
In the last two constituencies, things are a little different. Imagine the blues take landslide victories with 91 votes compared to 9 in one constituency and 90 votes compared to 10 in the other.

The government will consist of three red candidates and two blues. Because the reds have the majority, when they vote in government the issues preferred by the reds will be passed and those of the blues will be turned down.

However, if you count the total number of votes, you will see that out of the 500 voters, 200 voted for the reds, compared to 300 for the blues. More citizens voted for the blues than the reds, yet the reds have the majority in government and will rule the country. This is not very democratic.

## PROPORTIONAL REPRESENTATION

To overcome this problem of a representative democracy, some countries use the system of proportional representation. Here, each political party submits a list of its preferred candidates before an election. After the election, parties will be represented in proportion to the support they received. Voters vote for a party and not for a candidate. The candidates for the representative government will be taken from a list of names supplied by each party.



In our imaginary country, the blues will then have three representatives in government, one representative for every 100 votes received, while the reds will have only two.

In Namibia, for example, there are 72 seats in the National Assembly. During the 1994 elections, proportional representation was worked out by dividing the total number of voters by the number of seats in the National Assembly.

In the 1994 elections, SWAPO won the highest percentage of votes, so SWAPO was given a proportionate number of 53 seats in the National Assembly. The DTA came second and was given 15 seats, also proportional to its percentage of votes. On the same basis, the UDF has 2 seats, while the Democratic Coalition and the Monitor Action Group have 1 seat each.

This is still a representative democracy, but each party is represented proportional to the support it has. The main advantage of proportional representation is that it allows smaller parties to be represented in government. So, if people vote for a smaller party, under proportional representation, that minority will be represented in government, even if other parties got most of the votes.

## **MULTI-PARTY DEMOCRACY**

Proportional representation works only in a *multi-party democracy*. This is when there is more than one political party competing for the votes of the citizens. It does not work in a *one-party state* where the government places a ban on all other political parties and has all the power itself.

In a multi-party democracy, the government may even be made up of several political parties, without any one party having the majority.

In our previous example of the country with 500 voters, imagine there are now three political parties, the reds, the blues and the religious party. What happens if during an election, 200 citizens vote for the reds, 200 for the blues and 100 for the religious party?

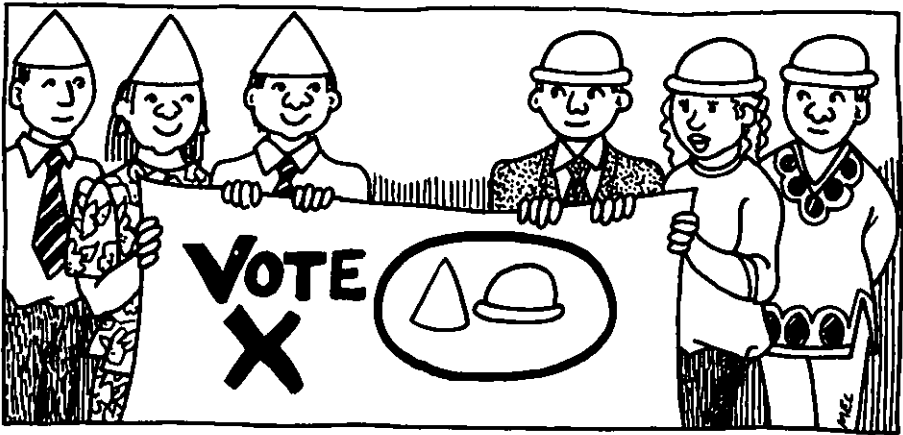
Under the multi-party system, based on proportional representation, the reds will have 2 representatives, the blues 2, and the religious party 1. In this government of 5, no party has more than half the representatives. But a combination of any two, will result in more than half. They will then have the majority.

This combination of any political parties to form a majority is known as a *coalition*.

## **POLITICAL BACKSCRATCHING**

Unfortunately, representative democracies, even with proportional representation as safeguard, can still be used to undemocratic ends. If, for example, the religious party wants to pass a law that makes it illegal to wear certain clothing, they will not be able to do so with only one representative because they will be outvoted every time. The majority of the citizens will probably also be against such a law.

But suppose the red party has the support of farmers. They may want a law that will prevent the competition of overseas farmers who sell their meat more cheaply. With



only two representatives in government, they will also be outvoted, even though most citizens would like to enjoy the benefit of cheaper imported meat.

But what will happen if the two parties form a coalition? The religious party may approach the red party and suggest to them that they will vote with the reds against importing meat, if the reds promise to vote on a bill that makes wearing certain clothing illegal. This is known as *political backscratching*. By co-operating with each other, the parties have the majority and get bad laws passed which they could not have done on their own.

This may appear as democratic, but it is not. Most citizens would oppose both laws and would not have voted for them if they could have decided themselves through the system of a direct democracy.

The main problem today, is that there are many different interest groups in society and even within political parties. Each of these groups would like to use the political system to its own benefit, either for special protection, licences or favours.

## THE REFERENDUM

It is very difficult to prevent the abuse of democracy by such interest groups. They are often well organised and will try to make the public believe that they would benefit from these causes.

There are many laws that are passed in democracies world-wide that do not benefit the public at all, but may result in higher prices, unemployment and lowered living standards. Yet each law will benefit a special interest group.

A representative democracy, be it one-party, multi-party or of proportional representation, is no guarantee that there will be no laws made that benefit only minorities at the expense of the general public.

But there is something the public can do to protect themselves against such abuse of the democratic system. If a certain percentage of the citizens sign a petition, the president has to make the law or proposed bill the subject of a national referendum.

As we said earlier, a referendum is a special type of election, where the citizens vote 'yes' or 'no' on a specific issue.

In Namibia, if an issue is approved by a two-thirds majority of all the votes cast in the referendum, then it must be passed and the government must act accordingly to implement it by the will of the people. The outcome of a referendum is binding, this means that it must be accepted by the citizens and by the government.

A referendum is, however, a very serious matter and will only be held in Namibia where an issue will propose a change to the Constitution.

In our imaginary country, suppose 10% of the citizens, or 50 people, sign a petition against the laws, they force the government to hold a referendum. If, in the referendum, more people vote against the laws than for them, they will be scrapped.

A referendum, therefore is protection for citizens against small and well-organised minority groups who want to promote their interests at the expense of everybody else. It also makes politicians more careful not to pass bad laws.

## CONSTITUTIONAL DEMOCRACIES

A strength of a real democracy depends on certain fundamental rights and freedoms. These rights and freedoms must be protected to make sure that a democracy will succeed. Rights and freedoms in Namibia are listed and protected by the Namibian Constitution. The Constitution entitles all Namibians to specific important rights and makes sure that the government cannot interfere or change these rights.

While a referendum protects the majority against interest groups, the Constitution protects individuals and minorities against the power of government and the majority.

The Constitution also sets out the structure and function of the government. Namibia is known as a *constitutional democracy* because it functions according to its written constitution.



## 2. THE NAMIBIAN CONSTITUTION



The Constitution of the Republic of Namibia is known as *the Supreme Law*, even though it is not a law itself. It is a general guideline according to which laws have to be made. This means that it protects the basic rights of everybody and ensures equal rights for all. The Constitution explains how Namibia will be governed and establishes Parliament and the Office of the President. It also sets up the Courts of Law. Let's take a close look at the Namibian Constitution to see why it is so important.

### **LANGUAGE (ARTICLE 3)**

- English is the official language of Namibia.
- Other languages spoken in Namibia may be used to teach in schools, where this will help teaching to be effective.
- Government officials and courts may also use other languages, where that language is spoken and understood by most people in the region.

### **CITIZENSHIP (ARTICLE 4)**

A person is a citizen of Namibia if he or she:

- was born in Namibia
- has a parent who is a Namibian citizen
- has a husband or wife who is a Namibian citizen and if that person has lived in Namibia for more than two years
- has lived in Namibia for at least five years and applies for citizenship.

## **FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

### **The right to life (Article 6)**

- Every person in Namibia has the right to life. This means that the death sentence cannot be imposed in Namibia, regardless of the crime that was committed.

### **The right to freedom (Article 7)**

- No-one can take your freedom away, except if you break a law. Then you can be arrested.
- No-one in Namibia can be arrested without a good reason.

### **Respect for human dignity (Article 8)**

- You have the right to be treated with respect. No-one in Namibia may be tortured.

### **Slavery and forced labour (Article 9)**

- No-one in Namibia may be forced to work as a slave.

### **Equality and freedom from discrimination (Article 10)**

- All the people of Namibia are equal before the law.



This means that nobody may discriminate against you because of your sex, race, religion, colour, ethnic origin or social or economic status.

### **Arrest and detention (Article 11)**

- A person can be arrested only if there is fair reason and if the right legal steps are followed.
- This means that anyone who is arrested must be told the reason for the arrest in a language he or she understands.
- Anyone who is arrested must appear before the magistrate within two days of their arrest.

### **The right to fair trial (Article 12)**

- Anyone who has been charged with a crime has the right to a fair trial by an independent and impartial court.
- A court is said to be impartial when it is not influenced by a person's race, sex, political belief or religion. It will make its decision based only on the facts of the case.
- All trials must take place within a reasonable time. If not, the person must be released. This makes sure that a person cannot be imprisoned for a long time before they have the opportunity to defend themselves.

### **The right to privacy (Article 13)**

- All people in Namibia have the right to privacy in their homes. This means that no-one may open your letters or listen to your telephone calls without your consent.

### **The right to family (Article 14)**



- All adult men and women have the right to marry and have children, irrespective of their ethnicity, religion, social or economic status.
- No-one in Namibia can be forced to marry against their will.
- Men and women have equal rights in marriage and divorce.

### **Children's rights (Article 15)**

- All children in Namibia have the right to a name and nationality. Children also have the right to be cared for by their parents.
- No child in Namibia, under the age of 14, may be employed to work.
- No child in Namibia, under the age of 16, may be forced to do work that is dangerous to their health, or that interferes with their education.
- No child in Namibia younger than 16 years, may be put in jail.

### **The right to property (Article 16)**

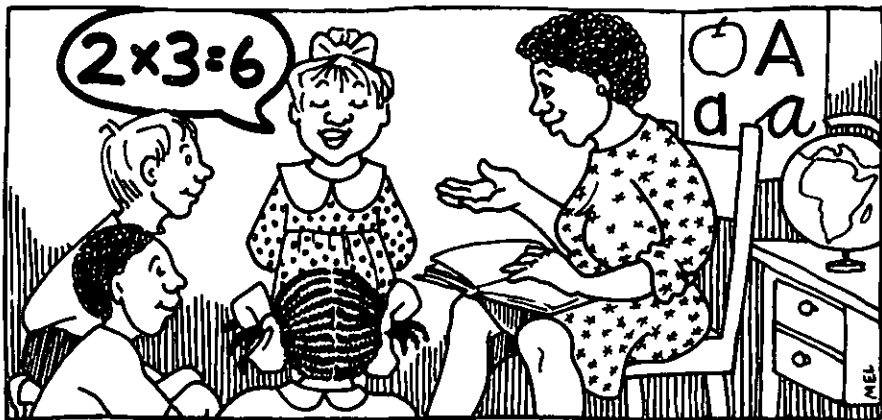
- All people in Namibia have the right to own land or other possessions in any part of Namibia.

### **Political Activity (Article 17)**

- All Namibian citizens have the right to take part in peaceful political activities. This means that you can join or form any political party. You can also participate in the conduct of public affairs or choose someone to represent your views in government.
- Every Namibian citizen who has reached the age of 18 years has the right to vote.
- Every Namibian citizen who has reached the age of 21 years may be elected to public office.

### **Administrative Justice (Article 18)**

- Government officials must act according to the laws of Namibia. Any person who feels he or she has been treated unfairly by a government official, may go to a court of law for help.



### **Culture (Article 19)**

- All people in Namibia have the right to their own culture, language, tradition and religion as long as it does not interfere with the rights of other people or national interest.

### **Education (Article 20)**

- Every person in Namibia has the right to an education. Primary education will be provided free of charge by the government.
- Every child in Namibia must go to school until he or she has either reached the age of 16 years, or has finished primary school.

