

4.4 AFFIRMATIVE ACTION IN CANADA

4.4.1 Introduction

In 1992 and again in 1995 Queen's University in Ontario, Canada, was found to be in compliance with the Federal Contractor's Program (FCP), a programme which identifies Aboriginal people, persons with disabilities, members of visible minorities and women as historically disadvantaged in employment in Canada. These four categories of people are described in the literature as the designated group members. The university was also twice awarded a certificate of merit in 1994 and 1998 respectively, in recognition of the university's special and continuing Employment Equity (EE) efforts.

In view of the above and given the difficulty of obtaining information on Affirmative Action and Equity efforts in Higher Education institutions in Canada, the programmes and efforts at Queen's University will be reviewed as being representative of what is expected of institutions of Higher Education in Canada. Factors that influenced the researcher to review the procedures at Queen's University in particular as a reasonable representative example, is the university's firm commitment to the removal of discriminatory barriers and its resolve to produce a diversity in the university's population and so reflect the diversity of the Canadian population. This is clearly enunciated in its mission statement that :

“Queen's University is committed to fostering an institutional culture which recognizes and respects the equal dignity and worth of all who seek to participate in the life, work and mission of the University, by developing policies, programs, practices and traditions which facilitate their free, safe and full participation and by eliminating direct, indirect and systemic discrimination, particularly against members of disadvantaged groups.”

(www.hr.queensu.ca/staff-rel/equity2/Intro.htm)

Further, the Senate and its special purpose committee continuously examine the policies, procedures and practices of the university. They compare this with other leading Canadian Universities to ensure that they conform to accepted social and legal standards of the Canadian society and make amendments accordingly.

Queen's University is an institution that has been long in existence. It is an academic community of great diversity which is administered in a decentralized fashion. Over the 150 years of its existence, Queen's University has established itself in Higher Education. Consisting of fourteen faculties and schools, the University offers a full range of undergraduate and graduate programmes. The faculty and staff complement of the University consists of over 3 600 employees and constitute the academic staff, general staff, research and contract staff and unionized employees. The university is also characterized by decentralized units and policies and procedures are developed through a consultative decision-making process.

When Queen's University designed its plan for Employment Equity in June 1992, it completed the first phase of a plan to achieve Equity in employment at the university. The following review assesses the current situation and the more recent updates of the university's Employment Equity plan. It was felt by the researcher that such a review will provide a background against which the current situation at institutions of Higher Education in South Africa can be evaluated. Further, aspects of this Employment Equity plan may also serve as lessons for South African institutions of Higher Education.

4.4.2 The Federal Contractors Program (FCP)

In Canada, any organization, including institutions of Higher Education which had more than 100 employees and which had contracts with Federal government

of \$200 000 and more is subject to the Federal Contractors Program (FCP) requirements. The FCP, a programme which identified Aboriginal people, members of visible minorities, persons with disabilities and women, as groups historically disadvantaged (referred to as designated groups in the Employment Equity Act of 1986) in Canada, was established in 1986. The programme intended to ensure that organizations doing business with the Federal Government achieved a representative workforce and commitment to Employment Equity by adhering to specific criteria on which the Achieving Equity Report is based. If Employment Equity measures were not designed and implemented, the contractor would forfeit the opportunity to compete for further government contracts (www.caut.ca/english/bulletin/98_jan/merit.htm).

Institutions of Higher Education were required to submit an Achieving Equity Report. The structure of these reports was based on the requirements listed under the respective headings. Such reports were evaluated to determine whether the requirements of the FCP as set out under the respective headings were adequately met. The listing of the requirements and the reviewing of how the university went about satisfying such requirements could serve as pointers for the South African scenario. In the discussion that follows, the researcher describes how universities went about satisfying the aforementioned requirements. This indeed could possibly serve as food for thought for South African Higher Education administrators and faculty as well as the institutions.

(www.queensu.ca/hr/equity/achievin.htm)

4.4.2.1 Management Commitment to Employment Equity (EE)

The following requirements of the FCP refer :

- **“Communication by the organization’s Chief Executive Officer to employees, unions and/or employee associations of the**

commitment to achieve equality in employment through the design and implementation of an Employment Equity plan.

- **Assignment of senior personnel with responsibility for Employment Equity.”**

(www.queensu.ca/hr/equity/achievin.htm)

The university's firm commitment to achieving EE is evident in the comprehensive communication strategy which is carried out both on and off campus and through the allocation of the responsibility for EE to the university's Vice-Principal (Resources). Among such strategies are those that call for the Principal, who is the head of the institution, to make known his personal commitment to EE in writing, as did the Principal of Queen's University in 1990 who issued the following statement :

“Queen's University affirms its commitment to employment equity. In this connection, employment equity is conceived in a comprehensive sense, including but not being limited to those matters referred to in the Ontario Human Rights Code, the Pay Equity Act of Ontario, and the Federal Contractors Program. This concept has particular application to the four designated groups under the Federal Contractors Program being women, Aboriginal peoples, persons with disabilities, and persons who are, because of their race or color, in a visible minority.”

