DISCUSSION PAPER 18

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Measuring Democracy and Human Rights in Southern Africa

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Preface

The Nordic Africa Institute has during 2001 established a research network on "Liberation and Democracy in Southern Africa" (LiDeSA). It brought together a wide range of scholars from the Southern African region for an initial Workshop in Cape Town/South Africa in December 2001. This "Indaba" was organised jointly with the Centre for Conflict Resolution (CCR) at the University of Cape Town and served as a brainstorming event for further topical focus within the research network.

The three papers presented and discussed in the comparative session on regional aspects in Southern Africa are compiled in this Discussion Paper in revised versions. They reflect upon different but related topical issues of measuring the degree of democratic attitudes among people in societies in transition in Mozambique and Namibia. The two empirical surveys have been compiled as concrete evidence for existing views and opinions on democracy related issues. The third overview concentrates on a comparative assessment of the human rights culture in Namibia and South Africa since the formal democratisation of the political system.

I wish to thank both the CCR and in particular Guy Lamb and Letitia Manter as well as the individual contributors to this volume for their support and co-operation.

Henning Melber

Uppsala, June 2002

Political Reforms in Mozambique: Attitudes to Democracy among Ordinary People

By João C. G. Pereira and Yul Derek Davids

After a long period of civil war and economic crisis, most Mozambicans at the time of the survey come out strongly in support of democracy (74%) even though 39% view it as a democracy with major problems. This is a result that reflects an array of challenges. Most Mozambicans describe democracy not in terms of culture, but as civil liberties (39%) and freedom of speech (26%). In the past, the people of Mozambique were denied these political freedoms and rights by the former authoritarian regime and now under the new democracy appear to have more freedom of speech, freedom of association and freedom to vote. The proportion of Mozambicans who feel they enjoy greater equality or an increased quality of life is consistently lower than those who say they enjoy increased political freedoms. Overall government performance is rated low, but it must be noted that Mozambique is recovering from a long civil war and was exposed to natural disasters like floods during the last two years. There are nevertheless positive ratings, such as fighting AIDS (49%), addressing educational needs (46%) and improving health services (39%).

1. INTRODUCTION

From 1977 to 1992 Mozambique experienced a lengthy period of political tension and instability. After years of autocratic rule and growing social strain, many Mozambicans welcomed the advent of democracy as an opportunity to move forward on a path of socio-economic development and political stability.

In recent years the Mozambican government implemented political and market reform policies. As a result of these reforms, the Mozambican government introduced a new constitution in 1990 which opened the country to the market economy and a democratization process. In 1996 the government introduced decentralization reforms that emphasized a need for public involvement in the design and implementation of many forms of policy. These reform measures are a direct result of internal and external pressure.

In many respects, Mozambique represents one of the more successful examples of democratization and socio-economic reconstruction in Africa in the 1990s. In 1994, democratic national elections were held, bringing to an end 15 years of civil conflict. The former rebel movement, Renamo (Mozambican National Resistance), has settled comfortably into its role as official opposition, whilst the ruling party, Frelimo (Mozambican Liberation Front), remains equally committed to the discourse of multi-party parliamentary politics (See De Brito, 1995).

In the 1990s Mozambique achieved record economic growth, after almost a decade of decline. Since then, the country has averaged six per cent growth in Gross Domestic Product (GDP) per annum. The rehabilitation of the transport corridors has led to burgeoning investment, not just in terms of handling facilities, but also in terms of processing industries. In addition, there has been a rise in small business activity, most notably in the service sector.

As a result of World Bank pressure, the Mozambican government continues to pursue its policy of privatization. During August 1996, a 30 per cent stake in LAM, the Mozambique national airline, was offered for sale to international investors, and a 21 per cent stake to domestic investors. Meanwhile, the CFM (rail and harbours company) and Petromoc are also slated for privatization (See Harrison, 1999).

The democratic regime inaugurated in 1994, headed by president Joaquim Chissano, confronts a daunting array of challenges including the establishment of new institutions, the development of effective political procedures, and the resolution of numerous policy problems.

In an important sense, then, political transition in Mozambique is not only a challenge to consolidate democracy, but also offers a potential opening for economic reform, and the relations between these processes raise essential questions about the country's future. This report seeks a better understanding of the political transition from autocratic rule to democracy. Its focus is to find out what ordinary Mozambicans think about the recent political transition. It explores public attitudes at "micro" levels toward political changes at "macro" levels. At the same time it explores public attitudes towards the government's performance.

2. Survey background and research methodology

There is very little systematic evidence about the political culture of Southern Africans. There is little "hard" information on the degree of political and market reform in Mozambique or on its effects on the economy and society in general. We are therefore unable to say with any certainty what Southern Africans and in particular Mozambicans think about democracy, about democratic institutions and how they compare it with what they had before[1]. As part of the effort to help fill this gap, the Center of Population Studies (CEP) at Eduardo Mondlane University conducted a series national and provincial surveys on public perception of political and market reforms. CEP carried out these surveys in collaboration with Pittsburgh University and with financial support from USAID Mozambique.

Survey 1 was conducted at a national level between July and October of 1997 and Survey 2 between July and October of 1999 in Manica, Nampula and Zambezia province. Survey 3 was conducted throughout Mozambique from July to October 2001.

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[1] For the beginnings of systematic, over-time measurement and analysis in South Africa see Mattes & Thiel (1998) and Mattes, Taylor & Thiel (1998); for Zambia, see Bratton (1997); and for measurement and analysis on a cross-continental basis, see Bratton & Mattes (2000).

The general objective of these surveys is to determine the perceptions of a cross-section of the Mozambican public on the nature, scope, cause and consequences of political and market reforms in the country, paying particular attention to practical policy measures that strengthen democratic institutions.
The specific objectives of the surveys are:

– To identify the levels of knowledge about democratic values;
– To identify the levels of popular support for democracy;
– To identify the levels of satisfaction with democracy;
– To identify the levels of political participation and interest in politics;
– To determine the level of knowledge that people have about their leaders and political parties;
– To identify support for market values;
– To determine popular perceptions about the socio-economic situation of the country.

It should be noted that this paper only reports on the results of Survey 3 conducted in 2001. Since there is a shortage of systematic information for measuring democracy and political reform, we do not presume to have all the answers. Further studies to adequately study democracy and political reform are, therefore, encouraged.

2.1. Research methodology

Public opinion is commonly measured by sample surveys. If scientifically designed and administered in a culturally sensitive manner, sample surveys are a powerful tool for revealing, among other things, the level of popular support for democracy and citizens' estimates of the performance of the government of the day (See Bratton and Mattes, 1999).

As a representative sample, the survey population closely matches the distribution of subgroups within the national population in key respects such as gender, occupation, religion, and area of residence (urban/ rural). The survey also covers all three regions of Mozambique (northern, southern, and central) in proportion to their relative size in the national population, including districts (see Table 1 for the demographic distribution of the sample).

The research instrument was a questionnaire containing 150 items. It was administered face-to-face by teams of trained interviewers. The questions covered a diverse range of topics: from the respondents' social background to their self-defined identity; from their attitudes to democracy to their opinions of economic reforms; and from citizens' involvement in voluntary associations to their voting behaviour.

To adapt the questionnaire to local conditions, all items were pre-tested in 68 trial interviews in urban and rural areas of Mozambique. We translated the Portuguese version into the following local languages: Changane, Sena, Ndau and Macua. Changane is mostly used in the south while Sena and Ndau is predominantly spoken in the central areas. Macua is the language of the people in the north of Mozambique.

All interviews were administered in the language of the respondent's choice. A total of 2,253 persons were interviewed. A random sample of this size allows a confidence level of 95 per cent and margin of error of plus or minus 2 per cent.

Table 1: Demographics of the Sample
(figures are percentages of the total sample)

Number of Persons Interviewed, 2,253		*Religion*	
Male:Female ratio 56:44		Muslim	19
Urban:Rural Distribution 45:57		Catholic	36
Education		Christian	30
No Schooling	26	Non-Christian	<1
Informal Schooling	8	No religion	14
Primary only	55	*Province*	
Secondary only	17	NiassaCabo	5
University degree	1	Delgado	8
Occupation		Nampula	20
Peasant / farmer	45	Zambezia	16
Informal Marketer	3	Tete	7
Workers	24	Manica	5
Professional	1	Sofala	9
Student	5	Inhambane	7
Other	2	Gaza	6
		Maputo	8
		Maputo City	10

2.2. Limitations of the study

Land mines are one of the problems that severely influence the data collection process. Fieldwork teams have, therefore, to travel vast distances to avoid areas where there are land mines. As a result of the war the country is left without reliable infrastructure. The floods also destroyed some of the remaining roads and bridges and made some parts of the country inaccessible.

The culture of surveying political issues is very new in Mozambique, with people reluctant to participate in sharing their views. Most people are sceptical about the political system and when asked about politics they feel intimidated. This is a result of historical events such as colonial government, authoritarian rule, civil war and political tension where political activities were banned.

3. DEMOCRATIC LEGITIMACY

To assess the extent to which democracy is legitimised we asked respondents whether democracy is preferable to any other kind of government; what, if anything, is understood by the word democracy; how much of a democracy Mozambique is today; and to which extent they feel their lives are better or worse than under the previous regime. The answers to these questions are reported in the following sections.

3.1. Support for democracy in Mozambique

To assess support for democracy, we posed a standard question that has been employed in barometer surveys in Western Europe, Latin America, the former Soviet block and in more than a dozen African countries. It asks: Which one of these statements do you most agree with: A) Democracy is preferable to any other kind of government; B) In certain situations, a non-democratic government can be preferable; C) Or for someone like me, it does not matter what kind of government we have. Those persons who find democracy to be the best form of government (option A) were deemed to support democracy.

Table 2: Preference for Democracy *(percentage)*

Democracy is preferable to any other kind of government	74
In some circumstances, a non-democratic government can be preferable	13
For someone like me, it doesn't matter what kind of government we have	13

Mozambicans generally show a pronounced commitment to democracy; an overwhelming majority (74%) of those interviewed agreed that democracy is preferable to any other form of government while much smaller proportions believe that in certain situations a non-democratic government may be preferable (13%), Or that for people like me it does not matter what form of government we have (13%). This evaluation of support for democracy reflects popular euphoria over the restoration of civilian rule after the country had suffered through authoritarian rule.

3.2. Support for democracy compared to other countries on the continent

On a comparative basis, Mozambique is among the countries that strongly support democracy. 74% of the respondents in Mozambique indicated that democracy is preferable to any other kind of government. Mozambique's neighbours Tanzania (84%) and Botswana (83%) have the highest support for democracy, followed by the West African countries of Nigeria (81%) and Ghana (77%). It is interesting to note that 74% of Zambians also said that democracy is preferable to any other kind of government. On the other hand, Lesotho (39%) indicated the lowest support for democracy followed by Namibia (57%) and then by South Africa (60%). Botswana is the oldest democracy in Southern Africa and it is therefore no surprise that there is high support for democracy here.