### **Fundamental Freedoms (Article 21)**

All people in Namibia have the right to:

- **Freedom of speech and expression.**

This means that you can say anything you want, even if it is unpopular. You can even criticize the government.

The media (television, radio and newspapers) may also broadcast and print anything they want.

- **Freedom of thought, conscience and belief.**

This guarantees that you can think and believe anything you want to.

- **Freedom to practise any religion.**

The government cannot prohibit any religion. You may practise any religion you want to at any place and any time.

- **Freedom to assemble peacefully.**

You can attend any meeting or gathering as long as you do not have any weapons with you and provided the gathering is conducted peacefully.

- **Freedom to move freely throughout Namibia.**

You are allowed to move to any part of Namibia at any time.

- **Freedom of association.**

You may form and join any associations or unions, including trade unions and political parties.

- **The right to strike.**

This means that labourers have the right to strike if they feel their rights are being violated.

- **Freedom to leave and return to Namibia.**

You may visit other countries and return to Namibia at any time.

- **Freedom to do any kind of work.**

You may do the work of your choice.

### **Apartheid and Affirmative Action (Article 23)**

- The practise of racial discrimination and apartheid is now against the law. Anyone who still practises this may be punished.
- The government may take steps to advance people who have been discriminated against in the past. This means, for example, that all government posts may not be kept for one ethnic group only. Everybody in Namibia will have equal opportunities.

### **Enforcement of Fundamental Rights and Freedoms (Article 25)**

- No-one, not even a chief, a government official, Parliament or the President, has the right to take your fundamental rights and freedoms away from you. If you think your rights and freedoms have been violated, you can go to a court. The court will then issue an order which protects your rights.
- You can also go to the *Ombudsman*.

The Ombudsman is a judge or advocate, who is appointed by the President. The Ombudsman helps to protect fundamental human rights and freedoms. Any person may lodge a complaint with the Ombudsman against any public authority. The Ombudsman will investigate the complaint free of charge. He will not, however, investigate trivial matters.

### **States of Emergency (Article 26)**

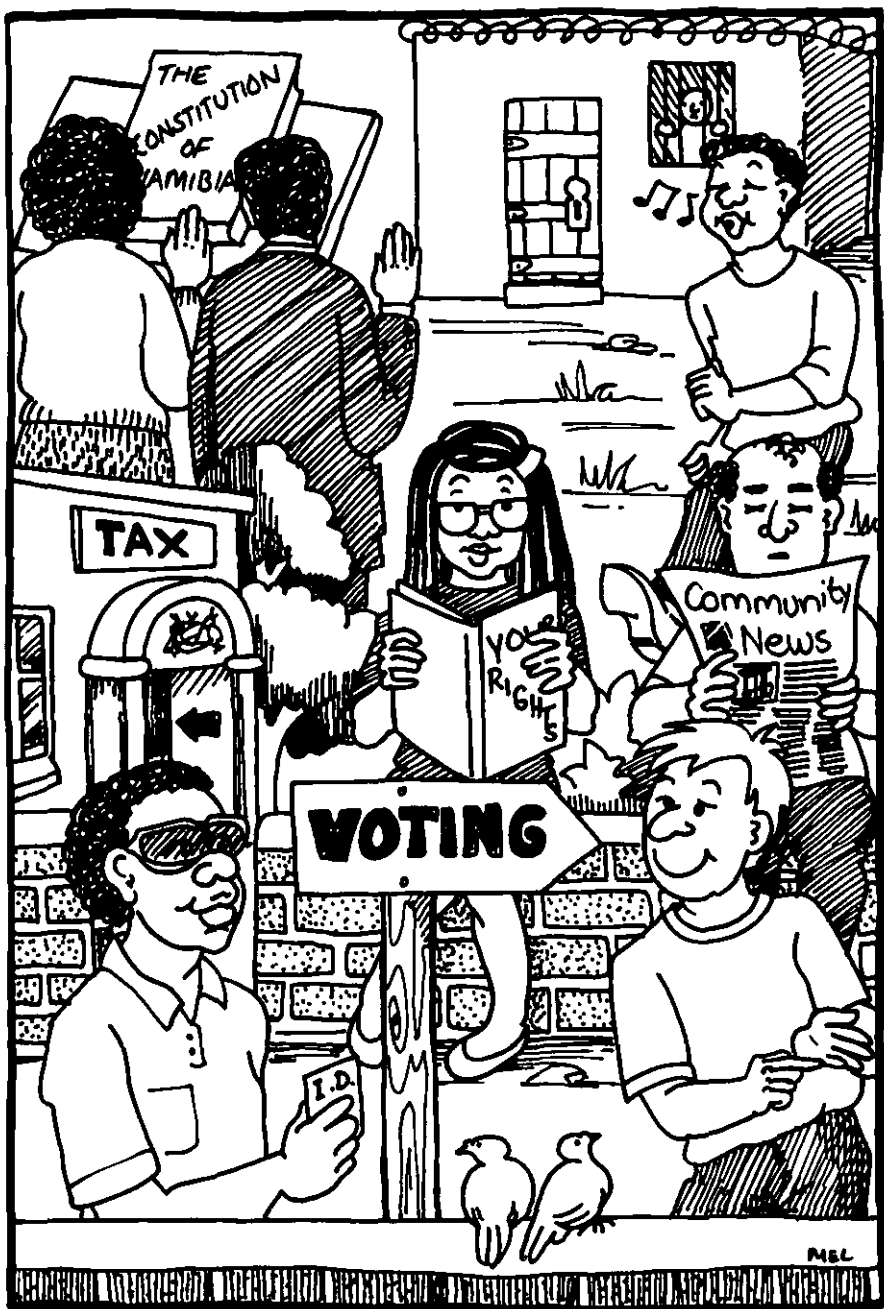
- The President and the National Assembly can declare a state of emergency, when there is a situation that threatens the life of the nation, or the existence of the government.
- During a state of emergency, the President has the power to suspend some fundamental rights and freedoms. The freedom of speech, the right to human life and dignity, the right to consult a lawyer and the right to go to a court for help, can never be taken away.

## **DUTIES OF THE NAMIBIAN CITIZEN**

Where there are rights, there must be duties as well to make sure that rights are not abused. This means that citizens must use responsibility to exercise their rights.

*Your duties as a Namibian citizen are:*

1. *To respect the Constitution and know what it says.* The Constitution is the most important guideline in Namibia. It is very important that you know exactly what the content of the Constitution is. Only when you know the Constitution, will you be able to recognize unconstitutional actions by any government body. You will then also know exactly what your rights as a citizen are. Only when you know your rights, will you be able to recognize when they have been violated and you will be able to do something about it.





2. *You must live according to the laws of Namibia.* It is very important that you do not break any laws. If you do, you will be prosecuted and may be imprisoned.
3. *You should respect other people's rights and freedoms.* This means that you should not do things to other people that you would not like done to yourself. You should always behave and show good manners in public at all times. You should also, at all times, treat other people with tolerance and respect. This includes respecting other people's property. When you rent, or use other people's possessions, you should always regard and treat it as though it were your own.
4. *You must pay taxes to the government of Namibia.* You must pay General Sales Tax on everything you buy. You must also pay a certain amount of your income to the government. The government uses this money to develop and build facilities, which can be used by all the people in Namibia, for example, hospitals, schools and roads. To be able to provide these services to you, it is important that you pay the government your taxes.
5. *You should vote in the elections.* When you vote in an election for the political party you support, you can help bring that party to power. Don't think that your vote cannot make a difference. Imagine if many people thought like this, then many votes would be lost for the political party you support. Elections are a vital part of a democracy. By voting, you can have a say in government. If you don't vote in an election, it means that you are not interested in the future of the country. Then you also have no right to criticize any governing body.
6. *Get involved.* Democracy requires the involvement of citizens. This means that you should read about issues and debate them. You should also take action and become involved in the issues that affect you.

## LIMITED DEMOCRACIES

A constitution is made to protect the people. But, because it is made of paper only, it can easily be scrapped by a new government that comes to power. To prevent this, various societies decided to place controls on the government and have created *limited democracies*.

People realised that constitutional protection is not enough because a constitution can be abolished or changed. A lasting democratic society needs extra protection, so there must be controls or checks and balances in government.

The structure of a democratic state must guarantee individual freedom. This is done by *the separation of powers*. This means that the three different organs of government; the executive, judiciary and legislative, are all separate from each other. Because they are separate, they check and balance the power between them, making sure that one organ does not misuse its power.

The Namibian Constitution can only be changed if the amendment is approved by

- a two-thirds vote of the National Assembly and a two-thirds vote by the National Council

OR

- a two-thirds vote by the National Council and a two-thirds approval by the citizens during a referendum.

The Namibian Constitution cannot be changed in such a way that takes away any of the fundamental human rights and freedoms.

## 3. THE NAMIBIAN GOVERNMENT

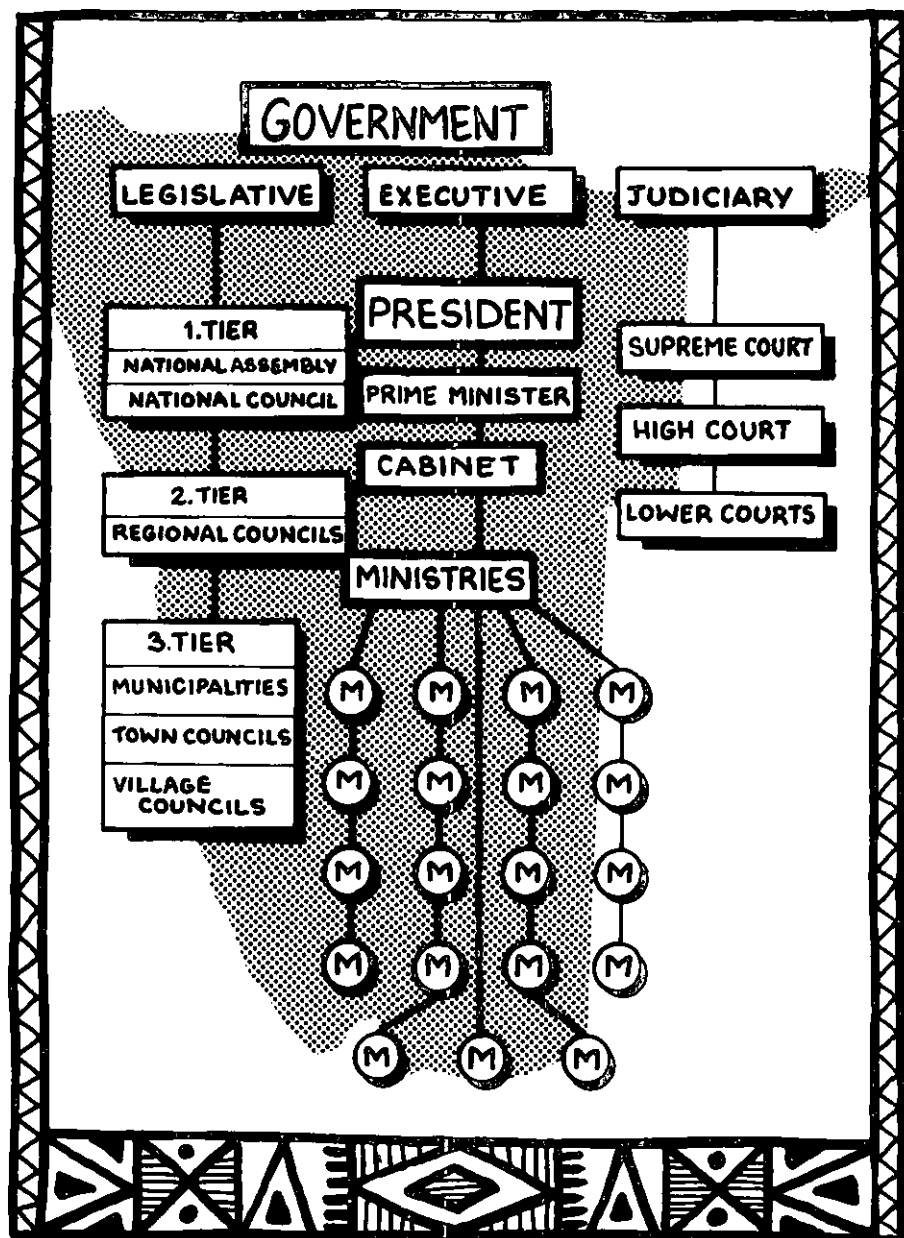
The Republic of Namibia is an independent, democratic and unitary state which is based on democracy, rule of law and justice for all. Let's take a look at the three organs of the Namibian government and their functions.