(www.queensu.ca/hr/equity/achievin.htm)

As part of its communication and commitment strategy, the University is also required to affirm its commitment to EE by publishing statements to this effect in relevant Gazettes, etc. and/or publicising its mission

statement related to EE. For example, in 1992, in a discussion paper entitled 'Meeting the Challenges' and in 1994, in the Queen's Gazette, the university re-affirmed its commitment to EE by publishing the following statement which was also included in the university Staff Policy Manual :

“Queen’s is committed to removing discriminatory barriers not related to the quality of its educational and research goals. This commitment should produce over time a diversity of the Queen’s population that reflects broadly the diversity of the Canadian population.”

(www.queensu.ca/hr/equity/achievin.htm)

The university has an ongoing EE communication process. Through departmental mailings and memoranda, information regarding material available to assist departments in Equity-related functions are distributed. On a monthly basis, the Human Resources Department's co-ordinator of Employment Equity publishes a Gazette article on EE. The local media as well provides coverage regarding the university's Equity issues from time to time. Other university presentations communicate the EE message as well. Orientation for new staff members and orientation programmes for new department heads address Equity and human rights issues. The university Human Rights Office arranges speakers and provides workshops related to these topics. University training programmes incorporate the principles of Equity within each programme. The university mainframe makes a copy of the Employment Equity Plan available to all university staff, as well as to the public, through the electronic system.

4.4.2.2 Responsibility for Employment Equity

The following requirement of the FCP refers :

“Assignment of senior personnel with responsibility for Employment Equity.”

(www.queensu.ca/hr/equity/achievin.htm)

The EE function is incorporated into the university Human Resources Department which falls within the portfolio of the Vice-Principal (Resources). The Director of Human Resources heads the EE function and reports directly to the Vice-Principal (Resources). Two other segments of the EE function also report directly to the Vice-Principal (Resources). They are the Faculty Advisor and the University Council. The former provides a link with faculty issues for both the Council and the EE Unit.

The responsibilities of the Employment Equity Council, which include a diverse membership representative of all segments of staff including general staff, faculty and unionized employees, are :

- To review the university’s employment policies and practices, with particular attention being given to those procedures that may work against women, visible minorities, persons with special needs, Aboriginal people and other disadvantaged groups.
- To consult and communicate widely with the university community concerning Employment Equity questions and concerns.
- To review and monitor internal and external workforce data.
- To recommend changes in employment policies and practices and monitor progress towards the achievement of Employment Equity.

- To report to the Vice-Principal (Resources) as necessary and prepare an annual progress report, for general distribution, on all matters relating to Employment Equity goals and objectives.

4.4.2.3 Analysis of Employment Status Data and Salary

The following requirements of the FCP refer :

- **“Collection and maintenance of information on the employment status of designated group employees, by occupation and salary level and in terms of hiring, promotion and termination in relation to all other employees.**
- **Analysis of designated group representation in the supply of qualified workers from which the contractor may reasonably be expected to recruit employees.”**

(www.queensu.ca/hr/equity/achievin.htm)

The collection, maintenance and analysis of information on the employment status of designated group employees (as required by the FCP) is viewed as an important element of an effective Employment Equity plan by the university. The numerical representation of designated group employees within the university’s workforce and information about their employment status are measures of determining the university’s progress in achieving Employment Equity. The data are obtained from responses to the university Employment Equity Workforce Census conducted from time to time.

Data related to designated and non-designated group members are maintained in the Human Resources database and are available on an ongoing basis for analysis of the Employment Equity status of designated

group members relative to other employees. Information, such as data on hiring, promotions and terminations, is constantly analysed for changes.

The university also collects and maintains salary information as it relates to the designated groups. Such data reveal to the institution the salary range or salary quartile of members of the respective designated groups and whether they are poorly or well represented in the respective salary ranges and/or salary quartiles.

A workforce participation data analysis is also recommended and conducted by the university. The emerging university workforce profile as it relates to women, visible minorities, Aboriginal people and persons with disability allows for comparison with non-designated group members. It reveals also whether any changes have taken place and in which direction. Further, it provides an analysis of designated group representation within the university in relation to their representation in the overall workforce in Canada. In addition, it provides information on the representation of faculty by designated groups and their rank at the university.