In the case of Mozambique, the high support for democracy is the result of a long and painful civil war, and the authoritarian policies that were introduced after independence when the rights and civil liberties of citizens were seldom acknowledged. South Africa is lower than Mozambique and Botswana with regard to support for democracy. South Africans assess democracy on the grounds of economic rather than political benefits. For example, more South Africans associate democracy with jobs for everyone (73%), basic necessities like shelter, food, and water for everyone

(67%), equality in education (66%), while fewer associate democracy with majority rule (38%), complete freedom for anyone to criticize the government (35%), regular elections (37%) and at least two political parties competing with each other (29%). South Africa's lower support for democracy is particularly fuelled by the poor performance of the government in the recent past in different economic areas. It is, however, important to note that South Africa evidenced a similar trend to that of Mozambique after first democratic elections in 1994.

Table 3: Support for Democracy, cross-national comparisons *(percentage)*

Tanzania	84	Zimbabwe	71
Botswana	83	Malawi	66
Nigeria	81	Mali	60
Ghana	77	South Africa	60
Zambia	74	Namibia	57
Mozambique	**74**	Lesotho	39

3.3. Understanding of democracy in Mozambique

The average Mozambican supports democracy, but what do people mean when they say: "Democracy is preferable to any form of government?" What is it that makes democracy preferable to other forms of regime? What picture do people have when they think about democracy? What is in their minds or heads when they speak about democracy? The first way to capture the meaning of democracy from the voice of ordinary people was to simply ask: "*What, if anything, do you understand by the word democracy? When you hear the word "democracy", what is the first thing that comes to your mind?*" Is it broadly similar to the growing international consensus that has emerged since 1989, or do Mozambicans exhibit a peculiar type of understanding?

In attempting to capture any specific understanding of democracy, respondents were free to answer in their own words. This was done to avoid trying to fit diverse interpretations into a narrow set of predetermined categories. All answers were thus recorded verbatim and coded afterwards. We did this because we did not want to overlook any distinctive meanings that Mozambicans might attach to democracy. We particularly wanted to avoid an imported, western-oriented conceptual framework that might exclude an indigenous interpretation, as we were trying to leave room for indigenous conceptions. The questionnaire and interview were always conducted in the local language of the respondent's choice. The actual word "democracy" was always presented in Portuguese.

Many African scholars, analysts, writers and observers have conducted research on the meaning of democracy. Those who have posed the existence of a peculiar, African understanding of democracy tend to suggest two sets of alternative mental frameworks to western emphases on elections, institutions and individual rights. One school argues that Africans see democracy as a quest for equalizing social and

economic outcomes in which political procedures such as constitutions and multi-party elections are mere formalities (see Ake, 1996). Another school argues that in the post-colonial period, Africans understand democracy as a form of collective freedom of the new nation from European colonial rule (see MacPherson, 1967).

Table 4: Meaning of Democracy *(percentage)*

Civil liberties	39	Right to vote	2
Personal freedoms	26	Good government	<1
Peace	12	Bad government	<1
Socio-economic development	9	Others	6
Political tolerance	5		

The Mozambicans whom we interviewed seem to have arrived at an understanding of democracy that is more universal than culturally specific. Mozambicans see democracy in political and liberal terms. Democracy is most frequently seen in terms of civil liberties (39 %) or personal freedoms (26%).

Peace (12%), socio-economic development (9%), political tolerance (6%), and right to vote (2%) are the second most frequently cited definitions. Less than 1% of those interviewed associated democracy with "good government" and less than 1% with "bad government". This finding suggests that Mozambican conceptions of democracy include important substantive components of economic delivery and social justice. Lundin (1998) argued in his study on local government elections in Mozambique that citizens view democracy in political as well as economic terms. At a micro-level citizens specifically referred to democracy as improvement of life, employment opportunities, good roads, transport of agricultural goods to the local markets, education and health, and as having a functional meaning without corruption, involving morality in the whole society and in the government (see Lundin, 1998). The same sentiments were expressed in the 1998 local government elections when citizens reasoned that voting did not improve their quality of life and that elections are only for the benefit of politicians (see Doom, 1998; Hanlon, 1998; and Harrison, 1999).

3.4. Understanding of democracy across the continent

Mozambicans are not unique when it comes to their understanding of democracy. 64% see it in terms of civil liberties and personal freedoms, which is consistent with other Southern African countries such as Botswana (30%), Zimbabwe (30%), Zambia (65%), Malawi (79%), Namibia (72%) and South Africa (70%). It is not surprising that 12% of the respondents in Mozambique see democracy in terms of peace and unity. This result can be ascribed to the end of the civilian war in Mozambique and the increase in political rights and freedom. Understanding of the term democracy with regard to socio-economic development is highest in Mozambique (9%) and second highest in South Africa.

Table 5: Understanding of the term Democracy, cross-national comparisons *(percentage)*

	Bots	Zim	Zam	Malaw	Moz	Les	Nam	SA
Civil liberties / personal freedoms	30	30	65	79	64	17	72	70
Peace / Unity	19	8	2	2	12	6	7	4
Socio-economic development	3	4	2	2	9	2	3	7

3.5. Satisfaction with democracy in Mozambique

Do Mozambican's think that their country is governed democratically? To find out, the survey asked respondents whether their country today is A) a full democracy? B) A democracy, but with minor problems? C) A democracy, but with major problems? D) Not a democracy?

Table 6: How much of a democracy is Mozambique today? *(percentage)*

A full democracy	10
A democracy but with minor problems	25
A democracy but with major problems	39
Not a democracy	6

Without doubt, Mozambicans consider the existing political regime in their country to be a democracy. Asked directly *how much of a democracy is Mozambique today?* Only 6% say that it is not a democracy at all; 10% view Mozambique as full democracy; 25 % perceive it as democracy with minor problems and 39% view it realistically as a democracy with major problems. Freedom House in 1998–1999, for example, rated Mozambique as partly free even though it is seen as a functioning electoral democracy with genuine political competition (Mattes et. al., 2000a).

3.6. Satisfaction with democracy across Southern Africa

When we compare Mozambique with other Southern African countries it ranks very low with only 10% saying it is completely democratic. Zimbabweans (9%) have the same view as the Mozambicans. What is interesting in the case of Zimbabwe is that 38% of the respondents do not see Zimbabwe as a democracy at all. Botswana (46%) is the only country in Southern Africa that presents a favourable picture in terms of satisfaction with democracy, and is followed by Malawi (34%). Overall, in no country in Southern Africa does a simple majority feel their society has achieved full democracy.

Table 7: How democratic is the way your country is governed? Cross-national comparisons *(percentage)*

	Bots	Zim	Zam	Malaw	Moz	Les	Nam	SA
A full democracy / completely democratic	46	9	24	34	10	24	30	26
A democracy but with minor problems	36	18	38	28	25	13	41	34
A democracy but with major problems	8	17	20	23	39	13	15	24
Not a democracy	5	38	7	12	6	17	3	8

3.7. Have multi-party politics delivered more freedoms and rights in Mozambique?

Another way of assessing people's satisfaction with the output of their present political regime (multi-party government) in Mozambique is to ask them about the extent to which they feel their lives are better or worse than under the previous regime or whether the present regime has secured a wider range of freedoms and rights than the previous regime.

When interviewees were asked to compare the mono-party with multi-party regime; most of the survey respondents think that the present regime has brought about increases in freedoms in terms of speech (49%), freedom of association (46%), and freedom to vote (58%). On the other hand, the proportion of Mozambicans who feel that they enjoyed greater equality or an increased quality of life is consistently lower than those who say they enjoy increased political freedoms. For example, only 12% of the respondents said that they have an adequate standard of living. This lends support to a hypothesis advanced by Mattes, which states that the more recent a country's transition to multi-party rule, the greater the proportion of respondents who say they enjoy greater political freedoms (see Mattes et al., 2000).

Table 8: Perceived increases in freedoms and rights under multi-party politics *(percentage)*

People are able to influence government decisions	26
People have an adequate standard of living	12
Everybody is treated equally and fairly by government	18
People can join any organisation	47
Anyone can freely say what he or she thinks	49
Each person can freely choose who to vote for	58

3.8. Perceived increases in freedoms and rights under multi-party politics within Southern Africa

When compared to the region, Mozambique is consistently lower than all countries in terms of perceived increases in freedoms and rights under multi-party politics. More specifically, 12% of Mozambicans feel that they have an adequate standard of living. This is far lower than the countries (Zambia with 28% and Zimbabwe also 28%) that are rated second last. Mozambicans (18%) are also at the bottom of the table when asked if the government treats them equally and fairly? 65% of Namibians indicated that the government treats them equally and fairly, while 60% was reported in South Africa. Malawi (93%) indicated the highest level of freedom of association followed by Namibia (85%), Zambia and South Africa with 84% each. Freedom of expression is lowest in Mozambique (49%) with Zimbabwe (54%) also recording low levels in this regard. Although Mozambique is considered to be one of the most competitive countries in terms of multi-party elections, only 58% indicate that they feel free to choose who they want to vote for.

Table 9: Perceived increases in freedoms and rights under multi-party politics, cross-national comparisons *(percentage)*

	Bots	Zim	Zam	Malaw	Moz	Les	Nam	SA
People have an adequate standard of living	45	28	28	51	12	42	57	39
Everybody is treated equally and fairly by government	49	44	44	57	18	47	65	60
People can join any organisation	60	63	84	93	47	63	85	84
Anyone can freely say what he or she thinks	57	54	76	89	49	56	80	77
Each person can freely choose who to vote for	60	63	82	94	58	66	86	84

4. PERCEPTIONS OF GOVERNMENT PERFORMANCE

4.1. Perceptions of government performance in Mozambique

A consolidated democracy requires good government performance (good governance) in order to create better socio-economic and political conditions for its citizens. One of the most important areas for citizens' evaluations of new political systems are their opinions about how the government is doing its job, both generally as well as in specific areas. The Mozambican team and Afrobarometer have measured this in its most general form (general approval, disapproval of how political institutions have performed their job in past years) as well as in more specific areas (how well government has performed in a number of specific policy areas). As Table 10 shows,

the public is divided on how well government is performing. The results indicate that the government received positive performance ratings in the area of fighting AIDS (49%), addressing educational needs (46%) and improving health services (39%). However negative ratings were given to fighting crime (25%), keeping the price low (9%), narrowing income gaps (10%), creating jobs (12%) and improving market service (16%).

Table 10: Perceptions of government performance in Mozambique *(percentage)*

Addressing educational needs	46
Reducing crime	25
Improving health service	39
Keeping prices low	9
Creating jobs	12
Fighting AIDS	49
Fighting corruption	15
Alleviating poverty	22
Narrowing the income gab	10
Promoting democracy	26
Improving market service	16

These results reflect the feelings of people on the ground, most of whom feel that they have gained political rights but still experience extreme poverty. Harrison (1999) reports that the democratization process can be seen as a continuation and intensification of the enrichment of a tiny minority, while the vast majority are still suffering and in absolute poverty.