### THE EXECUTIVE

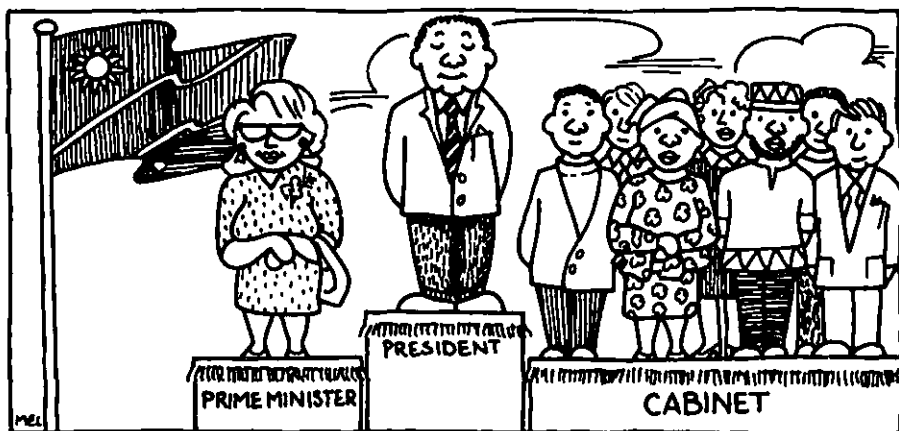
The Executive consists of the President and the Cabinet. It puts into action the laws that are made.

a) **The President** (Chapter 5 of the Constitution)

- The President is the Head of State.
- The President is the Commander-in-Chief of the Defence Force.
- The President is in charge of the Executive branch of government.
- The President will be elected directly by the people of Namibia. This means that voters will go to the polls and vote for the person they want as president. The president must get more than half of all the votes to be elected.







- Every president will be elected to office for a term of five years. A person can only serve as president for two terms of office, or in other words, for ten years. This means that there can be no president for life in Namibia.
  - The President can be removed from office if he disregards the Constitution and breaks any law.
  - The President appoints the Prime Minister.
  - The President also establishes the ministries and appoints ministers to control them.
- b) **The Cabinet** (Chapter 6 of the Namibian Constitution)
- The Cabinet consists of the President, the Prime Minister, Ministers and Deputy Ministers.
  - The Cabinet is responsible for the workings of state departments and to help make decisions on government policies.
- c) **The Prime Minister**
- The Prime Minister is the leader of government business in Parliament.
  - He co-ordinates the work of the Cabinet and advises and assists the President in executing the duties of government.

## THE LEGISLATIVE

The Legislative consists of the National Assembly and the National Council and makes the laws of Namibia. Because it consists of these two houses, Namibia is said to have a bi-cameral parliament. This means that parliament, or the legislative, consists of these two houses, the National Assembly and the National Council. The main purpose of the bi-cameral system of parliament is that laws are debated by every interest group in society before it is passed or thrown out. This limits the power of a government.

a) **The National Assembly** (Chapter 7 of the Namibian Constitution)

- The National Assembly constructs the laws of Namibia.
- It is made up of 72 members who are directly elected by the Namibian people. Namibia uses the system of proportional representation. As we said earlier, this means that during an election, the Namibian people vote for different parties. These parties then send delegates to represent them in the National Assembly according to the amount of votes received.
- The President has the power to appoint six people with special skills to the National Assembly. These people may advise the National Assembly, but do themselves not have the right to vote.
- Members of the public can attend meetings of the National Assembly.

b) **The National Council** (Chapter 8 of the Namibian Constitution)

- The National Council assists the National Assembly in making laws.
- It will consider bills passed by the National Assembly and recommend legislation of regional concern.
- The National Council is made up of two members selected from each Regional Council. This means that as there are 13 Regional Councils in Namibia, there are 26 members in the National Council.

## THE JUDICIARY

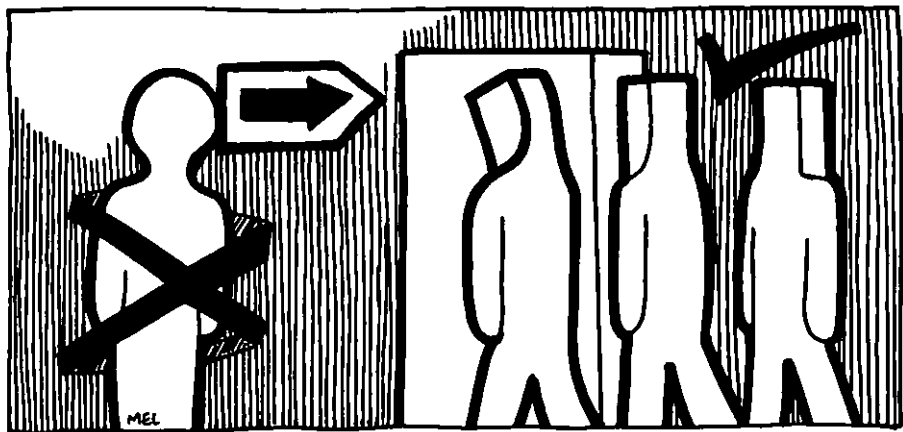
The Judiciary is the third organ of the government. It interprets and enforces the laws. It includes all the courts of justice in Namibia. This guards against the abuse of government power because it is important that the people who make the laws should not decide on how these laws should be applied to different cases. Judges, just like the law-givers of old, and not politicians have the job of interpreting laws.

Many people believe that judges should also not be appointed by politicians because then the judges will not easily be influenced on the interpretation of the law and will not “bend the law” in favour of a particular politician or his supporters.

Judges in Namibia are appointed by the *Judicial Service Commission*. This Commission consists of the Chief Justice, the Attorney General and two members of the legal profession. The Commission knows the abilities and independence of their colleagues. This protects the independent judiciary even further from any influence.

- All courts are *independent*. This means that they act only according to the terms of the Constitution and the laws of Namibia. No-one can interfere in the workings of the court, or try to tell court officials or judges what to do.
- *Lower Courts* in Namibia are presided over by magistrates and handle cases of a more local and less important nature.
- The second highest court in Namibia is the *High Court*.

The High Court hears all civil disputes and appeals from Lower Courts.



- The highest court in Namibia is the *Supreme Court*.

A decision by this court is final and must be respected by every person in and the state of Namibia. The Supreme Court consists of the Chief Justice and judges who are appointed by the President. At least three judges must work together on one case in the Supreme Court. The Supreme Court hears only very important cases and appeals from High Court.

### **The Checks and Balances of Making Laws**

Each one of the three organs of government helps in the drafting or designing of laws. Because the laws must be respected and upheld by all people, they must also be made in such a way that they apply to all people and do not discriminate against or disadvantage anybody.

## **HOW IS A LAW MADE?**

A proposal for a law is called a *bill*. A bill can be suggested by the President, a member of the Cabinet or a member of the National Assembly.

When a bill is proposed, it is discussed in the National Assembly. Amendments, or changes, to the bill can be proposed by the National Assembly. The members of the National Assembly then vote either for, or against, the bill. To be passed, or accepted, a bill must get more than half the votes of the members of the National Assembly.

If it is passed, the bill is sent to the National Council, where it is discussed. The National Council can make certain suggestions on the bill to the National Assembly. If it does, then the National Assembly must vote again on the bill. If the National Council objects strongly to the bill, the National Assembly must approve it by a two-thirds majority vote for the bill to be passed.



If the bill is passed, it must be signed by the President to become a law. If the President thinks that a bill violates the Constitution, the matter is taken to a Court of Justice. If the courts decide that a bill is unconstitutional, then it cannot become a law.

## WHICH SYSTEM WORKS BEST?

We have seen that there are many types of democracy, but that not all democratic systems result in prosperity. Indeed, unlimited power given to special interest groups allows them to enforce unjust laws and violate the rights of individuals.

So which system has the greatest chance of bringing about freedom, prosperity and justice for all?

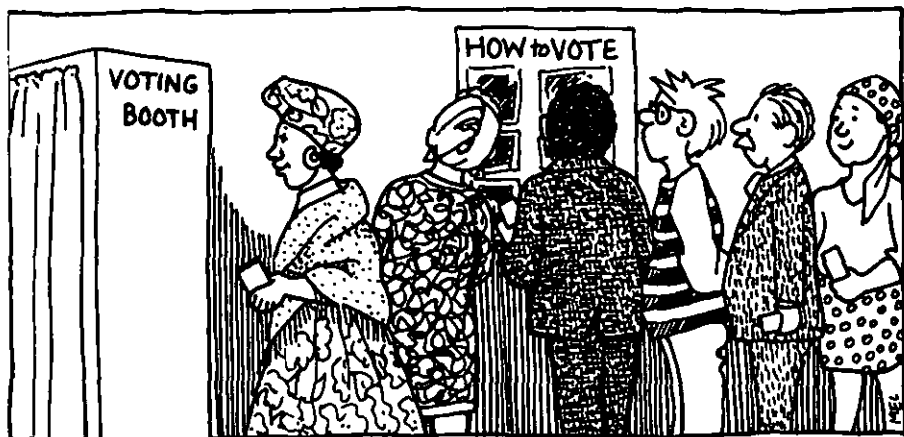
Theoretically, this should be a system in which all citizens can participate. A system which protects fundamental human rights and freedoms and a system where neither the minority, nor majority, can misuse the power of government to their own advantage.

This ideal system is a *multi-party democracy* where several political parties are elected to government on a basis of *proportional representation*, where every adult citizen can vote.

To prevent abuse by interest groups or majorities, this system needs a bi-cameral parliament and a constitution. The constitution will introduce fundamental human rights and freedoms and clearly indicate the functions and duties of the government.

This democracy then needs an independent judiciary to ensure that the government does not make any laws that violate the constitution. Finally, a referendum must be made available, through which the citizens have the power to remove bad laws.

In this democratic state, freedom is ensured by the constitution and people can develop their talents to create wealth and prosperity. The government cannot be used for personal gain at the expense of others and becomes the protector and servant of the people.



## ***4. DEMOCRACY IN PRACTICE***

Citizens play the most important role in a democracy. They select the parties of politicians who will represent them in government by voting in the elections.

In a constitutional democracy, elected parties and representatives are not free to do as they please. They must govern according to the rules that are contained in the constitution. You can compare politicians to referees at sports games. A referee cannot change, or invent new rules during the game. Similarly, if a club wants to change the rules of a game, it has to go through a long and difficult procedure to do so. But, if a referee does not blow the whistle according to the rules of the game, it is normally very easy to get rid of him.

It is exactly the same in a democracy. While it is easy to change the politicians and representatives if you are unhappy with them, it is more difficult to change the constitution.

## **WHAT EVERY VOTER NEEDS TO KNOW . . .**

Let's take a closer look at the election process.

### **The Citizen as Voter**

Citizens in a democracy will often be asked to vote on certain issues or to elect representatives. By voting, citizens are required to elect the party or candidate of his or her choice. Therefore, it is important that every citizen clearly understands when and how they can use their right to vote.

### **What type of elections are there in Namibia?**

In Namibia, there are four different types of elections which make sure that Namibia stays a democratic state that is truly representative and a servant of the people.



- *National Elections* are held every five years.

Citizens vote for the political party of their choice. Each party has party lists and according to the system of proportional representation, party representatives are elected to the National Assembly.

- *Presidential Elections* are also held every five years.  
Citizens vote for the candidate they think will be best suited for the role of President.
- *Regional Elections* are held every six years.  
Namibia is divided into 13 regions, which are again divided into a minimum of 6 and a maximum of 12 constituencies.  
Citizens vote for the candidate they think will administer the constituency most effectively.  
The candidate with the most votes in a constituency is elected to the Regional Council.  
Two representatives of each region from the Regional Council are elected to the National Council.
- *Local Authority Elections* are held every 5 years.  
You can vote in these elections if you have lived in the jurisdiction of that Local Council for a year.  
In the Local Authority Elections of 1992, citizens voted for a political party. In the future, local authority areas will be divided into wards and citizens will vote for a candidate in each ward.  
Local Authorities help Regional Councils look after the concerns of different communities.

### **Who can vote?**

Every country has certain requirements that must be met before a person can vote.

Firstly, you must be a citizen of the country. Remember, we said earlier that any person who is born in Namibia or has a Namibian parent, is automatically a citizen of the country. And, according to the Namibian Constitution, anyone who is married to a Namibian or has been a permanent resident in Namibia for more than 5 years, can apply for Namibian citizenship. If the government approves the application, that person has the right to vote.

Apart from being a citizen of the country, a person also has to be of voting age before they can vote during the elections. In Namibia the voting age is 18 years.

If you are a citizen of Namibia and at least 18 years old, then you have the right to vote. But, you must also be able to prove that you are who you say you are. This means that you must provide positive identification of yourself.

### **What is Positive Identification?**

Positive identification is best provided by an identity document, or by a passport. Positive identification proves that you are who you say you are and are eligible to vote. It also ensures that somebody else cannot vote by using your name.

In Namibia, you also need a Voter Registration Card to be able to vote. This card was issued to voters for the 1992 Regional and Local Authorities Elections and must be



used for every election. If a person lost his or her card, they must apply for a duplicate from the Directorate of Elections. Any person who has met the requirements for voting since then and does not have a Voter Registration Card, must register for the elections at a Registration Office.

### **What happens on Election Day?**

If you are entitled to vote, on election day you can elect the party or candidate of your choice. It is very important that you know what the election process is, so let's take a closer look at the day of an election.

Firstly, you will go to a *polling station* to cast your vote. It is usually a school hall, town hall, municipal office or some other suitable place. The location of the polling station will be advertised in the media long before election day.

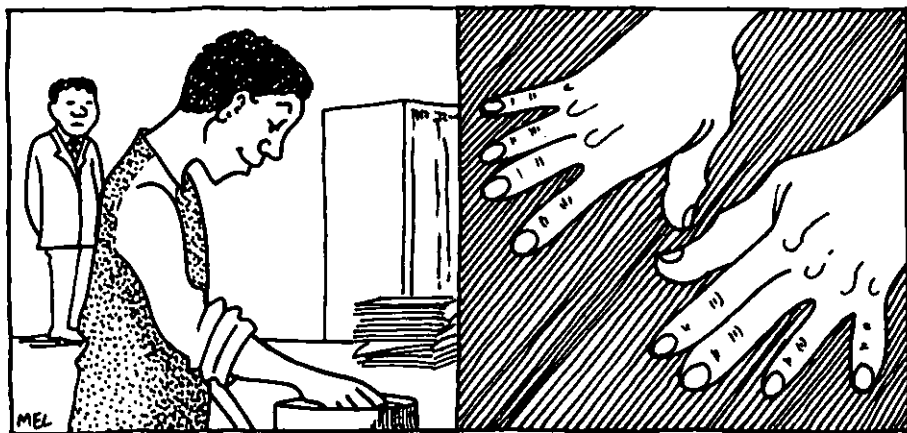
At the polling station, you will normally find various political parties there, who will try to influence you at the last moment to vote for them. It is important that you remember that only you can decide who you want to vote for.

Inside the polling station, there will be a row of election officers sitting at tables. They are there to make sure that you are eligible to vote and will check your identification to make sure that you are who you say you are. Election officers may not tell you who to vote for.

Once your identification has been checked, your Voter Registration Card will be stamped to show that you have used it for election purposes. It is the duty of election officers to make sure that you only vote once.

### **What is invisible ink?**

At the polling station, the election official will ask you to put your hands under a special light. This light will pick up a special type of invisible ink that is put on your hands when you leave the voting hall. If a person has voted at another hall, then the ink will show under the light. You may only vote once and will be in trouble if you try to vote more than once.



## **The Ballot Paper**

As soon as the election officer is satisfied that you have been positively identified and that you have not already voted, you will receive a piece of paper which is called a *ballot paper*. The ballot paper contains the names, symbols and abbreviations of the political parties and photos of their political leaders. Behind each will be a space where you can make an 'X' if you want to vote for that party or individual.

When you have been given your ballot paper, you go to a little compartment known as a *voting booth*. Here nobody will be able to see who you vote for and your vote is your secret. When you make your 'X' behind the name of the party or candidate you want in government, you must be make sure that you do it in the correct space. If you make a mistake and want to correct it, your ballot paper will be *spoilt* and will not be counted. If you make more than one 'X', your ballot paper will also be spoilt.

## **What is the secrecy of voting?**

Once you have voted, you cast your vote by putting your ballot paper in a sealed box known as a *ballot box*.

Your name does not appear on the ballot paper and because you voted in the voting booth and cast your vote in the ballot box, nobody can see who you voted for. Nobody can try to tell you they will find out who you voted for because it is impossible. Only you will know what your vote was and unless you want to tell somebody, your vote is truly your secret.

## **How are the votes counted?**

When the voting closes in the evening, all the ballot boxes are sealed in the presence of election officers and representatives of various political parties. The boxes are then transported under the watchful eyes of these people, together with ballot boxes from other voting halls, to a place where the votes will be counted.

At the *counting halls* the seals of the boxes are checked to make sure that they have not been tampered with. If everybody is satisfied, the boxes are opened. All the ballot papers are taken out of the boxes and sorted. Spoilt papers are removed and the remaining ones are put into different piles. Each pile contains those ballot papers with an 'X' in the space behind a specific party or candidate.

Each pile is then checked and counted. Only when counting is finished, will you know how many votes each party or candidate received and who won the election.

## **What is intimidation, violence and intolerance?**

In a democracy, every citizen has the right to vote for the party or candidate of his or her choice. Citizens have the right to vote for whoever they want to and in a democratic culture, you do not try to force someone to vote for the party of your choice.

Intimidation is therefore not tolerated. At the same time, it is important to be tolerant of other people. This means that in a democracy, every political party must have



an equal right to present its position. If a political party wants to tell people why they should vote for that party, then it should have the democratic right to do so. Remember, in a democracy you have the right to hear about different ideas on which to base your voting decision.

When you see people trying to silence a speaker, or intimidating others into believing what they believe, by using either physical or verbal threats, this is not democratic. Such a person must be reported to the authorities.

### **Independent Monitors**

The elections in a country must be held in a free and fair manner. This means that nobody should be prevented from voting for the party or candidate of his or her choice, or be forced to vote in a certain way. So, there should be no intimidation, no favouritism and each party should have the right to hold meetings freely and openly.

People called *monitors* or *observers* usually visit various parts of the country before and during the elections. Their job is to 'monitor' or check the activities of all political parties, security forces and individuals involved in the elections, to ensure that people have an equal opportunity to hold meetings and to vote for whom they want.

Monitors and observers can be members of political parties, local organisations or independent people from other countries. The more monitors there are, the more unlikely it will be that there will be intimidation or any unfair interference in the election process. If the monitors and observers do a good job, then it is difficult for any political party to question the results of the elections after the election.

### **What are political promises?**

Every political party would like to have your vote. Politicians are very good at telling us why we should vote for them. But, there can be a danger in political promises. Often, only after an election is it possible that we may realise that a party cannot deliver what they promised.

Every citizen must, therefore, listen very critically to what all the political parties say. When they make promises, try to find out if they can deliver on those promises. Promises usually cost money, and very often the tax payer will have to pay dearly for the promises made by politicians.

## **POLITICS AND ECONOMICS**

Politics and economics go hand-in-hand. You cannot have a healthy economy without a healthy political system. When we make a choice during any election, we should always ask ourselves whether the policies of the party or candidate we prefer, will result in high economic growth. Only when we are satisfied it will result in a prosperous future, should we vote for it.

Voting is the most important democratic activity. You must make sure that you have thought sincerely about your choice before you make it. When you do make your 'X' you have taken on the responsibility of deciding who will rule the country.

## **5. THE ROLE OF TEACHER AND SCHOLAR IN A DEMOCRACY**

The teacher in a democracy faces a role that is two-fold: not only does he or she teach democratic principles and values, but should also teach democratically.

The role teachers play is to instill democratic values and an understanding of the democratic process in their students. To begin with, teachers must first be completely familiar with the principles of democracy to teach successfully. Now that civic education has been included in the educational curriculum of Namibia, teachers themselves must understand and teach along fully democratic lines.

### **What does it mean to teach 'democracy'?**

To be able to teach democracy, it must be taught democratically. This means that teachers should use participatory teaching methods. Simply put, teachers should allow their students to participate in classroom activities. From an early age, responsibilities should be delegated to the scholars.

This may, for example, include scholars being allowed to elect their own class monitors, representatives and even school prefects. In this way, a democracy is formed within the classroom, with a system of voting for representatives judged by the students most capable of addressing their interests.

Similarly, participatory teaching would include simple activities such as allowing scholar presentations in the classroom, with forums for debate. This would allow pupils to present their points of view and make them aware that their opinions might not necessarily be those of others, teaching children tolerance from an early age.

Teachers should also encourage participation on minor levels. Topics for assignments and speeches may be nominated by the pupils, written on paper and then drawn out of a 'ballot box' by the individual pupils.

The key to teaching democracy is therefore not simply a question of what is taught, but how it is taught:

### **What is the role of the scholar in a democracy?**

The role of a scholar in a democracy is to uphold and put into practice democratic principles in the school environment. This means that scholars should participate in activities such as the nomination of class representatives, members of the Student Representative Council and prefects. They must exercise their right to vote for candidates nominated for these positions. In this way they ensure that their interests are addressed and their voice is heard within the school.

Scholars should also actively participate in the classroom, making contributions to the education process. This means taking part in group or class discussions and realizing that everyone has the right to their opinion, but should not try to force it upon someone else.

Pupils should also ensure that elections for representatives are democratically held. Here every pupil has the right to vote, either by ballot, show of hands or voice-vote.

They may even ask their teachers to act as monitors during the election process to make sure that the election is free and fair.

Pupils should, however, not lose sight of the fact that with their right to participate in teaching, they still have the duty and obligation to learn. A successful democracy within the school is only possible if everybody exercises their rights with responsibility, so while scholars have the right to elect representatives and participate in decisions regarding the school through these representatives, they still have the duty to accept the authority of the principal and teachers.



## 6. CIVIC EDUCATION ESSAY COMPETITION

In co-operation with the Ministry of Education and Culture and with the financial assistance of the Embassy of the United States, the NID hosted a Civic Education Programme for teachers. Teachers were encouraged to submit essay entries discussing any article of the Namibian Constitutions, identify problems and solutions relating to this article and education in their region. The following are the three winning entries received:

John A. Auffrey at Windhoek International School submitted the first winning entry; **“Article 21 of the Namibian Constitution: The importance of guaranteed fundamental freedoms for a well-functioning democratic state”**

### **Democracy and Democratic States**

When discussing democracy, one should not make the mistake to assume that there exists universal agreement on how the word should be used. “. . . the muddle about democracy is due to the genuine confusion as to what democracy is supposed to be about. For the word democracy changed its meaning more than once, and in more than one direction . . . Democracy has become an ambiguous thing, with different meanings – even apparently opposite meanings – for different people.”<sup>1</sup> For the purpose of this paper, however, there must be a clear definition which allows one to follow the argument and appreciate the conclusions. I propose that positive aspects of liberal and pluralist democracies be combined to create an acceptable definition.

The principles of liberal democracy would include government by consent, constitutionalism, protections for civil rights and empowerment of citizens. The implementation of these principles would go a long way in providing “the conditions for the full and free development of the essential human capacities of all members of society.”<sup>2</sup>

Pluralist democracy emphasizes the political role of pluralities within political and civil society: a plurality of political parties and political regions, and a plurality of autonomous organizations. Furthermore, it contributes the principle of minority rights and, since it abhors the notion of the tyranny of the majority, it introduces the principle of proportional representation enabling the losers to play a role in governing the country.<sup>3</sup>

Therefore, DEMOCRACY is defined as a political system with:

- a) meaningful competition between at least two organized political parties,
- b) numerous opportunities for popular participation in the development of public policy and in government.