4.2. Specific government performance across Southern Africa

If you compare Mozambique with the other Southern African countries with regard to government performance, the people are much more negative. In terms of education, Mozambique (46%) is rated more or the less the same as Zimbabwe (46%) and Zambia (43%). Mozambique (25%) is among the countries that performed poorly in reducing crime. However, Malawi (22%) and South Africa (18%) present the most negative pictures of government performance in terms of addressing crime. When we compare improving health services across the region, the Mozambican (39%) government performed more or less the same as Zambia (37%) and Zimbabwe (35%). Mozambique (9%) and Malawi (8%) received the most negative rating in ensuring that prices remain stable. Mozambique (12%) and its neighbour South Africa (10%) are doing very badly in creating job opportunities for their people. Overall, the government of Botswana did very well in addressing educational needs (71%), improving health services (69%), creating jobs (52%) and ensuring that prices remain stable (41%).

Table 11: Specific government performance ratings across Southern Africa, cross-national comparisons *(percentage)*

	Bots	Zim	Zam	Malaw	Moz	Les	Nam	SA
Addressing educational needs	71	46	43	62	46	57	62	49
Reducing crime	63	31	35	22	25	44	46	18
Improving health service	69	35	37	46	39	50	62	43
Keeping prices low	41	14	28	8	9	20	38	17
Creating jobs	52	20	26	31	12	38	47	10

From the above, it can be noted that there are consistent differences among respondents in their views toward political measures (reducing crime, promoting democracy, addressing educational needs, fighting AIDS) on the one hand, and economic measures (improving market service, creating jobs, keeping prices low, narrowing the income gap between rich and poor) on the other.

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In Search of Democrats in Namibia: Attitudes Among the Youth

By Christiaan Keulder and Dirk Spilker

In this paper, we search for a better understanding of who shows a clear and strong preference for democracy and, at the same time, rejects alternative forms of government. Cluster analysis is used to distinguish those who prefer democracy from those who do not. The two clusters are based on three dimensions: preference for non-democratic alternatives, willingness to defend democracy and preference for a strong president who does not have to bother with elections. The final section of the paper describes the composition of each of these clusters by means of biographical and attitudinal variables. It concludes that a significant proportion of especially the rural youth (at this point in time at least) do not believe that democracy is always best. Given the fact that the majority of young voters reside in these areas, our findings suggest that consolidated democracy is still some time away.

1. INTRODUCTION

This paper presents the results of a sample–based household survey among Namibians aged 18 to 32 years. A total of 1200 face-to-face interviews were conducted at the respondents' place of residence. The sample was stratified by gender and area of residence (urban / rural). Included in the final analysis were 1199 cases. We report on the section of the survey that dealt with attitudes toward democracy and analyse responses to questions that measured support for democracy. By means of factor analysis and cluster analysis, we try to identify different clusters (or groups) among the respondents based on their responses to three related dimensions (or factors) of preference for democracy.

2. Preference for democracy

Current thinking about the consolidation of democracy emphasises the importance of attitudinal aspects (Rose et.al. 1998, Linz and Stephan 1997). Linz and Stephan (1997:15) argue that:

> […] By a 'consolidated democracy' we mean a political regime in which democracy as a complex system of institutions, rules, and patterned incentives and disincentives has become, in a phrase, '*the only game in town*' (emphasis added).

Attitudinally, democracy becomes the only game in town, when even in the face of severe crises, political change must emanate from within the parameters of democratic procedures.

Rose et.al. (1998:24) concur by arguing that democracy as the preferred regime type is in constant competition with non-democratic ones (in societies that have recently emerged from their authoritarian pasts) and that democracy will only survive if it is seen as the lesser of all evils (the so-called Churchill hypothesis).

Although there is a lot more to consolidation than the attitudinal aspect, it is only this often-ignored aspect that is of interest to us here. From the Youth and Politics 2000 questionnaire, we extracted a number of variables (or questions) on preference for democracy for our analysis. These variables are displayed in Table 1 below.

Table 1: Variables for Factor Analysis

Variable	*Scale*
Approval of non-democratic alternatives*	4 – Point
Willingness to defend democracy (Opposition to actions by government to reduce democracy)**	4 – Point
Preference for strong leader***	4 – Point

* "Our current system of governing with regular elections and more than one political party is not the only one Namibia has ever had. Some people say that we would be better off if we had a different system of government. How would you feel about the following?" a) A system where all decisions are made by a council of traditional leaders; b) a system that allows only one party or one candidate to stand for elections; c) a system where the military rule the country; d) a system where parliament and political parties are abolished and everything is decided by the president; e) a system in which all the important decisions on the economy are made by economic experts.

** "If the government were to take the following actions, would you support it, neither support nor oppose, or oppose it?" a) shut down radio and TV stations and newspapers that are critical of the government; b) dismiss judges that make rulings against the government; c) ban political parties; d) suspend parliament and cancel the next elections.

***"Sometimes democracy does not work. When this happens, some people say that we need a strong leader who does not have to bother with elections. Others say that even when things don't work, democracy is always best. What do you think?"

These variables were subjected to the Kaiser-Meyer-Olkin (KMO) test and were found to be suitable for Factor Analysis.[1] Although the questionnaire included more questions that appeared to be at least theoretically suited for inclusion in this analysis, our tests found them to be statistically unsuited. Our Factor Analysis (set to extract Eigen values >1) suggested the extraction of three factors. This three-factor solution explains approximately 61,5% of the variance in the variables included. The three factors and their scores are presented in Table 2 below.

[1] The variables were tested by means of main component analysis with Varimax rotation. The Anti-/image correlation matrix revealed that all the variables entered had scores of >0.7 with the KMO – criterion. The Bartlett test on sphericity is highly significant and the MSA of the variables are "meritorious" (MSA = .819) and therefore suitable for a factor analysis. Furthermore, the anti-image covariance matrix (AIC) clearly meets the level proposed by Dziuban and Shirkey. (Backhaus, 1996, 205).

Table 2: Dimensions of preference for democracy

		Factor		
		1	*2*	*3*
Approve:	Only one political party, one candidate	0,730		
Approve:	All decision made by council of traditional leaders	0,782		
Approve:	Army govern country	0,738		
Approve:	Parliament & political parties abolished – President decides	0,781		
Approve:	All important decisions about the economy made by economic experts	0,609		
Oppose:	Shut down critical newspapers, radio, TV		0,750	
Oppose:	Dismiss judges		0,765	
Oppose:	Ban political parties		0,655	
Oppose:	Suspend parliament, cancel next elections		0,758	
Approve:	Sometimes need a strong leader who does not have to bother with elections			0,982

Note: Only the strongest factor loads for each variable is displayed, others have been suppressed.

The first factor combines high loads of all variables that were about approval of "undemocratic" alternatives to democracy. The second factor contains high loads for the four variables measuring the willingness to defend democracy, and finally factor three basically consists of the variable that expresses approval for a strong leader who does not have to bother about elections.

Factor 1: Preference for non-democratic alternatives

Young democracies, such as Namibia, cannot rely on the habitual support of citizens raised in an earlier time and under a different (non-democratic) dispensation (Rose et. al. 1998:5). Democracy has not yet become 'the only game in town' and as a result is in constant competition with non-democratic alternatives for political hegemony. In mature democracies the situation is quite different. The fact that democracy has attained political hegemony means that there is no popular demand to transform the democratic dispensation (to an undemocratic one) and that politicians cannot propose non-democratic alternatives without 'committing electoral suicide' (Rose et. al. 1998:5). As a result, there is no demand or supply for a regime type other than a democratic one.

To assess the extent to which there is a demand for non-democratic alternatives, the Namibian youths were asked to indicate their preferences for five alternative forms of government. These are: one party rule; rule by traditional leadership; exclusive presidential rule; military rule; and technocratic rule. These have two things

in common: none of them appoint or remove leaders by means of popular elections and none of them require regular popular inputs from ordinary citizens. The fact that they load together on the same factor suggests that the youth have a common understanding of them, i.e. they are all non-democratic forms of government.

Factor 2: Willingness to defend democracy

Willingness to defend democracy presupposes a preference for democracy. As such it represents a rejection of non-democratic alternatives. Yet it also assumes more than just a preference for democracy. In the first instance, it requires opposition to whoever might suggest, in whatever form, a non-democratic alternative, and it indicates a willingness to take some action to show such opposition. In this paper we are less interested in *what* actions young Namibians are willing to take than in the fact that *are willing* to take them. Thus, we assume that the willingness to take action to defend democracy represents, to some extent at least, an indicator of the level of commitment to democracy. Citizens who are willing to defend democracy will be unlikely to support or follow leaders who take action to reduce the quality of democracy.

Factor 3: Preference for a strong leader

Democracies are not only under threat from military coups. Democracy can also come under attack from elected presidents who use their popular support base to undermine the democratic regime. There are several examples to choose from: President Mugabe of Zimbabwe, President Fujimori of Peru and President Chavez of Venezuela are all examples of popularly elected presidents who converted democratic dispensations into regimes types best described as 'civilian authoritarianism'. Such systems are usually characterised by attempts to extend the presidential term in office beyond its constitutional limit, complete or near complete presidential control over the legislature and the judiciary often by means of patronage and personal loyalty, rule by presidential decree, attempts to manipulate elections and fabricate results and a clamp-down (usually with the help of police and military forces) on those regarded as 'enemies of the state'. Human rights abuses show a sharp increase and the strong leader rejects 'foreign interventions' and internal criticism. Those who prefer a strong leader who does not have to bother with elections thus support civil authoritarianism and not democracy.

3. CLUSTERS OF PREFERENCE FOR DEMOCRACY

An initial hierarchical cluster analysis of a randomly selected 15% of all cases suggests a 2-cluster solution. [2] Table 3 below shows the solution derived from the follow–up K-means cluster analysis (with all 1,199 cases):

[2] Squared Euclidean distance with "Single Linkage" method.