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<sup>1</sup>C.b. Macpherson (1969) The Real World of Democracy, Oxford: Clarendon Press.

<sup>2</sup>ibid.

<sup>3</sup>Johan Degenaar (1993) “Democracy and Pluralism,” University of Stellenbosch.

- c) Elections that are regular and fairly conducted,
- d) human rights are protected by a government which operates within established legal limits.
- e) elected officials practice good governance, that is the exercise of political power to manage the state's affairs "for the good of the people."

Before proceeding further, each component included in the above definition of democracy deserves elaboration for clarification if for no other reason.

The first component requires that democracy generate tension and settle conflicts in a rational manner through *multi-party political structures*. Such systems are based on open competition among political parties. These parties compete in various ways, for example, mobilization of citizens, voting in elections, and opposition in parliament. Parties play an important role as a communicative link between the government and the people. The alternative, single-party systems, tend to confine, erode, and seriously damage the diversity of institutions necessary to sustain public debate about the purposes and strategies of development, legitimize and assist implementation of decisions, and provide feedback on performance.

*Popular participation in the development of public policies* will only occur in states which allow the existence of strong mass organizations. This is commonly called civil society. There must not be laws or policies that prevent groups, whether supportive or opposed to the ruling regime from becoming part of the political process. Civil society comprises social formations relatively independent from the state, for example, civic associations, trade unions, cultural organizations or university students. A noted African economist has written that the widespread existence of independent people's organizations is a necessary pre-condition for sustaining democracy in Africa. They provide community empowerment and self-development and play a major role in shaking off the lethargy and traditional beliefs that are so often impediments to development.<sup>4</sup>

"The will of the people shall be the basis of the authority of the government; this will be expressed in periodic and genuine elections which shall be universal and equal in suffrage and shall be held by secret vote or by the equivalent free voting." This proclamation from the twenty-first article of the Universal Declaration of Human Rights (United Nations 10 December 1948) is the inspiration for this component. There must be frequent and regular opportunities for the citizens of the state to participate in *free and fair elections*. This component is closely related to the first as elections lack legitimacy if they fail to offer a choice between at least two competing political parties. Elections provide accountability as politicians can be penalized for incompetent or corrupt behaviours through the process of being removed from office.

Since John Locke's profound justification of revolution in his 1690 *Two Treatises on Government*, the belief that people are endowed with certain "natural rights" has existed in political theory. This view of humanity became the hallmark of democratic thinking when it was made the focus of the 1776 *Declaration of Independence* written by the American, Thomas Jefferson:

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<sup>4</sup>Adedeji Adebayo (1992) "Sustaining Democracy," *Africa Report*, January/February, p. 30.



“We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed . . . That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it . . .”

It is essential, therefore, that democracies safeguard these “natural rights” which have evolved into what the United Nations calls *human rights*. These rights include certain freedoms for individuals and organizations, structures that provide the opportunity for political and social equality, and community. Human rights are only safe in the presence of an independent judiciary that limits government power and affords individuals equal opportunity through rule of law.

Any government should have its power constrained by structural components of the political system. *Good governance* requires transparency, that is, the government provides reliable information on their activities and the public is allowed to critically evaluate said information. It also requires accountability, thus the need for regular elections. The government must have legitimacy which it will gain when the public is assured of being safe and secure with basic freedoms guaranteed by rule of law.

## **ARTICLE 21 OF THE NAMIBIAN CONSTITUTION**

The most important article of the Namibian Constitution is Article 21 which guarantees “Fundamental Freedoms” to all persons in Namibia. The freedoms are listed in the following order in the constitution:

- a) freedom of speech and expression, which shall include freedom of the press and other media;
- b) freedom of thought, conscience and belief, which shall include academic freedom in institutions of higher learning;
- c) freedom to practise any religion and to manifest such practice;
- d) freedom to assemble peaceably and without arms;
- e) freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties;
- f) freedom to withhold their labour without being exposed to criminal penalties;
- g) freedom to move freely throughout Namibia;
- h) freedom to reside and settle in any part of Namibia;
- i) freedom to leave and return to Namibia;
- j) freedom to practice any profession, or carry on any occupation, trade or business.

## **WHY ARTICLE 21 OF THE NAMIBIAN CONSTITUTION IS A PRE-REQUISITE OF A WELL-FUNCTIONING DEMOCRATIC STATE**

The guarantee of fundamental freedoms is as necessary today as it was when liberal democratic theorist John Stuart Mill wrote his classic *On Liberty* in which he wrote: “Apart from the peculiar tenets of individual thinkers, there is also in the world at large an increasing inclination to stretch unduly the powers of society over the individual, both by the force of opinion and even by that of legislation; and as the tend-

ency of all the changes taking place in the world is to strengthen society, and diminish the power of the individual, this encroachment is not one of the evils which tend spontaneously to disappear, but, on the contrary, to grow more and more formidable.”<sup>5</sup>

The establishment of totalitarian regimes throughout the 20th Century has proven Mill to be a prophet. One of the first steps taken by these regimes is the restriction of fundamental freedoms. The state takes control of the various forms of media which they then utilize to glorify their positions through propaganda while silencing critics through censorship. Intellectuals, philosophers and anyone else calling into question the policies or tactics of the ruling regime automatically have their loyalty and patriotism doubted and are branded as suspicious, if not dangerous, characters. A “love it or leave it” attitude is encouraged – “if things needed to change, the ruling party would do something about it so stop complaining.” Totalitarian governments forbid the creation of any associations or organizations whose existence might divert the attention of the citizens and compete with the government in its caretaker role. The ruling party takes on a quasi-religious nature with which it can call any criticism blasphemous and demand absolute loyalty under pain of sin. The leader’s face become ubiquitous and the language changes to include references to the “great and benevolent leader of the motherland.” etc. All of this is necessary because the government realizes they are not legitimate and that a free people, thinking for themselves, would oppose them.

In democratic political systems such as Namibia, people select others to represent them in government. It is the government that rules the country, not the individual. This fact requires that, within the limits assigned to government, the individual must submit to the will of the majority. Herein lies the main reason why a constitutional guarantee of basic human freedoms is essential in a democracy. Without these assurances that to be different is not to be wrong, the ugly side of majority rule, often called the tyranny of the majority, is possible. It is the person who is NOT a follower of the majority religion, political party, or school of thought that is protected by a constitutional article preserving fundamental freedoms for they are the ones who have no one else to support their individuality. Their right to express themselves must be preserved if the country is to truly benefit from the contributions of all its citizens. Once again Mill provides us with insight:

“If all mankind minus one, were of one opinion, mankind would be no more justified in silencing that one person than he, had he the power, would be justified in silencing mankind . . . The particular evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it.”<sup>6</sup>

Namibian society is distinguished by its multi-ethnic, culturally-diverse character. One might argue that the first generation of people who think themselves strictly as “Namibian” rather than “Nama” or “Ovambo” has not yet been born – the “melting

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<sup>5</sup> Charles Hirschfeld, editor, (1964) “John Stuart Mill: On Liberty.” Classics of Western Thought, New York: Harcourt, Brace and World, Inc., p. 311.

<sup>6</sup> *ibid*, p. 313.

pot" that will eventually produce a new nation of people is still at work. This, coupled with Namibia's history of intolerance (especially under apartheid), suggests that a constitutional guarantee of fundamental freedoms is a pre-requisite if Namibia is to function as a democracy.

Democracies demonstrate respect for the dignity of the individual citizen like no other political system – this is accomplished through freedom of choice: free to think, write, say, move about, work, assemble or live as one desires. The assumption is made that given the chance, almost all people will choose to pursue options which contribute to the good of the community while leading to the success of the individual. There is a sense of "self-interest rightly understood" as de Tocqueville witnessed in early 19th Century America – a delicate balance between the times individual pursuits should take precedence and the occasions when the good of the community demands sacrifice on the part of the individual.

People tend to gather together in groups when faced with a challenge or committed to a cause. Given access to information, the freedom to hold meetings in various locations around the country, and opportunities to communicate with any interested persons via the mass media: Namibians are assured the right to address important issues of the day from a position of strength through numbers. Independent associations, unions, parties and other non-governmental organizations, free from ties to the government or its agencies, are the cornerstone of a strong civil society. These groups should not be considered a threat to the ruling party and can, in fact, become an important source of information that may provide guidance before and feedback after government programs are implemented. This should give confidence to any democratic regime – legitimate governments need not fear their own people.

A free press is vital. Freedom of communication helps a country establish a civil society in which citizen's loyalty and participation is voluntary and authentic. Without an independent press, and other media (television and radio), ordinary citizens lose confidence in the state, its institutions and processes. One of the most successful radio programs in Namibia is NBC's "national chat show" – a program that allows callers from around the country to phone in and opine on a variety of topics that happen to interest the public at that time. This is exactly what a democracy needs, the free exchange of ideas without fear of retribution. The citizens benefit from the therapeutic exercise of voicing their comments – the feeling that there is somebody to talk to – and the government gains from having a daily gauge of their performance as well as some insight into the mood of the country.

Article 21 is also important for redressing past wrongs and establishing equality of opportunity as part of the Namibian ethos. Gone are the days of the contract labour system and families separated by laws regulating where people could live or work. The guarantee of freedom to work, travel or reside in any part of the country allows one to simply be wherever they choose to be – perhaps the ultimate freedom after life itself. The opportunity to involve oneself in the occupation of his or her choice means that personal skills and the content of one's character, rather than the law, will serve as the limit on one's potential. These are essential characteristics that strengthen a democratic system – citizens realize that the established order contributes to "pursuit of happiness" and should be defended.

## PROBLEMS IN THE KHOMAS REGION WITH REGARD TO ARTICLE 21

Five years after its independence from South Africa, Namibia in general, and certainly the Khomas Region in particular, suffers from two great ills that threaten the very fabric of this country's democratic tapestry. These problems are intolerance and poverty.

Poverty is the most obvious problem with its unmistakable effects apparent to anyone living in this region. Statistics show that Namibia's income distribution is one of the most lop-sided in the world with 5% of the people controlling 70% of the wealth while 55% of the people control only 3%. Unemployment, estimated at near 40% nationally is as high as 70% in informal settlements such as those on Windhoek's extreme northern fringe.<sup>7</sup> Thousands of people are forced to survive in temporary shelters, often in squatter camps with no services such as running water, sewage disposal, or electricity. With few if any prospects for work, they are unlikely to acquire the basic daily necessities of food, shelter and clothing. Unemployment leads to crime and other social problems such as alcoholism as people struggle to cope with hunger and depression.

For these people, mired in squalor and poverty, reality offers no equality of opportunity. The Namibian government has neither the resources nor the ability to rectify the injustices and inadequacies of the past. They are detached and alienated from the system that protects their rights and though part of society, are not its beneficiaries. As such, they do not participate in its functioning. When a large portion of the country's population feels it gains nothing from the existing political system, that system is in trouble – that is, perhaps, Namibia's greatest challenge.

Intolerance is another legacy of the past that continues to fester like an infected wound on the conscience of the nation. One often finds that people identify themselves as part of a group based on real or imagined common characteristics and adopt an "us versus them" mentality. This is especially true in a society as diverse as Namibia's. In times of great economic hardship, these groups compete with each other as if involved in a zero-sum game in which one side's gain implies the other side's loss. This leads to groups making broad generalizations about the intentions and behaviours of their competitors – should these generalizations be negative, as they often are, the competitors become scapegoats for the misfortunes of all. Namibia's experience with legal separation of population groups, based on assumed different levels of ability and competence, adds to intolerance today. In a democratic system, solutions to problems are developed by synthesizing the ideas of various segments of society. This type of problem solving only works if everyone at the table respects the opinion of everyone else, whether they agree with them or not. Intolerance destroys this system as respect is lost.

So what then, can be done by a school teacher to prevent or solve these problems? Secondary schools have the advantage of working with young people who are curi-

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<sup>7</sup>These statistics are compiled based on information published by the World Bank, National Planning Commission, and a number of other government and parastatal publications.

ous and involved in the process of constructing their view of the world: what is right and wrong? what is fair or unfair? why are things the way they are? Their minds are still open to new ideas and this allows them to avoid the problems of past thinking. At Windhoek International School, we have a particular advantage when it comes to dealing with tolerance and diversity. With children from over forty countries, students quickly learn (inside and outside the classroom) that though physical appearances and family backgrounds may vary tremendously, people from all over the world generally hold the same basic values and desires. People are much more alike than they are different when you consider the IMPORTANT features. Tolerance is something that can be encouraged through words and actions – the teacher must lead by example and present numerous Opportunities for students to discover for themselves the advantages of having a plethora of ideas rather than one accepted “correct” view.

Poverty is a tougher issue. As stated above, even the Namibian government with help from international organizations has not been able to prevent this problem. This, however, does not mean schools cannot make a positive contribution concerning this issue. On the most basic level, students must be allowed to “feel” the pain and suffering of those living below the poverty line. This can be accomplished through community services units that involve students actively participating in programs that improve the present or future prospects of other Namibians (this may involve working on a self-help housing project or working with the infirmed at a retirement facility, etc.). These projects raise the students’ level of concern and awareness which, by itself, is a worth objective. More importantly, students, through their voluntary interaction with those less fortunate than themselves, have become part of civil society – one of democracy’s most integral components. If schools are to play a role in producing the generation of Namibians that will eventually close the gap between the “haves” and the “have nots,” they must acquaint young people with the mechanisms they will need at their disposal. Producing a strong and vibrant civil society, one involved in the elimination of hopelessness, homelessness, hunger, illiteracy, etc. will prove a worthy goal for Namibian schools as they enter the 21st Century.

Schools cannot create or dismantle democratic states – it is a consequence of political choices made by government officials. The “political culture” that makes these choices possible, however, may well be a product of the nation’s educational curriculum. School systems that encourage students to question, rather than blindly accept; to analyze and synthesize, rather than simply memorize information; and creatively solve problems by using appropriate alternatives, rather than state-mandated methods – these systems will produce learners who demand a democratic system. Knowing through their actions that they can make a difference, they will become productive and important components of a well-functioning democratic state.

Stephen Sisheke Siseho submitted the second winning entry:

**"Article 15: Children's Rights"**

Our country Namibia chose democracy to be the pillar stone of our day to day living, when we got our independence in 1990.

Democracy is system of government in which the peoples of a particular country freely make political decisions by rule of the majority. The Oxford Student Dictionary (2nd Edition 1988: p.167) refers to democracy as "A country with a government in which adult citizens freely elect their political representatives to manage public affairs". Related to public affairs are human rights. If we had to look at the word "right", the Oxford Student Dictionary (2nd Edition 1988: p. 539) refers to it as "What is morally good, legal and just". Thus, the Namibian government, democratically elected, drew up a constitution to cater among all other Human Rights, the Children's Rights.

**Subarticle 1**

According to Article 15, children shall be entitled to a name right from birth, the right to acquire a nationality and the right to know and be cared for by their parents.

**Subarticle 1 in terms of Democratic Principles.**

Democratically speaking, it is morally just and legal for a human being to be entitled to a name. The government saw it fit to uphold the right to a name, because it would be degrading without a name. For a human being to achieve self-esteem and self-actualization a name is necessary. If a child does not have self-esteem, i.e. self-respect, his future achievement in life is likely to be lowered. Self-actualized people are happy people who perceive reality easily and are comfortable with the ups and downs of life.

The same can be said for the right to acquire a nationality. For a child to be without a nationality, his concept of national identification i.e. the need to identify with or belong, will be affected. Nationality is very important as it affects how someone perceives democracy.

The right to know and be cared for is mentioned in Article 15. The need to belong is present in every human being and children are no exceptions. Society is made of groups to which we belong. The groups could either be primary or secondary. The most important primary group is the family, in which we have our parents. This group affects our behaviour. It regulates our sexual behaviour and gives a legitimate basis for the protection and rearing of our children. If a child is deprived of this group or his parents, the deprivation results with a negative impact on his behaviour. Many studies have shown that delinquency is associated with broken homes or "empty shell" families. A child brought up in a happy home, knowing his parents, is more likely to grow up happy and perceive reality positively.

**Subarticle 2, 3 and 4**

Children under the age of 16 cannot carry out work that is dangerous to their health or well-being, or disturbs their education. Children cannot be forced to work by their parents' employers.

### **Subarticle 2, 3 and 4 in terms of Democratic Principles**

This part of Article 15 basically protects children from economic exploitation, which could result in retarding academic/mental, spiritual, moral and social development.

Children under the age of 16 are supposed to be at school and playing. Playing is very important in children's lives because playing is nature's method of giving a child tactics in those activities which he will later require in earnest, in other words, it is the natural way of learning for all young beings. Depriving children of this right is destructive and disturbing to their social development. Social development is necessary for acquisition of ability to behave in accordance with expectations, so that the children behave in such a way that they will fit into the society and be accepted as members.

The health of children was also taken into consideration. Children younger than 16 are still not mature and physically able to carry out strenuous work and hence it is important to protect them.

### **Problems in the Katima Region**

Children in Katima do have some problems related to Children's Rights.

The first one is with regard to names. Even though most of them have names, some names are degrading in their meanings. They tend to embarrass the owners in their future life. Most people in this region usually opt to change their names when they are grown up. It is common in this region to find a child being the centre of fun or mockery because of its name.

Another problem in this region is stateless children. These are the result of what can be termed "floating parents". Katima region is bordered by Botswana, Zambia and Angola. Some families or parents are on constant move into neighbouring countries and children born to such parents usually do not acquire birth certificates and the result is that they become stateless.

Related to the problem of "floating families" is the problem of illegitimate children born to parents living in two different countries. The mother could be a Namibian, the father a Zambian. The child on most occasions fails to obtain a birth certificate without the documents of the parents and this results in the child being without proof of which country it belongs to.

Refusal of parental responsibility by male parents is another problem in Katima. Many children are born to one-parent families and therefore deprived of the right to know both parents.

Another common problem is forced "adoption", whereby a child can be given to other families or relatives without the consent of the child. Most of these children end up being domestic servants, with food and roof being their pay. The biological parents regard it as a way of ridding themselves of a burden and they just ignore the child, who on many occasions is too far away to see them. This deprives the child of the right to know and be cared for by the parents.

It is common to see children under the age of 14 being employed to work in the Katima region. These children include foreigners and Namibians. Girls are usually

employed as domestic/house workers. Boys are employed as herders. Cattle herders usually camp in thick forests where there is water for cattle and where wild animals roam. They are exposed to rain, malaria, bilharzia and bullying by older cattle herders. Their payment is usually N\$50.00. Foreign children are even worse treated. If they complain about payment they are unlawfully detained, beaten and then handed over to the police, where they are accused of theft. The police just deports them to their countries. Most of our police officers have a negative attitude towards the children, and usually nothing is done to the employers.

### **The Role of the Teacher in Solving these Problems**

The teacher is an agent of social change and the change that we have had is democracy. Our people still haven't noticed this change.

All the problems with regard to Children's Rights in Katima can be solved by interaction between education and society. Which means that teachers should co-operate with society to change it.

Teachers in school can have a most powerful influence in the community. Starting with the children. They can be taught about their rights. They could write composition about how they understand their rights. Plays on Children's Rights could be another way of teaching the children.

Parents in the region have respect for the teacher. The teacher could, through School Board/Management meetings, introduce the subject of rights and democracy. Those in these meetings are likely to pass the message to neighbours.

Open days for parents are another way of teaching parents. Children could perform plays (drama) depicting the issue of rights and democracy. Songs about rights could be composed to pass the message across. It would be important for the plays and song to be in mother tongue for understanding. The radio could also be used to pass the message, through plays written by the teacher or pupils to reach the adults.

Change usually takes time, but if the issue of rights and democracy is involved in Katima Schools, we are assured of a democratic community in the future because today's children are tomorrow's parents.

### **References:**

Ruse C. 1988 Oxford Student's Dictionary of Current English: 2nd Edition (Oxford University Press.





Ms. R.L. Rutherford submitted the third winning entry:

**"The Importance of Article 1 of the Constitution of the Republic of Namibia  
(with particular reference to Education in Khorixas)"**

## 1. INTRODUCTION: ARTICLE 1

The introduction to any book is important as it sets the scene for what follows; likewise Article 1 states the parameters within which the rest of the Constitution has to be seen and the background against which the rest of the Constitution should be seen. We would, for instance, not have needed national symbols, a national language etc. if the Republic of Namibia had not been established, its territory delineated, it being stated in whom the power is vested and how to clarify legal wrangles.

It is important to know the facts mentioned in Article 1 so that one does not misinterpret the motive for what follows in the rest of the Constitution or go outside of the parameters which have been defined in Article 1.

## 2. EXPLANATION AND IMPORTANCE OF KEY WORDS

When one considers that the preamble states what it recognises as rights and that it believes a democracy is the most effective way of maintaining and protecting these rights, one should understand what is intended, in the Constitution, by the word democracy or democratic. Democracy/democratic appears three times in Article 1. Many people, however, misinterpret the word democracy, and this is the reason for many of the problems in the country as a whole and at schools in particular. Article 1, however, specifically links the principles of democracy, the rule of law (which entails discipline) and justice for all (which entails fairness). If the rule of law is involved, it certainly does not mean a free-for-all Republic where there is indiscipline. Likewise secular, although not promoting any particular religion, does not outright renounce or denounce religion. Another important word is sovereign/sovereignty which stresses the independence of Namibia – unfortunately the education system is not a truly Namibian system. This can be linked to 1(4). That 1(4) gives prominence to the southern border, shows the impact of Apartheid on Namibia.

The Constitution and the idea of democracy, has much in common with The Holy Bible and love. The Holy Bible centres in the concept of love which is supposed to be an all-embracing type of agape love, yet most people interpret love as synonymous with lust and in "making love" people are hurting others for the sake of their own gratification. Democracy, likewise, is being distorted so that the idea of justice for all is no longer important but rather the idea of self-gratification. The fact that power is vested in the people of Namibia is no longer seen as important but rather personal freedom and power. Some people tend to overlook Article 21(2) which states that "The fundamental freedoms referred to in Sub-Article (1) hereof shall be exercised subject to the law of Namibia, in so far as such law imposes reasonable restrictions on the exercise of the rights and freedoms conferred by the said Sub-Article, which are necessary in a democratic society and are required in the interest of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in

relation to contempt of court, defamation or incitement to an offence.” If democracy were interpreted correctly and people strove to implement it, the country would function well.

### 3. PROBLEMS IN THE KHORIXAS REGION

The problems in this area (but apparently in other areas as well)<sup>1</sup> centre in a distorted concept of democracy/democratic which eventually leads to a distortion of words like equality and education which appear further on in the Constitution.

**3.1 DEMOCRACY/DEMOCRATIC:** Democracy is a form of government but for this form of government to be successful, the people have to be democratic, which involves an attitude of the mind. Unfortunately man, being what he is, has not been able to be successful at being truly democratic. As far back as Plato’s time (384 b.C.), democracy was criticised<sup>2</sup> and modern democracies are showing failure, especially in their education systems. As Namibia is following the British education system one could expect the same pitfalls. This is exactly what is happening. According to news reports, indiscipline is rife in British government schools<sup>3</sup> and this is exactly what is happening here too.<sup>4</sup> It is, however, not the system as such which is at fault but the attitudes of some learners and teachers. Those who misinterpret democracy concentrate mainly on what they claim are their rights ignoring their responsibilities towards the community as a whole.