Table 3: Factor scores by cluster

Factor Scores	*Clusters*	
	1	*2*
Preference for non-democratic alternatives	-0,26	0,29
Willingness to defend democracy	0,74	-0,81
Preference for strong leader	-0,13	0,14

The cluster analysis renders two groups (or clusters) with clear differences on all three factors. This suggests that the groups are quite clearly opposites when it comes to their preference for democracy. Cluster 1 scores above average on 'the willingness to defend democracy' factor and scores below average on the remaining two factors. Cluster 2 scores above average on the 'preference for a non-democratic alternative' factor as well as the 'preference for a strong leader' factor and scores below average on the 'willingness to defend democracy' factor. Cluster 1 and Cluster 2 are thus opposites. Based on the results of the cluster analysis, Cluster 1 will be considered "*Democrats*" whilst Cluster 2 will be considered the "*Non-democrats*".[3]

Table 4 shows the distribution of the two clusters across the thirteen political and administrative regions.[4]

Table 4: Democrats and Non-democrats by region *(percentage)*

	Democrats	*Non-democrats*
Caprivi	61,5	38,5
Erongo	72,4	27,6
Hardap	58,3	41,7
Karas	33,3	66,7
Kavango	84,6	15,4
Khomas	70,7	29,3
Kunene	40,6	59,4
Ohangwena	27,1	72,9
Omaheke	73,3	26,7
Omusati	26,2	73,8
Oshana	41,9	58,1
Oshikoto	38,1	61,9
Otjozondjupa	64,3	35,7
Total	52.0	48.0

Democrats are the minority in six out of the thirteen regions: Karas (33.3%), Kunene (40.6%), Ohangwena (27.1%), Omusati (26.2%), Oshana (41.9%) and Oshikoto

[3] One should approach these labels with some degree of caution, however. There is always the danger that individuals can be labelled Ôunfairly' as only a small number of attitudes are used to select and formulate the labels. We wish to stress that these labels are used for analytical purposes only. They are not intended as nor should they be understood to be indicators of political Ôbackwardness' or Ôsophistication'.

[4] In order to read the table correctly one has to keep in mind that each region has both clusters. For example: 61.5% of respondents in the Caprivi region form part of the Democrats cluster and 38.5% of the respondents in the Caprivi region form part of the Non-democrats cluster.

(38.1%). Democrats have a strong majority in at least six regions: Caprivi (61%), Erongo (72.4%), Kavango (84.6%), Khomas (70.7%), Omaheke (73.3%) and Otjozondjupa (64.3%). Overall, there are only slightly more Democrats (52%) than Non-democrats (48%) among the youth in the country.[5]

In order to contextualise our findings we have to introduce a number of socio-biographical variables into our analysis. These variables allow us to access the impact of social structures on young people's preference for democracy.

The first variable is the urban/rural divide. Table 5 shows that the majority of the urban youth (69%) are democrats whilst the majority of rural youth are non-democrats.

Table 5: Democrats and Non-democrats by urban/rural divide *(percentage)*

	Democrats	*Non-democrats*
Urban	69	31
Rural	43	57
Total	52	48

This finding suggests that urbanisation is 'good' for democracy. It also suggests that regional scores are likely to be the product of their levels of urbanisation. Regions with low levels of urbanisation are likely to host more Non-democrats than regions with higher levels of urbanisation (and *vice versa*). One possible reason for this is that urban people are likely to have more, direct contact with the working of democracy (beyond elections that is) and on a more regular basis. Urban dwellers, for example, have more opportunities to participate in civil society simply because there are more of these organisations in urban areas than in rural areas. As a result, they have a better chance of presenting and protecting their interests and in engaging elected representatives (especially at the very local level). Urban dwellers also have more access to information especially through the print and electronic media than their rural counterparts. This means that they have more opportunities to be informed than those that do not have regular access to the media. Finally, urban dwellers are more likely to learn about and experience democracy. They are better integrated into the formal economy and markets, and hence, more exposed to the economic consequences of political decisions than their rural counterparts. One could even argue that urbanisation is a process of modernisation and that preference for democracy is one of the consequences of this process. Urbanisation is likely to expose citizens to new lifestyles, new issues and new ways of conducting their daily business and all these increase exposure to the institutions and processes of the formal political system. Hence, the citizens in the urban areas are more likely to understand the system better, have more experience with it, and have a better chance to derive

[5] Some degree of caution is called for when looking at the results. The small number of respondents in some of the regions (Karas, Hardap and Omaheke) precludes a very sophisticated analysis of the data and the findings should not be treated as more than very useful trends that can help us understand the distribution of attitudes in a systematic manner.

benefits from it. Rural citizens, on the other hand, are more inclined to have a more 'traditional' value system, have fewer opportunities to benefit from the system and have less understanding and experience with it.

It is, however, unlikely that one variable can explain our entire general finding. The second variable that is introduced here is that of language group. Those who prefer a more cultural explanation of democracy and its consolidation often use (and not without problems) 'Language group' as a proxy variable for ethnic group. Such analysts would argue that democracy requires a type of integrated value system that could to some degree or another be in conflict with the existing value system(s) in young democracies. For them ethnicity is important because of their stronger focus on groups and their cultural artefacts. From this point of departure, it then becomes relatively easy to find groups and cultures that are more or less compatible with democracy.

We put this type of argument to the test in Table 6.[6] Table 6 shows that the majority of Oshiwambo-speakers form part of the Non-democrats cluster, whereas in all the remaining groups the majority are in the Democrats cluster.

Table 6: Democrats and Non-democrats by language group *(percentage)*

	Democrats	*Non-democrats*
Oshiwambo	39,4	60,6
Kavango	76,7	23,3
Afrikaans	67,6	32,4
Herero	67,2	32,8
Damara	59,3	40,7
Caprivian	64,8	35,2
Total	**51,9**	**48,1**

Note: Due to small numbers that do not qualify for interpretation, Setswana (n=1), German (n=1), English (n=6), Nama (n=14) and "Other African Languages" (n=9) are not included in the table. For this reason the total does not conform with those in earlier tables.

At face value these findings appear to confirm at least some part of the cultural thesis, as here is one ethnic group that shows a disposition that differs from those of other groups. Are we correct if we ascribe this to culture, or is there some other explanation that is masked as culture? If we look at the regional breakdown of Democrats and Non-democrats, we see that to some degree it confirms the results by language groups. If we keep in mind that two of the four north-central regions are without any significant urban areas and that the remaining two have relatively few urban centres, is the result by language group not merely a confirmation of the urban/rural gap? Table 7 shows the dispersion of Democrats and Non-democrats controlling for the urban/rural divide.

[6] In our previous paper, (Keulder and Spilker 2001) we warned against reading too much into the analysis by language group. Due to the smallness of some of the groups, the data cannot be regarded as fully representative for all groups. Furthermore, relatively old official language statistics prevented weighting the data to rectify possible over- and under-representation of groups. Hence, we highlight trends only and do not use the data for any inferential purposes.

In urban areas, and for all language groups, Democrats are in the majority. In fact, in each language group, Democrats outweigh Non-democrats by two-to-one (62% vs. 38%). This means that the cultural argument is not well supported – in urban areas two-thirds of Oshiwambo-speakers are part of the Democrats cluster. Although most other language groups have more urban democrats, the differences between the group-scores are too small to sustain a cultural explanation.

Table 7: Democrats and Non-democrats by language group and urban area *(percentage)*

	Democrats	*Non-democrats*
Oshiwambo	62	38
Kavango	75	25
Afrikaans	73	27
Herero	77	23
Damara	61	39
Caprivian	83	17
Total Urban	**69**	**31**

Note: Other languages not shown due to few cases.

The picture for the rural areas looks quite different, however. According to Table 8, in rural areas, only a minority (32%) of Oshiwambo-speakers are part of the Democrats cluster. This is unlike the other groups where in each case the majority are part of the Democrats cluster. Does this means that a cultural explanation is in order in rural areas?

Table 8: Democrats and Non-democrats by language group and rural area *(percentage)*

	Democrats	*Non-democrats*
Oshiwambo	32	68
Afrikaans	57	43
Herero	62	38
Damara	58	42
Caprivian	59	41
Total rural	**69**	**31**

Note: Other languages not shown due to few cases.

More analysis is needed to fully answer this question. We cannot consider all variables here. If, however, one considers that only one group are responsible for this trend and that members of this group show a different disposition in urban areas, the explanation is unlikely to be a purely cultural one. This is one area that warrants further investigation. Even though we cannot explain the finding, it still provides reason for concern because one of the largest segments of the young voting corps in

Namibia forms part of the Non-democratic cluster. It suggests that there is a lack of support for democracy among young, rural Oshiwambo-speakers.

The third socio-biographical variable for our analysis here is gender. Table 9 shows that there is no significant gender gap as far as preference for democracy is concerned and that only a slight majority of both men and women form part of the Democrats cluster. This suggests that although there might areas of gender-specific socialisation and experiences for young males and females, preference for democracy is not one of them.

Table 9: Democrats and Non-democrats by gender *(percentage)*

	Democrats	*Non-democrats*
Male	53,4	46,6
Female	50,5	49,5
Total	**51,9**	**48,1**

Tables 10 and 11 show the impact of two additional variables: education and household income. Table 10 contains the findings for urban areas whilst Table 11 covers rural areas. Overall (in both urban and rural areas), members of the Democrats cluster tend to better educated than members of the Non-democrats cluster. They are also better off and have higher levels of income in both urban and rural areas. This suggests that both education and income are 'good' for democracy and that with a long-term rise in education and income levels, more young Democrats are likely to appear. This is in line with conventional thinking about democracy: it requires an educated, middle class.

Table 10: Democrats and Non-democrats by education and income by urban area

	Democrats	*Non-democrats*	*Total*
Level of schooling completed	4,76	4,71	4,74
Household income	4,55	4,32	4,48

Table 11: Democrats and Non-democrats by education and income by rural area

	Democrats	*Non-democrats*	*Total*
Level of schooling completed	4,20	3,96	4,06
Household income	3,97	3,27	3,57

The more interesting findings pertain to with-in area differences. If we compare urban and rural areas with regard to education and income, it is clear that the gaps between Democrats and Non-democrats are biggest in rural areas. Variance in educational levels and household income matters most in rural areas when explaining a preference for democracy.

4. CONCLUSIONS

We have identified three dimensions of preference for democracy:

– rejection of non-democratic alternatives,
– willingness to defend democracy, and
– preference for democracy rather than for a strong president who does not have to bother with elections.

Based on these dimensions we have identified two clusters or groups of young Namibians: Democrats and Non-democrats. Democrats are more likely to live in urban areas, be better educated and have higher incomes than Non-democrats. Both clusters are present in all thirteen regions and in all language groups. Oshiwambo-speakers in rural areas are the only exception to the overall trend. Although we do not believe that a cultural explanation is necessarily appropriate, we acknowledge that more research is necessary before any explanation can be discarded.

Overall, Namibia does not have sufficient young Democrats to make the consolidation of democracy a foregone conclusion. There is a large segment of the Namibian youth (the less educated, rural poor) for whom democracy is not yet 'the only game in town'. If one is realistic, however, democracy in Namibia is young and not everybody has had an equal chance or opportunity to gain experience with it. The processes that socialise Democrats (education, urbanisation and a better living standard) are long-term processes and immediate results should not be expected. Without deliberate intervention on behalf of democracy, new Democrats will only be produced over a long period which will be subject to economic progress and long-term investments in education. Since rural areas are the last to benefit from these long-term processes, more Democrats will be produced in urban areas. And therein lies the challenge: the majority of Namibia's young voters reside in areas that are less likely to produce democrats.

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Debasing Democracy: Security Forces and Human Rights Abuses in Post-Liberation Namibia and South Africa[1]

Guy Lamb

Over the past decade, Southern Africans have witnessed extraordinary political change in their region, with Namibia being granted independence, apartheid rule in South Africa being abolished, a sustainable peace in Mozambique being secured, and Banda's tyrannical rule in Malawi being replaced by participatory democracy. In short there has been a transition from a condition of armed conflict and repression to a condition of democracy and relative peace. Subsequently, many governments in the region have sought to consolidate these gains, but as indicated by the drawn-out civil war in Angola, as well as the political and economic crisis in Zimbabwe, the prevailing environment of peace and democracy in the region is extremely fragile.

Even in countries that are not encountering severe internal crises, the process of democratic consolidation and the maintenance of good governance is being undermined, largely due to the actions of the security forces. That is, despite the toppling of most of the repressive regimes in Southern Africa over the past decade, security forces in many of these countries continue to commit human rights abuses. The reasons for the undermining of this democratic process are two-fold. First, the Bill of Rights in the constitutions of many Southern African states are the cornerstone of democratic governance as they prescribe certain fundamental human rights, and affirm democratic values of human dignity, equality and freedom, and if these fundamental rights are threatened then democracy itself is threatened. Second, it is the responsibility of security forces to maintain the degree of order that makes democratic governance possible, however, the legitimacy of this role is undermined if the security forces are responsible for human rights abuses.

This paper seeks to explain why state security forces, namely police, military and paramilitary in young democracies in Southern Africa commit significant levels of human rights abuses, and hence undermine the state's attempts at democratic consolidation. In order to address this question, this paper analyses and compares the current situation in Namibia and South Africa, which are two of the more stable democracies in the region. In both these countries, despite the transition from authoritarian to democratic rule, levels of human rights abuses committed by security force members remain relatively high.

This paper consists of four sections. Section one provides an overview of the analytical framework of the paper. Sections two and three focus on human rights abuses in Namibia and South Africa respectively. Section 4 seeks to address the central question of this paper by means of comparative analysis.

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[1] I am indebted to Clement Daniels for providing me with some very insightful comments on an earlier draft of this paper.

1. SECURITY FORCES, HUMAN RIGHTS AND DEMOCRATIC GOVERNANCE

Security forces, whether they are police, paramilitary or military are institutions of violence. They are the coercive arms of the state – the guardians of the realm (in the case of the military) and enforcers of the law (in the case of the police). Nevertheless, as history has consistently shown us, the targeted use of violence by the state to protect itself from enemies and enforce its laws is a double-edged sword, as security forces can easily be transformed into institutions of fear and repression. Even in mature democracies like the United States and the United Kingdom, security force members are responsible for human rights violations. For example, a 1998 report by Human Rights Watch (HRW) found that police brutality, including unjustified shootings, severe beatings and fatal chokings "remains one of the most serious and divisive human rights violations in the United States". In the case of the United Kingdom, Amnesty International has published a number of reports expressing concern about the excessive use of force by police officers.[2]

In many young democracies, particularly in Africa, this problem is acute. Two recent examples are as follows. First, according to a HRW report titled "The Bullets are Raining" (April 2002), which focused on the Tanzanian security forces response to electoral protests in Zanzibar in January 2001, Tanzanian security force members were responsible for extra-judicial executions and an excessive use of force. Other abuses included torture and mistreatment, including rape and sexual abuse; arbitrary arrests and detentions without trial; looting and the destruction of property; and denial of free expression. Second, HRW found, in a report entitled 'Military Revenge in Benue' (April 2002), that members of the Nigerian military killed more than two hundred unarmed civilians and destroyed homes, shops, public buildings and other property in a number of towns and villages in Benue State, in central-eastern Nigeria in October 2001. HRW claimed it was a well-planned military operation, which was in reprisal for the killing of nineteen soldiers in the area a few weeks earlier.

Hence, the central question of this paper is why do security forces in young democracies commit significant levels of human rights abuses?

The following two hypotheses will be tested in order to address this question:

> Following the transition from authoritarian to democratic rule, the manner in which the security forces conduct themselves is directly related to the history of human rights abuses by the state security forces, and the processes and structures (or the lack thereof) that were established to deal with human rights in the past.

As the experience of many Central and South American countries shows, if a state fails to effectively transform its security forces, and convict human rights abusers following the transition from authoritarian to democratic rule, there is a strong possibility that security force members will continue to commit human rights abuses. For example, in the case of Brazil, the Inter-American Commission on Human Rights (IACHR) of the Organisation of American States found in 1997 that

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[2] See Amnesty International. "United Kingdom: Accountability and transparency needed to fight deaths in police custody", *News Service* No. 92, 17 May 2000; Amnesty International. *Annual Reports* 1997-2001 (London: Amnesty International).

> Despite the radical political changes in the country since the end of the military government, the [security forces] continue to follow the repressive strategy of that government, which instructed police officers to use violence to prevent or eradicate any movements then thought to be subversive. (Inter-American Commission on Human Rights, 1997: Ch. 3)

In addition, the IACHR found that in Brazil, Columbia, Paraguay, Guatemala, Mexico and Peru the granting of blanket amnesties or pardons to members of the security forces for past human rights abuses, as well as the failure of judiciaries to convict human rights abusers, has contributed to a culture of impunity in these countries. Amnesty International has also expressed similar concerns in various reports on South and Central American countries.[3]

> As security forces are essentially organs of violence, the levels of human rights abuses are directly related to the processes and structures of oversight and control that are geared towards limiting the potential lethality of the security forces, such as training routines, oversight bodies, and processes of transparency and accountability.

In recognition of widespread human rights abuses by security forces and the persistence of a culture of impunity in many countries, international organisations, such as the United Nations, and human rights bodies, such as Amnesty International, have campaigned for structures and processes that will limit such abuses of power and reverse these cultures of impunity. For example, the Vienna Declaration adopted at the 1993 UN World Conference on Human Rights calls on all governments to:

> Abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law.

Independent commissions of inquiry that are endorsed by national governments, have also expressed a need for such processes and structures to be created. For example, the Independent Commission on Policing in Northern Ireland (1999) called for an accountable, impartial, representative, efficient and effective police force in Northern Ireland that respects the human rights and human dignity of all.

These organisations and commissions advocate that reports of alleged human rights abuses should be promptly, impartially, independently and thoroughly investigated. When there is sufficient admissible evidence, the suspects should be prosecuted. Proceedings should conform to international standards for a fair trial. Those found guilty should be punished by sanctions commensurate with the seriousness of the offence. Civil suits and disciplinary measures should be used in addition to prosecution. Furthermore, effective transparency should be enforced, that is the investigation process of human rights abusers as well as the criminal and disciplinary proceedings, should be open to public scrutiny. The establishment of an independent Ombudsperson's office is also advocated, as it is an effective mechanism for holding the security forces accountable to the law. These organisations also stipulate that all security force members should take an oath expressing an explicit

[3] See the Amnesty International website for reports on Argentina, Brazil, Peru.

commitment to upholding human rights while conducting their duties, as well as sign a code of ethics in this regard. Regular training programmes that sensitise members of the security forces to human rights issues should also be held.

These two hypotheses will be tested in the case of Namibia and South Africa by employing the following four variables:

The state's efforts to deal with past human rights abuses

Following the transition from authoritarian to democratic rule, a state is faced with three general options with respect to dealing with past human rights abuses and the perpetrators thereof. These options are as follows: the granting of blanket amnesties to all perpetrators of human rights abuses; criminal prosecution of such perpetrators (such as a war crimes tribunals); or a process of truth and reconciliation. Each of these strategies have advantages and disadvantages.

The existence and effectiveness of human rights monitoring institutions

The body of literature that is concerned with human rights issues places considerable currency in the role that independent human rights monitoring institutions, such as ombudsperson offices and human rights commissions, can play in limiting the abuse of power by members of the security forces. However, in order for these institutions to be effective they need to be free from undue government interference and be adequately resourced.

Human rights training within the security forces

In the reports by reputable international human rights organisations such as Amnesty International and Human Rights Watch on countries with high levels of human rights abuse, the lack of effective training for security force members in respect for human rights is often highlighted. Consequently, in such situations these organisations recommend either the introduction of comprehensive human rights educational programmes for members of the security forces, or an overhaul of the existing training curriculum.

The existence of political will to effectively deal with human rights perpetrators

Experiences in many South and Central American countries indicate that if the actions of human rights perpetrators go unpunished, then a culture of impunity will emerge. This culture of impunity encourages the continued practice of human rights abuses, such torture and ill-treatment, denies victims their fundamental rights, and undermines the rule of law.

2. NAMIBIA

Namibia (formerly South West Africa) has a violent history, one of exploitation, gross human rights violations and genocide. The period of German colonial rule, which lasted from 1884 until 1915, was the most brutal. For example, in 1904 the colonial administration actively sought to exterminate the Herero and Nama people following an armed rebellion. Approximately 74,000 Herero and Nama were killed as a result, with the survivors being interned in prison labour camps where thousands died from starvation and disease.

South Africa took control of Namibia in 1915 following its invasion of the German-held territory as part of the Allied war effort. Under South African rule the indigenous population continued to be oppressed, as the new regime implemented racially discriminatory laws and policies. In 1960, organised resistance to South African rule emerged in the form of the South West African People's Organisation (SWAPO). In 1966 SWAPO launched an armed struggle, in which its armed wing, the People's Liberation Army of Namibia (PLAN), mounted a guerrilla campaign against the South African occupation regime. In response, the South African Defence Force (SADF) and the South African Police (SAP) employed counterinsurgency strategies against SWAPO and its alleged supporters. In 1988, after nearly three decades of war, South Africa agreed to withdraw from Namibia as part of the Angolan peace settlement, paving the way for Namibia's independence in March 1990.

During the period of South African occupation the South African Police (SAP) and the South African Defence Force (SADF) were responsible for gross human rights violations including destruction of property, physical beatings, sexual assault, torture and extra-judicial killings. The most notorious of the South Africa security force outfits was *Koevoet* (Crowbar), which was an elite police counterinsurgency unit, which was in existence between 1979 and 1989. Koevoet members, who claimed responsibility for at least seventy per cent of SWAPO military losses, were paid a bounty for every SWAPO insurgent they captured or killed (De Kock, 1998: 82). Human rights abuses were also committed by SWAPO against its own members. Suspected dissidents were placed in concentration camps in Zambia and later in Angola, where they were imprisoned under harsh conditions, physically assaulted and tortured.

In the run up to Namibian independence, representatives of the Namibian electorate participated in the Constituent Assembly process, which formulated a constitution that rescinded all the discriminatory laws of the South African regime, which had contributed to the widespread human rights abuses, and more importantly prohibits such abuses in an independent Namibia. This Constitution contains a Bill of Rights that is based on the UN Universal Declaration of Human Rights. This Bill of Rights prohibits (amongst other things) arbitrary arrest and detention, torture or other cruel, inhuman, degrading treatment or punishment.