**3.2 EQUALITY:**<sup>5</sup> Democracy and equality seem to be interchangeable in the eyes of some people. Saying that people should be given equal opportunities means that people should be treated fairly – it does not make everyone equal. A man is not equal to a woman. Each has his or her own particular abilities. A man cannot give birth to a baby and a woman cannot have an erection, so how can they be equal? They might have some common characteristics, but the fact that they have some characteristics which are peculiar to their sex, makes them different not equal. A young person and an old person, likewise, are not equal. The young person is developing and lacks experience whereas the old person is going downhill but has much experience. Pretending that different types of people are equal leads to lack of respect with the resultant lack of true communication between different types of people and the inability to learn from and about one another. The promotion of Women’s Liberation, for instance, has led to more homosexuality and lesbianism – it has not necessarily

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<sup>1</sup> N.B.C. National Radio: 6:20, 1994-10-24: Report on NANTU Conference at Ongwediva

<sup>2</sup> Plato: THE REPUBLIC

<sup>3</sup> Cape Times 1994-10-31 (p.6): SPATE OF EXPELLED PUPILS IN UK

<sup>4</sup> The Namibian 1995-01-13 (p.6): DON’T BLAME UNQUALIFIED TEACHERS and ON KHORIXAS MATRIC RESULTS

<sup>5</sup> Essay written by a team of learners from Goresb High School, Khorixas, for FEDU FOUNDATION’S “CELEBRATION OF DEMOCRACY IN NAMIBIA” Competition 1994: “Equal or Different?” – researching Article 23(3) – and 76 questionnaires filled in by people from the community.

brought about a better understanding between men and women. In this region, too, there have been quite a few rumours of such behaviour among learners which was something unheard of previously. Providing equal opportunities still means the best should win and not that all should win.

**3.3 EDUCATION:**<sup>6</sup> If education is a process of development which occurs throughout one's life, one finds it difficult to understand how teachers and learners can be regarded as having equal status. It sometimes seems as if the teacher who has experience and knowledge has no more say than a learner without any experience of life or any specialised knowledge. It appears as if majority counts – yet the majority of the population are uneducated and at school more learners enter school and pass Grade 1 than reach and pass Grade 12 (in the past Matric). It sometimes seems as if learners are in charge of their own education and teachers are allowed to do nothing but sit by watching learners to make mistakes.

#### **4. AREAS IN WHICH MISCONCEPTIONS ABOUT DEMOCRACY AND EQUALITY AFFECT EDUCATION:**

##### **4.1 NATURAL INEQUALITIES:**

The concept of affirmative action which tries to rectify unfair, man-imposed inequalities should not be confused with natural inequalities.

Learners of the same age are not equal as is obvious in respect of:

**4.1.1 I.Q.:** Although severe handicaps have been identified by the secondary phase, secondary school learners are affected by the results of automatic promotion or the fact that teachers who are concentrating on their own image and results are giving learners marks in order to create good results. Eventually learners lag so far behind that they cannot cope with external examinations. It would be far better to allow learners to repeat a year, in order to grasp the work better, than to promote them and thereby cause an ever-widening gap between the slow learner and the rest of the class. It is interesting to note, too, that the subjects in which learners received the most diplomas at the prize-giving functions did not have the highest pass rate. It has been alleged that certain teachers are not assessing learners according to the required standard but rather pretending to help them by giving them the internal examination question papers to work out before the examination. This might help the learners in the internal examinations but is in fact a drawback when it comes to the external examinations as these learners have never learnt to reason quickly for themselves

**4.1.2 Maturity level:** Some learners are ripe for school at 5 whereas others are only ripe at about 7, because the learner must be physically developed and have the required hand-eye co-ordination and muscular development to be able to be taught to

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<sup>6</sup> Essay written by a team of learners from Goresb High School, Khorixas, for FEDU FOUNDATION's "CELEBRATION OF DEMOCRACY IN NAMIBIA" Competition 1993: "Education – with particular reference to Khorixas" – researching Article 20 – and 91 questionnaires filled in by people from the community.

read and write. At secondary school we have something similar at the onset of puberty which does not take place at the same age. This leads to problems in maintaining discipline when teenagers tend to show off for the sake of their peers. It also leads to relationships developing between teachers and learners, especially as they now refer to their democratic rights and the fact that what they do after school is their personal affair and not a school matter. In 1993 a group of learners wrote in their essay submitted to the FEDU Foundation's "Celebration of Democracy in Namibia" Competition, "We know of at least ten teachers who have either had affairs with learners or been involved in triangles involving a learner over the past roughly two years. One of the female learners might have been under age at the time of her liaison." This situation has not proved, and involves not only young teachers but older married ones as well. In 1994 the acting Principal was suspended for improper conduct.<sup>7</sup> This type of behaviour leads to jealousy and accusations of discrimination when there is rivalry between a teacher and learner. The fact that some learners are parents also affects their attitude towards their school work and their peers.

4.1.3 Aptitudes: One needs all types to make the world and different aptitudes are, therefore, a blessing. Stressing equality and majority, therefore, tends to inhibit uniqueness and breed followers instead of true leaders as well. At school, bullies are often on the L.R.C. because children are bullied and coerced into voting for them. At an early age children are experiencing that physical strength means power.<sup>8</sup> Since 1990, not one L.R.C. Chairman at our school passed his final examinations. Are so-called educationists going to allow learners who cannot cope with their studies, which is the actual reason for them being at school, to rule learners who can cope with their studies and are making progress?

4.1.4 Handicaps: Besides those registered blind or deaf, there are different degrees of these handicaps as is obvious from the fact that many children need spectacles or cannot hear well. There are also reading handicaps as a result of dyslexia.<sup>9</sup> These handicaps affect the progress of the child until such time as the handicap is recognised and an attempt made to help the learner. Most learners will not, however, admit to suffering from any handicap, especially not if it will require them to wear spectacles – despite the fact that they wear sunglasses which damage their eyes when they are worn unnecessarily indoors. It is unfair to expect the same performance of a handicapped person as of a normal person; but if one makes special concessions for the handicapped, it is unfair toward the normal person. Calling the handicapped person disabled is not changing the fact that the person is at a disadvantage. Facing facts about handicap or disability would be far better than pretending that such a person was normal and could cope as well as a person without that disability at a task requiring that ability.<sup>10</sup> It would be far better to concentrate on one's abilities than one's disabilities but nevertheless one should not live in a fool's paradise and deny the dis-

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<sup>7</sup> New Era 1994-11-03 to 1994-11-09 (p.6): SUSPENDED HEAD TAKES NEW JOB

<sup>8</sup> The Argus 1994-10-25 (p.12): SCHOOL BULLIES FUTURE CRIMINALS, SAY EXPERTS

<sup>9</sup> Cape Times 1994-11-01 (p.6): NEW DISCOVERY BACKS THEORY THAT DYSLEXIA IS IN THE GENES

<sup>10</sup> The Namibian Weekender 1994-12-09 (p.3): A LAWYER WITH VISION

abilities. It would, for instance, be a good idea for the Ministry of Education to have children's eyes tested in an attempt to help those with poor sight. In this hot, dry climate, there are many learners who suffer from eye strain without even knowing it. This could be remedied if learners could have their eyes tested regularly.

The fact that listening comprehensions are now part of the IGCSE course raises the problem of hearing defects, too. Many learner's don't seem to cope despite a recording being played several times.

4.1.5 Educated, mature adult teachers and uneducated, immature young learners are not equal: The descriptions used are opposites. One would, therefore, not expect an educated teacher and an uneducated learner to have the same say at a school board meeting, yet this is the case. What is the purpose of a teacher receiving specialized education, only to have to allow learners to take decisions which are in conflict with their training? Is one educating learners effectively and economically, or willfully allowing them to waste time in order to learn only from their own mistakes? Teachers are normally mature adults whereas children are not adults but only on their way to adulthood and are, therefore, not mature but need help; yet at some institutions children are actually dictating to teachers. It is also not uncommon to swear at and assault teachers.

## 4.2 MIGHT SEEMS TO BE RIGHT

### 4.2.1 when obtained from wealth:

It is ironic that despite the so-called sovereign, democratic approach fewer people are actually holding ultimate power. According to an N.B.C. broadcast<sup>11</sup> there is a tendency to want the United Nations to be replaced by a federal democratic world government; likewise, in the field of education, powerful donor countries influence the education in Namibia in the form of books supplied and the volunteer teachers as well as the language policy of Namibia which was formulated in a document published by the United Nations long before Namibia became independent, and the people of Namibia could truly have had a say in it. It is the rich countries who in the past pulled the strings who are still doing so. On the other hand, truly hardworking foreign teachers are not given recognition for their hard work, e.g. a foreigner was allowed to act as Head of Department but could not be confirmed in the post because he is a foreigner – yet he was subsequently asked to act as Headmaster and is doing a far better job than any of the other headmasters at the school over the past few years. It is fair that local people should get preference, but foreign exploiters should not be favoured above hardworking foreigners.

At a course for teachers<sup>12</sup> an expert from Cambridge was asked whether the situation in British education was really as chaotic as it appeared from B.B.C. broadcasts. When he answered in the affirmative he was asked why experts had come to intro-

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<sup>11</sup> N.B.C. NATIONAL RADIO 6:15, 1994-01-21: U.N. TO BE REPLACED BY FEDERAL DEMOCRATIC WORLD GOVERNMENT

<sup>12</sup> Windhoek, June 1992: WORKSHOP FOR TEACHERS ON SETTING OF IGCSE EXAMINATION PAPERS

duce the system to Namibia if that was the case, and he answered "We were asked to do so." Moral obligation, therefore means little to them, as long as they are in control.

It is ironic that although pre-Independence learners went on strike to obtain education which was equal to that of whites, white education has been abolished and replaced with an IGCSE which is for non-British learners, mainly from the former British colonies, i.e. mainly non-whites. British learners, themselves, obtain a GCSE. Unfortunately Apartheid has affected Namibians to such an extent that the R.S.A. border is given prominence in Article 1(4) whereas the other borders are not spelt out in detail; likewise we segregated ourselves from the South African education system without realising the similarities in the Cambridge system. Maybe what is necessary in education is to be truly sovereign (as mentioned in Art. 1(1)) and establish a truly Namibian Education system.

#### 4.2.2 when obtained by majority:

Teachers' hands are being tied by red tape in the form of school boards consisting of unqualified, mainly uneducated parents who find themselves having status all of a sudden. In some cases they actually unwittingly rescind their own decisions when cleverer learners manipulate them by rephrasing requests.

At a parents'/teachers' meeting at which the few L.R.C. members present made a suggestion to introduce a different uniform for each grade, it was decided not to allow this because it was felt that a uniform had to be the same in order to qualify as a uniform; yet the Grade 11 learners who had been raising money to buy their own track suits, went ahead with their project and later requested permission to wear these track suits to school. About three months later permission was granted by the school board which consisted of fewer, but nevertheless parents who had initially disapproved of different uniforms as well as shrewd L.R.C. members who stressed their enterprize and fund-raising efforts in an attempt to catch the unsuspecting parents off guard. (The decision has, however, again been rescinded). As some of the members of the L.R.C. are learners who have been expelled from other schools or who have a list of offences committed by them in respect of truancy and bad behaviour, one wonders whether a mafia-type leadership will not eventually take over at local schools.

### 4.3 LANGUAGE TEACHING

Democracy in the bad sense of the word seems to have crept into the teaching of language as well. The present method of teaching language at secondary school level hampers true communication as it is not what someone says that is important, but rather what one thinks that person wants to say. But how does one know what someone has in his or her mind? Because the emphasis is on the so-called communicative approach, teachers are expected to encourage speech and not interrupt speeches to correct language.

Although learners might speak more freely, the pitfalls of this approach are:

4.3.1 the message intended by the speaker is not always put across as the speaker intended it to be or the listener misinterprets the speaker. Apart from outright language errors, what about literal and figurative meanings, malapropisms, mispronunciations and/or borrowing words from another language, spelling mistakes, sarcasm and wrong prepositions.<sup>13</sup> How does a teacher know what is meant when he reads sentences like: "The teacher sat on (or at?) the table." and, during the period when corporal punishment was allowed, "The principal took me into his office and gave me sex of the best (or six of the best?)" At schools where discipline is lacking, a language teacher knows that in both sentences both of the underlined words could be correct. One wonders, therefore, how much true communication takes place under this system.

4.3.2 if common language errors are corrected later, the speaker usually has in all probability forgotten that he made the mistake and does not pay much attention to the correction. The mistake becomes entrenched because of repeated usage by the speaker and hearing by the listener(s).