2.1. Post-independence human rights abuses

There was a marked reduction in the occurrence of human rights abuses following independence, however, significant numbers of abuses continue to be perpetuated, despite a new Constitution, a Bill of Rights, and a change of government. These human rights abuses have mainly taken place in the northern regions, in areas close to the Angolan border. In addition, it has usually been illegal Angolan immigrants and refugees who have been targeted. These human rights abuses include, amongst others, illegal deportation, assault, torture and at times extra-judicial killings. The main culprits have been "special constables", who are former combatants who have received minimal police training prior to being posted as Border Police. The government established inquiries into allegations of human rights abuse, and disciplinary actions were taken against some of the perpetrators. However, from the latter part of 1998, human rights abuses committed by state security forces increased dramatically in the Kavango and Caprivi regions, mainly as a result of insurrections by a secessionist group and spill-over from the Angolan civil war. These uprisings are described in more detail below.

Insurrection in the Caprivi Region

In October 1998, the Namibian Defence Force (NDF) with the support of the Special Field Force (SFF), a paramilitary force, uncovered a small military training camp of the Caprivi Liberation Movement (CLM) in the Mudumu National Park. The CLM had aspirations to secede the Caprivi Strip from the rest of Namibia. The security forces, in their attempts to capture secessionist rebels, were responsible for numerous human rights abuses particularly against members of the marginalised Kxoe (San) community. This resulted in some 2,500 Caprivi residents fleeing into Botswana for refuge (*Mail & Guardian*, 17/11/98). Amongst the refugees were leaders of the CLM, namely Mishake Muyongo and Mafwe Chief Boniface Mamili. By June 1999 only several hundred refugees were repatriated, while Muyongo and Mamili were granted asylum in Denmark. Many of the remaining refugees still reside in Botswana.

On 2 August 1999, CLM insurgents launched a number of assaults on government installations and businesses in and around the Caprivi town of Katima Mulilo. Street battles ensued between rebels and the security forces and by the afternoon the rebel forces had been repulsed by the security forces (*Namibian*, 2/8/99; 28/8/99). A State of Emergency was declared the following day, and the security forces were granted wide-ranging powers. Many of the fundamental freedoms of the Constitution were suspended, including freedom from detention without trial, search and seizure without a warrant, and confiscation of property. The state of emergency was eventually terminated at midnight on 25 August. During this time the Namibian security forces undertook intensive "mopping up" operations to flush out and capture CLM insurgents, with over 250 people being detained. By early September relative calm had returned to Katima Mulilo, but security forces remain deployed in the area.

In both incidents members of the NDF as well as the Namibian Police (NAMPOL) and the SFF have been implicated in human rights abuses, including intimidation, assault (people were allegedly beaten with sjamboks and rifle butts), torture and even murder of civilians.[4] Thirty-five of the detainees, who were released without being charged, filed complaints against the state for various human rights abuses, and have sought compensation. The Legal Assistance Centre reported that 120 civil suits had been filed. At the point of writing this article, 128 people were awaiting trial on charges including high treason, and all of them are still in detention. Three police officers repeatedly named in the torture allegations remain on active duty (Amnesty International, 2000a: 177). One of the most widely reported incidents was the shooting of a medical doctor by a member of the SFF. On 16 August 1999 a member of the Special Field Force shot and killed Dr Lucas Ilonga on the grounds of Katima Mulilo state hospital. Ilonga was apparently running to respond to an emergency medical case and was mistaken for a CLM insurgent by the SFF. In August 2001, the case went to the high court, which found the SFF officer not guilty of murder due to insufficient evidence.

Impact of the Angolan Civil War

In December 1999 the Namibian government gave the Angolan Armed Forces (FAA) permission to utilise Namibian facilities in and around the town of Rundu, particularly the airport, in their offensive against UNITA. The deployment of the FAA on Namibian soil contributed to an escalation of armed attacks against civilians by alleged UNITA rebels in the Kavango and Caprivi regions. This led to the deployment of the Namibian security forces in the affected areas to undertake border patrols, to guard key installations and provide escorts for convoys on the Trans-Caprivi Highway between Bagani and Kongola. (NDF press statement, quoted in *The Namibian*, 23/10/2000).

From April 2000 the NDF's role in the Angolan civil war became more offensive in nature as it embarked on hot pursuit operations into Angolan territory in order to target alleged UNITA rebels, and to recover stolen goods and cattle. It is also widely believed that the Namibian security forces established bases within Angolan territory. In May 2000, President Nujoma declared at a public rally in Ondangwa that: "[w]e are prepared to fight until we crush Savimbi".

September 2000 saw the withdrawal of the bulk of the FAA forces from Namibian soil following complaints by residents and local politicians in the affected areas that the FAA were exacerbating the level of instability [Namibian, 1/9/2000]. In fact, there were numerous reports of FAA soldiers assaulting Namibian citizens and Angolan refugees.

Despite the FAA withdrawal, the Kavango and Caprivi regions remained unstable throughout 2000 and 2001 due to attacks from alleged UNITA rebels. During this

[4] During an open meeting with opposition parties, the Prime Minister Hage Geingob, Attorney General Vekuii Rukoro and Minister of Defence, Erkki Nghimtina, admitted that the NDF had committed certain human rights abuses during the Caprivi operation [*Namibian*, 19/8/99].

period members of the Namibian security forces were responsible for a number of human rights abuses, including extra-judicial killings, physical beatings and mistreatment of detained suspects (US Department of State, 2001). For example, in August 2000 villagers killed an off-duty NDF soldier as he was trying to rob them, and they suspected him of being a UNITA bandit. Following the death, a group of NDF soldiers went to the village and tortured seven villagers in revenge for the death of their colleague (*Namibian,* 24/08/01). In the same month, 15 members of the Kxoe community went missing following their arrest by the security forces. Representatives of the Kxoe community launched an urgent application with the High Court to have the 15 people released, however, the NDF claim that the group escaped into Angola shortly after their arrest when they were left temporarily unguarded during the night (*Namibian*, 26/07/01; 18/09/01). In late 2001, the NDF recently paraded a small group of detainees who they claimed to be "UNITA bandits" before the press at Rundu. These detainees were later discovered to be Namibian farm workers who had allegedly been tortured into confessing to being UNITA members (*The Namibian*, 13/11/01). At the time of writing this article 80 suspected "UNITA bandits" had been detained in Dordabis (south-east of Windhoek) for 18 months without trial. An additional two detainees have died from illnesses whilst in custody (*The Namibian,* 11/12/01).

2.2. Explaining Human Rights Abuses in Namibia

Dealing with Past Human Rights Abuses

Since independence, the SWAPO government has pursued a policy of national reconciliation, which focuses on the future rather than on the past. Government made a conscious decision that human rights abuses committed by both the apartheid security forces and the liberation movement would not be investigated. Government argued that a peaceful transition required co-operation among former adversaries, and dredging up past human rights abuses would impact negatively on national unity and nation-building as it would only result in calls for retribution and revenge. According to Dobell (1997),

> In the [Namibian] government's considered opinion, resurrecting the past would serve no constructive purpose. A successful transition, it was argued, required co-operation among former enemies. Delving into past injustices would only incite a desire for vengeance and distract a still fragile nation from the paramount tasks of reconstruction and development.

In 1997, the government rejected a request by the South African Truth and Reconciliation Commission to hold hearings in Namibia, claiming that such hearings "will not contribute to our own efforts to bring about genuine reconciliation and to continue devising ways and means of healing wounds" (SWAPO, 1999). Hence none of the individuals who were allegedly responsible for committing human rights violations during the liberation struggle period have ever been required to account for their past actions, nor was any legal action taken against them. In fact a number of these individuals currently occupy senior positions in government. For example,

Solomon Dumeni Hawala is the commander of the NDF. Hawala allegedly played a central role in torturing and purging "South African spies" from SWAPO during the liberation struggle.

There has been significant criticism of government policy by civil society organisations, such as the call on government to address past human rights abuses by the Breaking the Wall of Silence Movement and the National Society for Human Rights (NSHR). In particular, there have been calls for the Namibian government to establish a South African-style Truth and Reconciliation Commission. However, given the current political landscape in Namibia, it appears unlikely that such a commission will be established.

Human Rights Institutions

In Namibia, there are only a handful of institutions whose primary role it is to ensure that citizens rights, as enshrined in Bill of Rights, are not violated by government. These institutions, such as Office of the Ombudsman and the Inter-Ministerial Technical Committee for Human Rights (IMTCHR), are largely understaffed, under-resourced, and do not possess the requisite powers to challenge government on its human rights practices.

The Office of the Ombudsman is a constitutional institution and although autonomous it falls administratively under the Ministry of Justice. It is therefore dependent on funding and staffing from the Ministry. The office is largely understaffed and under-resourced and as a result ineffective to properly investigate human rights complaints. It has a broad mandate to investigate corruption and human rights violations. However, the Ombudsman has no power to prosecute but can recommend prosecution to appropriate offices, which by the Namibian government's own admission "reduces his/her effectiveness in achieving the stated role…" (IMTCHR, 2000: 60). The office is in a position to institute legal proceedings where government fails to take appropriate action. It is only in the last two years that the office took a more pro-active role in human rights awareness and investigations. More recently, following a spate of allegedly serious human rights abuses that were committed by members of the SFF, the Ombudswoman Bience Gawanas made the following statement,

> I want to encourage anyone who has problems or experiences brutality at the hands of the Police to lay complaints with the Office of the Ombudsman. (*Namibian*, 4/12/2001)

The IMTCHR is based in the Ministry of Justice. Its main function is to compile periodic reports on human rights issues in Namibia, which is a requirement of a number of human rights treaties to which Namibia is a party, and coordinates training of police and other government officials (IMTCHR, 2000: 71–72). It is headed up by Mr Uutoni Nujoma, the President's son, and largely fulfils a public relations role. In its reports it attempts to discredit human rights non-governmental organisations (NGOs) that are critical of government. For example in its report of May 2000 the following comment is made with respect to the National Institute for Democracy,

> According to its vision, it is loyal to the Namibian Constitution. It must be stated here, however, that it has on its board of Directors leaders of the official opposition (The DTA) such as Hon. Mr. Hans Eric Staby and Mrs Junius, all influential (sic) people in the opposition party. (IMTCHR: 64)

In commenting on the NSHR the IMTCHR stated,

> This organisation basically criticizes everything the Government of Namibia is trying to achieve in the process of nation building. According to this organisation, there are human rights abuses in Namibia but fortunately these allegations have always been refuted by credible organisations, locally as well as internationally. (IMTCHR: 64)

There is a Complaints and Discipline unit within the Namibian Police, however, its biggest weakness is that is not independent of the Police, and thus does not have its own budget. Hence its autonomy to investigate allegations of human rights abuse against members of NAMPOL is impaired. In the case of the NDF no such human rights entity exists.

Much of the effective human rights monitoring and advocacy is in fact undertaken by civil society organisations such as the Legal Assistance Centre (LAC), the Namibia Institute for Democracy (NID), the Human Rights and Documentation Centre (HRDC) and the NSHR.

– The LAC is a public interest law organisation that seeks to protect and promote human rights through litigation and advice, education and training, as well as research and advocacy. The LAC has dealt with numerous complaints concerning human rights abuses committed by the security forces.
– The NID's mission is to promote and protect the values and principles of multi-party democracy through education and culture.
– The HRDC is the result of collaboration between the Faculty of Law at the University of Namibia and the Ministry of Justice. Its main objective is to promote the creation of human rights awareness in Namibia by conducting research, providing educational materials, and maintaining a clearinghouse on human rights issues. This Centre is involved in the irregular human rights training of police and prison officials and has been reluctant to comment on or publish instances of human rights abuses.
– The NSHR's main objective is to monitor and advocate strict compliance by the Namibian government to national and international human rights treaties. The NSHR holds observer status in the African Commission on Human and People's Rights and has consultative status in the Economic and Social Council (ECOSOC) of the United Nations.

The effectiveness of these civil society organisations is, however, often undermined by the antagonistic and dismissive attitude adopted by the government towards them.

Human Rights Training for the Security Forces

All categories of the Namibian security forces have been implicated in violations of human rights, however, the SFF has the worst record in this regard. The SFF is a paramilitary entity, which is located within the Department of Home Affairs, and thus is essentially part of the NAMPOL. The SFF was established in 1996 with the financial support of the German government. It is currently comprised of approximately 6,000 personnel, who are predominantly ex-PLAN combatants. The SFF's main functions are as follows: to protect the President, Ministers and Deputy Ministers and their residences; guard government buildings and national key points; provide assistance during states of emergency, possible subversive activities, as well as disasters; and to co-ordinate control at border posts (Republic of Namibia, 1999: 33). The NDF is responsible for most of the SFF members' training. This training is quasi-military in nature, and does not include a significant human rights component.

On 21 January 2000, *The Namibian* ran an editorial titled, 'Need to Re-train SFF Members'. This editorial made the following critical point:

> There have increasingly been negative reports about the activities of this group, whose often questionable and even downright unconstitutional actions will soon give Namibian security forces a bad name…In the situation in which they now find themselves, they need to have the skills to deal with civilians, from both sides of the border, in a humane manner. They must observe human rights at all times as well as protect people rather than putting the fear of God into them.

In addition, in a recent report, Amnesty International (2000b:15) recommended that the Namibian government should ensure that security force personnel are made fully aware of their obligations under national and international human rights law and under international humanitarian law.

Government training programmes in human rights for security force members do exist, but they appear to be part-time endeavours. For instance, in 1997 the Namibian Ministry of Justice in conjunction with the HRDC and the United Nations High Commission for Human Rights developed a National Programme on Human Rights, which is supposed to facilitate human rights training for NAMPOL. This National Programme, through a workshop process, has sought to develop a pool of human rights trainers in NAMPOL, and consequently contribute to the building of a human rights culture within the police (IMTCHR, 2000: 72–73).

Civil society groups have made concerted efforts to develop and provide human rights training regimes for the security forces. For example, the LAC published a comprehensive human rights manual for the Namibian Police in 2000, which is used in the police training college. The LAC is involved in human rights training for members of the police and the Namibian Defence Force. Training is however limited to senior officials and concern has been raised about the effectiveness of such training.

Impunity and Political Will

There appears to be reluctance on the part of government to take action against perpetrators of human rights abuses within the security forces in a fair, systematic

and transparent manner. For example, the Ministry of Defence refused to release the findings of an investigation into the torture of suspects by the security forces during the Caprivi operations, claiming that they would be dealt with internally (*Namibian*, 29/03/00). Some security force members who committed abuses were arrested and tried in military courts or by the civilian criminal justice system. However, in a number of other cases government did not take legal or administrative action against those security force members responsible for the abuses (US Department of State, 2001).

There have also been instances where security force members were found guilty by military court martial of human rights abuses, but they only received light sentences or even suspended sentences. For example, in September 2000, 18 NDF members were convicted by courts martial for physically assaulting seven civilians in Sivara (near Rundu) the previous month. The soldiers were sentenced to two years in prison; however, they remained in the NDF and their sentences were suspended on condition that they do not commit assault within the next two years (US Department of State, 2001).

In international forums the Namibian government tends to downplay or deny the occurrence of human rights abuses. For example, the IMTCHR's report to the African Commission on Human and People's Rights in May 2000 made no reference to human rights abuses committed by security forces. Consequently Commissioners asked the head of the official human rights body to comment on allegations of extra-judicial killings, unlawful detentions and torture by members of the security forces in the Caprivi and Kavango regions. His response was as follows:

> There are excesses in every situation, look at the Americans, if they know there are civilians there, they anyway send their ballistic missiles (*Namibian*, 14/05/01).

Hence, if the Namibian government perceives there to be no serious human rights abuses being committed by members of its security forces, or views them as being unimportant, then is the promotion and protection of human rights a serious priority for government?

3. SOUTH AFRICA

Like Namibia, South Africa also has a violent history, namely one of colonisation, conquest and exploitation. The mid-1600s saw the Dutch set up a small colonial outpost at the Cape, which was followed by the establishment of a modest British colonial presence. From the 1700s a series of frontier wars saw Dutch and British colonialists, in a bid to expand their spheres of control, subdue the indigenous populations of South Africa by means of powder and shot. This facilitated the dividing up of South Africa into British colonial territory, and two independent Boer Republics[5], namely the Transvaal and the Orange Free State. The discovery of gold and diamonds in the latter half of the nineteenth century intensified efforts to

[5] Boers were settlers of Dutch descent.

consolidate control over the interior, which exacerbated tensions between the Boers and the British. At the turn of the century two bitter civil wars were fought over control of the interior. The end of the Second Anglo-Boer War, which saw the defeat of the Boers at the hands of the British, was followed by the establishment of the Union of South Africa in 1910 (which became a British dominion), in which the Boer republics and British colonial territory became united under one government. Throughout the colonial period, African populations became increasingly marginalised dispossessed of their land and economic livelihood.

In 1948, with the National Party coming to power, white supremacist attitudes and the exploitation of the black population became organised into a more coherent form, which became known as apartheid. South Africa became a republic in 1961, which ushered in a period of increased state repression, widespread human rights abuses committed by the state security forces and intolerance of opposition to apartheid policies. The early 1960s also saw the African National Congress (ANC) and the Pan Africanist Congress (PAC) turning to the armed struggle, as their earlier peaceful campaigns for equal rights for black people had had no impact on government policy. The ANC and PAC were subsequently banned, with most of their top leadership being imprisoned. Government devoted considerable resources to the security forces to contain the threat now presented by these liberation movements. From the mid-1970s the South African state and society became increasingly militarised. The defence budget increased dramatically, and South Africa became involved in wars in Namibia, Angola and Mozambique. In the 1980s SADF troops was deployed domestically to quell uprisings in the townships. The 1970s and 1980s saw a dramatic increase in the number of human rights abuses committed by security forces. These included, amongst others, detention without trial, assault, torture and extra-judicial killings. Human rights abuses were also committed by the liberation movement against their own members who were suspected of being dissidents or spies.

With the end of the cold war, South Africa terminated its military involvement in Southern Africa and embarked a process of significant political reform. The ANC and PAC were unbanned, political prisoners were released, and all-inclusive democratic elections were held in 1994. The ANC won the majority of votes, and Nelson Mandela was elected President. By 1996, a new Constitution had been drafted, which included a progressive Bill of Rights. The Bill of Rights guarantees amongst other things, the right to life, human dignity, freedom and security of the person (including the right not to be detained without trial or tortured) (Republic of South Africa, 1996).

In the post-apartheid era significant attempts were made to transform both the police and armed forces into more accountable entities so that they would be geared towards public service rather than repression. These two entities were subsequently renamed the South African Police Service (SAPS) and the South African National Defence Force (SANDF) respectively. Limited transformation successes were achieved, including the disbanding of controversial units such as the Internal Stability Unit, but certain reactionary and racist elements still remained within the security forces.

3.1. Post-apartheid human rights violations

In spite of the demise of apartheid, the 1994 democratic elections and the drafting of a new Constitution, members of the state security forces continue to be responsible for a significant number of human rights abuses. These human rights abuses include torture, ill-treatment, unjustified use of lethal force against suspects while investigating crime, and murder (US Department of State, 2001). Asylum seekers and suspected illegal immigrants tend to be the most badly affected. Human rights abuses have been committed by almost all divisions within the SAPS, however, the worst perpetrators appear to be the specialised police squads such as Murder and Robbery, Firearms and Dog Units; and the Municipal Police. Members of the SANDF have also been implicated in human rights abuses when they have been deployed within South Africa to provide border protection, deal with unrest and provide support to the SAPS in the combating of crime (Amnesty International, 2001).

More specific examples of police misconduct and human rights abuse are as follows: In October 2000, it was reported to Parliament that more than 14,600 police officers were facing criminal charges, ranging from murder and rape through to bribery and reckless driving. Between April 1998 and December 1999, 1,084 deaths as a result of police action were recorded, the majority of which occurred during the course of arrest. In November 2000, the South African Broadcasting Corporation (SABC) screened a video showing police dogs being incited by the (white) handlers to attack allegedly illegal (black) immigrants in 1998. The alleged attack, which has subsequently been screened internationally, was widely seen as racist and xenophobic and it evoked national outrage and condemnation (ICD, 2000). In April 2000, police members in Barkly East (Eastern Cape) arrested six juveniles for suspected burglary. In the course of the arrest, two of the suspects were dragged behind a police vehicle. One of the suspects died as result of the injures he sustained (US Department of State, 2001). Members of the SANDF's commandos, which are a reserve force that is involved in internal policing in many farming areas, have been consistently implicated in human rights abuses against farm workers, such as assault, torture and destruction of property. The Wakkerstroom Commando appears to be one the most notorious Commando outfits (Human Rights Watch, 2001).

3.2. Explaining human rights abuses

Dealing with past abuses

Following the 1994 elections, the ANC-led government actively sought to constructively deal with past injustices and human rights abuses. The options of national amnesia (as in the case of Namibia) and retribution (as in the case of Germany following World War II), were rejected by the South Africa government, which instead opted for the road less travelled, namely a Truth and Reconciliation Commission.