4.3.3 the child does not interpret the motive of the adult as the adult does.<sup>14</sup> The teacher might be wanting to encourage the learner to speak whereas the learner becomes proud of his ability to speak (even if poorly) and sometimes a poorer speaker, language-wise, dominates a better speaker. In addition, children are listening to recorded speeches from Cambridge (via the Ministry of Education) which are full of "er's", "um's" and pauses/hesitations. As children imitate their elders, this type of example, which admittedly might sound natural, is being seen as the standard expected and fluency is not seen as the ideal.

4.3.4 the teacher is also groping around in the dark. Much money is being spent on courses to upgrade teachers and teach them about the so-called new approach, yet the facilitators are apparently surprised at the consensus in marking of most old-approach teachers and how much like their own it is. If this is so, there should be no difference between the standard of the new approach and that of the old; yet different standards are applied at school where teachers just say "Marking essays is subjective", and sometimes inflate marks to allow learners to appear to be coping.

One could ask:

- a) Why do teachers not maintain the same standards at courses that they do at school?
- b) Why can the course leaders not take a firm stand and give firm guidelines to the group in respect of what is regarded as good and what is not?

Criticism of these courses include:

- a) Course leaders are too diplomatic while in private conversations they will say things that they will not say in the group.

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<sup>13</sup> Anecdotes from READER'S DIGEST

<sup>14</sup> Anecdotes from READER'S DIGEST



- b) The course leaders say marking should be an overall impression mark and not a matter of underlining all the mistakes; yet it was also mentioned, privately, that marking is roughly 50 : 50 i.e. content: language. If this is so, the marking is similar to that of the Cape system. What is different is the covering up of mistakes. Is this not a type of euphemism to appear to be getting away from colonialism when in fact all that is being done is replacing one type of colonialism (R.S.A.) with another (British) and lulling the learner into a false sense of achievement?

4.3.5 The Cambridge system seems inferior insofar as in a language, grammar is not being taught. The so-called "across the curriculum" approach teaches the ability to fill in forms (which could be taught in the Accounting class) and labelling (which could be done, for example, in the Biology class when labelling sketches or the Geography class when doing map work). This, together with encouraging phrases and one word answers instead of full sentences, does not encourage expressiveness. In addition, "True/False" type answers without having to give a reason, encourages guesswork not understanding. It does not allow room for possible differences in interpretation.

According to an N.B.C. broadcast<sup>15</sup> high school learners in the U.S.A. who use a similar approach, are unable to apply literacy skills. Teachers from the U.K. say the same about learners at U.K. government schools. Why then are we copying the U.S.A. and the U.K.?

Language at present seems to be a matter of being able to say whatever one pleases, anyway one pleases, and expecting others to understand what one has at the back of one's mind, because it is apparently one's democratic right to choose how to speak and even for a learner for whom English is a third language and repeatedly fails tests, to question the vocabulary of a teacher with a degree in English and whose home language is English. If the teacher resorts to a dictionary to prove a point then the teacher is accused of "always wanting to win" even if another teacher confirms that the teacher is correct.

#### 4.4 LACK OF SELF-DISCIPLINE AND MORAL VALUES

4.4.1 Disobedience is escalating because learners think they have the right to choose what is good for them without considering the effects on others. Accepting responsibility for one's decisions is to be encouraged if one has options to choose from, but often learners at our schools do not know about other options or ways of life e.g. drunkenness is often chosen as a means of temporarily forgetting sorrow or boredom. Knowing that drunkenness brings short term relief, they are not prepared to try out anything they have no experience of, especially if it involves a long term. Disobedience sometimes provides the attention for which some learners crave or peer group recognition. Lacking other options to choose from, and no effective punish-

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<sup>15</sup> N.B.C. AFRIKAANS STATION 11:00, 1994-09-08: N.E.W.A. spokesperson on International Literacy Day stated that in the U.S.A. many high school students are unable to apply literacy skills. /

ment, the learners continue to misbehave. They don't know how to get rid of their sorrow/boredom and how to replace it with something else which is more worthwhile.

#### 4.5 PUNISHMENT

The abolition of corporal punishment in itself is not necessarily to blame for disobedience, but rather the lack of adult control and guidance. The traditional family hardly exists and parents expect the school to teach not only academic subject but also discipline and manners to the learners. Teachers on the other hand feel parents should control their children. In the end children are left to their own devices. On the hand, where parents do take an interest in their children there is often not enough open, friendly communication between parents and teachers and children sometimes play one adult off against the other.

#### 4.6 CONTRADICTIONS IN THEORY AND PRACTICE

4.6.1 In theory education is seen as good and desirable and is compulsory up to the end of primary school or the age of 16; in practice nothing can be done if the children play truant. Learners say education is their right – not a privilege. Even where a form of punishment is instituted, the child could refuse to carry it out, making a fool of the teacher and challenging the teacher's authority. There is, in fact, no true expulsion as a learner could simply apply to another school where he/she might cause the same problems e.g. many learners have already given birth to two babies, yet still attend school. In addition, guardians change from time to time as many learners choose their guardians to help them out of scrapes and no evidence of guardianship is required at registration.

4.6.2 Teachers do not always support each other. Knowing that school boards and higher authorities often overrule decisions, many teachers adopt a defeatist attitude and are not interested in matters of principle. As most teachers are trained teachers, they are able to pay lip service and enter into philosophical discussions because they know what is regarded as right and what as wrong, but no action is taken by them because they simply do not think it is worth the effort.

4.6.3 In theory, Principals and teachers are supposed to plan systematically and work according to a time-table. How is this possible if their seniors are not planning in time or efficiently? An example of this is the circular "Independence Celebrations 1995: Guidelines to Schools" and dated 3 March 1995. In it we were informed of celebrations which had to take place at the school on 17 March and that the hostels had to close down from the night of 17.3.95 to Tuesday evening 21.3.95. Learners from as far as Oshakati and Windhoek are now without food and accommodation and, if they hitch-hike home, are unlikely to be able to return to school on time and will involve their parents in unplanned for financial expenses.

#### 4.7 RELIGIOUS BELIEFS

The fact that some religious people do not practise what they preach, and therefore let their particular religion down, does not nullify the fact that basic religion teaches respect for one's fellow man and for one's elders, and that most religions have the same tenets although the source from which they say derive them differs. At local schools where prayers are still said, however, most children show no respect for any form of religion or religious beliefs of honouring parents, elders and people of authority; yet in many cases, it is because of these very people that they are alive and cared for.

It is difficult to understand how the children of people who were traditionally believers<sup>16</sup> in ancestral spirits or a father God image, can so easily renounce their traditions. Secular seems to mean atheistic to many learners. Maybe it is because the parents have neglected their children for so long that it is difficult for the children to understand the idea of a good father and therefore the concept of a heavenly father, God.

#### 4.8 FAMILY LIFE AS CHILDREN DO NOT APPEAR TO HAVE A SPECIAL PLACE WITHIN THE FAMILY

With the decline of moral values, the traditional family structure is collapsing. Personal freedom encourages self-centredness, not consideration for others. Many children grow up in the care of their relatives or are sent to boarding school where they are not set an example of good, stable family life. Children with no fixed address or known parents, can hardly be expected to stay loyal. Their experience teaches them there is no disgrace attached to being loyal or disloyal or double-crossing. Many learners reason that if they could survive as illegitimate children and succeed in looking after themselves, any illegitimate children they might have could do the same. Promiscuity is rife and not even the threat of AIDS or any venereal diseases seem to upset them. Three girls were pregnant at the time they wrote their Grade 10 examinations in 1994 – one actually had to be taken to hospital where she gave birth to her baby and wrote the remaining examinations.

#### 4.9 THE COMMUNITY WHICH IS ONLY A MACROCOSM OF FAMILY LIFE

If the smaller unit does not work well, one can hardly expect the larger macrocosm which consists of many microcosms to be any better.<sup>17</sup> If there is no loyalty to people one knows well, how can one expect loyalty to strangers who are likely to have similar short-comings to one's family, yet lack the "blood is thicker than water" bond?

Everyone is supposedly involved in democracy yet the foundation is supported by the understanding and hard work of relatively few people. How can such a system not eventually crack under the strain? A so-called democratic society is over-populated with people demanding jobs from the government which is expected to provide these, instead of the people trying to generate an income on their own. For years learners had been encouraged to boycott classes, criticize and break down what was not to

<sup>16</sup> New Era 1994-09-29 to 1994-10-05 (p.11); NAMIBIA: A CHILD OF ECUMENISM

<sup>17</sup> The Argus 1994-10-26 (p.23): A 'FORGOTTEN' PART OF HEALTH

their liking. How can one expect such learners, when adults, to settle down to an appreciative type of working adult life? Eventually society, as a whole, suffers because of bullies and gangs who rape, steal and murder with no respect for their victims. Nowadays even teachers boycott classes, as happened in this area last year when they were demanding the meningitis injection.

## 5. BASIC PROBLEM AND THE ROLE OF THE TEACHER

The basic problem is that all the problems are interlinked, causing a chain reaction, and until each citizen does his/her duty, we will not have a perfect society but it would, nevertheless help if more citizens were more conscious of their moral obligations towards each other.

It is, therefore, felt that contrary to the modern tendency to refer to teachers as only human and, therefore, to tolerate shortcomings,<sup>18</sup> teachers should realise that some learners see them as role models and they should, therefore, live exemplary lives. If one is consistent, learners will know that one knows what one is doing and have faith in one. It is unfair to expect learners to follow rules which a teacher, him/herself, does not follow e.g. teachers should be punctual, not have illegitimate children and not seem to be drunkards. It is not only the educational qualifications which are important but also the general character of the teacher.

As a language teacher, I can also help learners to understand democracy as a secular type of love involving moral principles by explaining words and encouraging discussions and debates as opposed to eliciting one-word answers.

## 6. CONCLUSION

The education one receives will affect one's childhood and adulthood. It is the foundation on which one's life is built. Education is, however, not only formal schooling but also includes one's home and environment. It is, therefore, perhaps only years later that a teacher might reap the rewards when some of the learners come to visit and say "Thank you" for being strict. They remember something one said in the class which eventually made sense to them – proving that equality of understanding did not exist earlier and making teaching worthwhile in the long run.

## 7. THANKS

I wish to add a word of thanks to my learners whose research for the FEDU Foundation's competition also provided me with some of the information contained in this essay, proving that, as John Donne wrote;

"No man is an island entire to itself  
any man's death diminishes me  
because I am involved in mankind  
and therefore never send to know  
for whom the bell tolls;  
it tolls for thee."<sup>19</sup>

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<sup>18</sup>UNAM 1994: HPEC Philosophy of Education notes.

<sup>19</sup>Buys and Gillillan: AFRICAN SKY BLUE – A POETRY ANTHOLOGY (p.8).

## **INTRODUCTION TO THE NID**

The NID is the only non-government organization in Namibia working towards the education of Namibians in democratic values, principles and norms related to a multi-party democratic state.

The NID consults with the government, political parties and interest groups, the media, educational authorities and private citizens to secure support and advice for the development and execution of training and information programmes aimed at educating and informing Namibians about the contents of the Namibian Constitution and principles of multi-party democracy.

The NID develops and designs educational programmes utilising the printed and electronic media, seminars, discussion groups and community information programmes in this educational process.

## **MISSION STATEMENT**

To promote and protect values and principles of multi-party democracy through education and nurture political tolerance and national reconciliation in Namibia.

## **GOALS**

The NID is a non-political institution formed to promote general and widespread acceptance in Namibia of democratic values, practices and principles and a spirit of national reconciliation and unity by encouraging all Namibian citizens to commit themselves and adhere to the democratic principles embodied in the Constitution of the Republic of Namibia.

## **VISION**

- \* The NID is loyal to the Namibian Constitution, the state and its institutions.
- \* The NID zealously guards its political neutrality and objectivity.
- \* The NID is committed to the well-being of the citizens of the Republic of Namibia and the promotion of the Republic of Namibia as a democratic state.

## **STRUCTURE**

The NID is an independent and autonomous institution, registered as an association not for gain, with a board of trustees and permanent employees with the responsibility to co-ordinate and execute programmes.

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