The establishment of the TRC was based on the view that South Africa could not move beyond a past characterised by injustice, oppression, and exploitation to

a new and democratic dispensation distinguished by a culture of respect for human rights without confronting past human rights abuses. According to the TRC Report (1998, Volume 1, Chapter 1):

> In our case, dealing with the past means knowing what happened. Who ordered that this person should be killed? Why did this gross violation of human rights take place? We also need to know about the past so that we can renew our resolve and commitment that never again will such violations take place. We need to know about the past in order to establish a culture of respect for human rights. It is only by accounting for the past that we can become accountable for the future.

The objectives of the TRC were as follows: to investigate the nature, causes and extent of gross violations of human rights committed under apartheid and the fate or whereabouts of the victims of such violations; to grant amnesty to persons who make full disclosure of all the relevant facts relating to these human rights violations; to afford victims an opportunity to relate the violations they suffered; to take measures aimed at the granting of reparation to, and the rehabilitation and the restoration of the human and civil dignity of, victims of violations of human rights; and to provide a report about such violations and victims. (Republic of South Africa, 1995).

Between 1995 and 1997 staff from the TRC took in excess of 20,000 statements from victims of human rights abuses, undertook research and investigations to verify the content of these statements, and held hearings in all nine provinces of South Africa. Hearings did not only focus on victims, but special hearings were also convened on specific events of gross human rights violations (e.g. 1976 Soweto uprising), the role of institutions (e.g. the armed forces and business) and political parties. The TRC received a total of 7,112 amnesty applications, but over seventy per cent of the applicants were refused amnesty.

Human rights institutions

There are a myriad of institutions in South Africa that are dedicated to ensuring that the rights of individuals are protected and respected by government and its security forces. The most notable entities are the Human Rights Commission (HRC) and the Public Protector. The HRC is an independent national institution that was established to, amongst other objectives, develop an awareness of human rights among South Africans, as well as investigate complaints of violations of human rights, and to seek appropriate redress. The Public Protector (or Ombudsman) is an entity independent of government that has the power to investigate complaints from aggrieved persons against government agencies or officials (particularly human rights violations), recommend corrective action and issue reports. There are two human rights watchdogs that relate specifically to the security forces, namely the Independent Complaints Directorate (ICD) and the Military Ombudsman.

The ICD, which was established in 1997, is an organisation that is independent of SAPS. It is responsible for investigating complaints in respect of offences and misconduct allegedly committed by members of the police service. Its particular focus is deaths in police custody or as a result of police misconduct, and the involve-

ment of police members in criminal activities. As of February 2001, the ICD was comprised of a total of 152 staff posts, of which 126 of those were filled. The effectiveness of the ICD is undermined by its funding and personnel shortages. For example, each investigator has at any given time an average of between 40 to 200 cases to deal with, which has contributed to the low percentage of disciplinary action being taken against SAPS members compared to complaints received by the ICD. In 1999, for instance, only 317 out of 9,784 complaints resulted in disciplinary action (some 3,2%) (ICD, 2000).

The Military Ombudsman is a small entity that has been recently established within the Office of the Public Protector. According to the White Paper on Defence (1996) the main duties of the Military Ombudsman are to monitor adherence to democratic civil-military relations, undertake investigations at the request of Parliament, and investigate complaints against the SANDF by military personnel and members of the public. The Military Ombudsman is supposed to be an independent official who is appointed by, and reports to, Parliament. Currently, the Military Ombudsman is seriously under-resourced, both in financial and personnel terms – essentially it is comprised of one staff member – and is unable to effectively deal the caseload of complaints.

There are also a wide variety of civil society organisations in South Africa that act as human rights watchdogs, such as Lawyers for Human Rights, Human Rights Committee, Legal Resources Centre, IDASA and the Black Sash (to name but a few).[6]

Human rights training for the security forces

At a political level, human rights training for the SAPS is considered to be a high priority, and consequently a Human Rights and Policing training programme was introduced by the SAPS Legal Services (with the support of human rights NGOs and international donors) in 1997, with the full support of the Minister of Safety and Security. At the launch of the programme, the Minister made the following statement:

> Being a law enforcement agency, the SAPS, by the very nature of its work, is confronted by questions of human rights on a daily basis. It is crucial, therefore, that members of the SAPS understand and believe in the rights of individuals and see this as integral to their police work.

The aim of this training programme is to have every functional SAPS member, about 90 000 personnel, participate in a three-day workshop on how to police in line with international human rights principles and the South African Constitution. However, significant delays and bureaucratic inertia have hindered the effective implementation of this programme (Artz and De Oliveira, 2000). However, more advanced training in human rights is an optional course for career police officers and has to compete

[6] A 'Directory of Human Rights Organisations in South Africa' published by the Human Sciences Research Council (1999) lists some 127 human rights organisations in South Africa.

for enrolments along with a wide variety of other courses, including spray-painting and horse-riding for example (Kinnes, 2001)[7].

The International Committee of the Red Cross (ICRC) has been responsible for introducing training in the law of armed conflict (Geneva Conventions) into the SANDF's Junior and Senior Staff Courses. In addition, the 1996 White Paper on Defence calls for the establishment of a civic education programme. The objective of this programme is:

> To instil respect amongst military personnel and other members of the DOD for the core values of a democratic South Africa through appropriate education and training. These values derive principally from the Constitution. They include respect for human rights, the rights and duties of soldiers, the rule of law, international law, non-partisanship, non-discrimination, and civil supremacy over the armed forces.

It is anticipated that this civic education programme will be integrated into all aspects of education and training in the SANDF, and will be applied to the military context through lectures, simulated exercises and case studies. However, after five years of procrastinating, the Department of Defence still is not in a position to implement this programme. Soldiers deployed in internal policing roles are provided with minimal human rights training.

Impunity and political will

Active attempts have been made by government and the senior echelons of SAPS to root out corrupt and abusive elements within the SAPS. For example, in February 2000, the National Police Commissioner, Mr Jackie Selebi announced that a three year strategic plan was to be launched that would seek to purge SAPS of corrupt and abusive elements (Business Day, 25/02/00). In addition, government has not sought to impede the application of the law when it has come to members of SAPS being implicated in criminal offences. In fact, in high-profile cases, such as the Dog Unit incident, government has sought to ensure that a proper investigation is undertaken and that a fair trial is convened. Since 1995, convictions of police offices for criminal offences have averaged between 1,200 and 1,300. These criminal offences varied from reckless driving to murder. A sample of the serious criminal offences that SAPS members were convicted of in 1998 and 1999 are provided below.

Offence	*1998*	*1999*
Assault	135	225
Assault (GBH)	79	129
Attempted murder	40	42
Culpable homicide	18	20
Murder	23	16
Rape	6	8

(Source: SAIRR, 2001: 119)

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However, there have been a number of instances where security force members have been responsible for human rights abuses and have only received suspended sentences. For instance, two SAPS officers who severely assaulted suspected criminals in front of a British Broadcasting Corporation camera crew only received suspended sentences (US Department of State, 2001). In certain circumstances, no legal, administrative or disciplinary action has been taken against abusive individuals. For example, SAPS members who have assaulted illegal immigrants and/or refugees regularly go unpunished. In addition, a significant number of SANDF Commando Force members have allegedly been responsible for assaulting farm workers in rural areas, but these individuals have not had to account for their actions (Human Rights Watch, 2001).

4. COMPARATIVE ANALYSIS

The section above has applied a four variable analytical framework to the cases of Namibia and South Africa. The aim of this section is to explain, by means of comparative analysis, why human rights abuses are committed by members of the security forces.

Namibia and South Africa chose different paths in terms of dealing with human rights abuses committed under former authoritarian regimes, but they both had the same goal in mind, namely reconciliation. Within the context of this paper it is not possible to determine whether these contrasting processes had a negative or positive impact on the manner in which the security forces currently conduct themselves – clearly additional research in this area is required. However, the above analysis does reveal that there is a potential relationship between how a state dealt with past human rights abuses, and the priority it gives to the protection of human rights. For example, the Namibian government chose not to bring perpetrators of human rights abuses from the period of South African occupation to justice; and as the Namibian government's actions reveal, it does not regard the protection and promotion of human rights to be a high priority. In the case of South Africa, which attempted to deal with past human rights violations in a fairly systematic manner via the TRC, the protection and promotion of human rights is a priority both in national legislation and policy; as well as in foreign policy.

Compared to Namibia, South Africa has a greater number of human rights monitoring organisations (both state and non-state), but South Africa's population is over twenty times larger than that of Namibia's; and South Africa's security forces (in terms of personnel numbers) is over five times the size of the Namibian security forces. However, the issue is not the quantity of human rights monitoring bodies, but rather the quality. In both countries the monitoring bodies, particularly the Office of the Ombudsperson, is understaffed and under-resourced. However, the major difference between the two countries is that South Africa has an entirely independent body that actively deals with human rights abuses that are committed by members of the police. Neither country, however, has adequate mechanisms and structures to deal with human rights abuses committed by members of the armed forces.

In both Namibia and South Africa human rights training for the security forces does take place. However, despite endorsement of these training programmes from high political office, the effective implementation appears to have been obstructed by bureaucratic inertia and resistance from more conservative elements within the security forces. The result is that human rights training has not been mainstreamed.

In both countries the armed forces are regularly deployed in an internal policing role. This may be perceived by government to be necessary, but it is not necessarily desirable. Armed forces are not trained, oriented or equipped for deployment against civilians. They are geared to employ maximum force against an external military aggressor. Ongoing deployment in a law and order function invariably leads to the defence force becoming increasingly involved in non-military activities, which may also undermine the image and legitimacy of the defence force amongst sections of the population. In addition, efforts to apply military solutions to political problems tend to be limited and often lead to acts of repression and human rights abuse (Nathan, Steenkamp and Lamb, 2000:2).

Namibia and South Africa both have mixed results with respect to holding their security force members to account for human rights abuses, and taking the appropriate action where necessary. The problem is exacerbated by the fact that it has been marginalised people: the Kxoe San and other minority ethnic groups in Namibia; and illegal immigrants and farm workers in South Africa that have suffered the most at the hands of the security forces. These abuses have mainly taken place in rural areas, which tend to be beyond the prying eyes of human rights watchdogs and the media. Hence concerns have been raised by civil society groups and reputable human rights organisations that a culture of impunity may emerge in these countries if perpetrators of human rights abuses are not brought to justice in a fair and transparent manner. This problem, however, appears to be more acute in Namibia than in South Africa.

In conclusion, an analysis of past human rights abuses, human rights institutions, human rights training within the security forces, and government's political will to deal with human rights perpetrators in Namibia and South Africa provides significant insight into why members of the security forces commit human rights abuses. However, the analytical framework that is employed in this paper is not sufficient to provide a comprehensive explanation. The reason for this is that it does not target the motivations of individual perpetrators, nor does it assess the organisational culture that informs the actions of security force members. For example, in both Namibia and South Africa, it appears as though there is significant residue of the repressive institutional culture that was cultivated during the apartheid era. However, it is clear from the above analysis that the existence of impunity from prosecution and ineffective human rights monitoring and education contribute to the environment within which human rights abuses are committed by security force members.

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