4.4.2.4 Employment Systems Review

The following requirement of the FCP refers :

- **“Elimination or modification of those Human Resources policies, practices and systems, whether formal or informal, shown to have or likely to have an unfavorable effect on the employment status of designated group employees.”**

(www.queensu.ca/hr/equity/achievin.htm)

Given this requirement, the university, in its Equity Plan, maintains that one of the key components in the development of an Employment Equity plan is an employer systems review. This helps the institution to assess its current policies and to determine what needs to be modified, added or eliminated in order to create a workplace which is equitable for all. As part of its employer systems review, the university continuously compares its policies, procedures and practices with that of other leading Canadian universities with a view to ensuring that they conform to the accepted social and legal standards required by the Canadian society. Policies related to recruitment, selection, training and development, upward mobility, job evaluation, compensation, benefits, conditions of employment, lay offs, recall; disciplinary action and termination are reviewed on an ongoing basis. (www.queensu.ca/hr/equity/achievin.htm)

Such reviews in the past led the university to insist in their Equity Report that criteria used must be job-related, and/or required for efficient operation of the university. The authorities believe that when other criteria are applied, formally or informally, overtly or implicitly, they constitute barriers. They claim that intent is not a factor. If practices deprive or tend to deprive, whether they were so intended or not is irrelevant. Such practices are regarded as illegal.

The university committed itself to a three stage employment system review process as follows :

- The Stage 1 review includes the collection and documentation of all current major policy documents and an internal review of the employment systems affecting staff and faculty. This review is usually conducted by members of the Employment Equity Project Team.
- The Stage 2 review focuses on how policies are actually being

applied, the identification of current inappropriate policies and the identification of policies which the university should have but currently does not.

- The Stage 3 review (if necessary) introduces an independent reviewer. This review focuses on and clarifies any discrepancies that might have arisen from the Stage 1 or 2 reviews as they pertain to individual users of the policies and practices.

In undertaking such employment system reviews, the university uses the following criteria as guidelines :

- Legality : the policy or practice must conform to applicable labour and human rights laws.
- Consistency : the policy and practice must be applied consistently by and to all employees, especially those responsible for supervising, hiring, promoting, etc.
- Adverse impact : the effect, not the intent, must pass this test.
- Validity : the policy or practice must accomplish what it is aimed at, or intended to achieve.
- Job-relatedness : the policy or practice must be necessary for the safe and successful operation of the University.

With regard to Faculty Recruitment and Selection the following equity policies are recommended (www.queensu.ca/hr/equity/achievin.htm) :

- A standing committee, the Senate Committee on Appointment, Promotion, Tenure and Leave (SCAPTL) continuously reviews the regulations and other relevant documents to ensure that decisions affecting individual faculty members are made in a consistent manner according to established principles and standards, applied through fair and reasonable procedures.
- The Faculty Advisor works with faculty Deans and Department

Heads to review policies and practices to ensure that Employment Equity is fully understood and that nothing which might hinder its progress is inadvertently ignored.

- The Employment and Immigration Canada Employment Systems Review guide is used to determine whether existing employment systems promote or hinder Equity.
- All faculties and departments must follow the practice of advertising vacancies in at least one national publication available at Canadian universities and in the local university newspaper. The advertisement must contain a statement that the university **“is committed to the principle of equity in employment and encourage applications from women, visible minorities, persons with disabilities and Aboriginal people”**.

(www.queensu.ca/hr/equity/achievin.htm)

Attempts are also made to recruit from the designated groups, especially visible minorities, persons with disabilities and Aboriginal people, by specifically directed advertisements in non-traditional areas, or by writing to scholars in such groups when openings occur. This suggestion is considered if other methods of recruitment fail to bring desired results.

Standing Committees are specially appointed to consider staffing needs, review job requirements of vacant positions and proceed with assessment and recommend selection of candidates. The committee procedure is standardized, open and fair, e.g., the membership is publicly announced, records are kept, dated and verified and are available for reference. Whilst discussions are confidential they are recorded so that at anytime checks can be done to ensure that the process was fair, valid and equitable. To ensure that procedures are fair and equitable in helping participants understand and be committed to the principles

involved, education/orientation programmes for the staff are conducted on a regular basis. This includes departmental heads and all faculty who may be involved with administration, selection and promotion.

Arising out of the Equity efforts at the university success has been achieved in changing the gender balance of faculty. Women now represent approximately 35 per cent of all new professors, which is consistent with the proportion of women doctoral graduates in Canada. Every effort is presently being made to achieve a similar result in representation amongst faculty for the other three designated groups.

With regard to compensation the Director of Resource Planning tracks all data deemed useful in reviewing and monitoring the system for adverse impact on Employment Equity. From these data special committees and panels are appointed to examine compensation for all faculty to ascertain whether there was, or is, evidence of systemic bias against members of designated groups.

www.queensu.ca/hr/equity/achievin.htm

4.4.2.5 Equity Goals

The following requirement of the FCP refers.

- **“Establishment of goals for the hiring, training and promotion of designated group employees. Such goals will consider projections for hiring, promotions, terminations, lay offs, retirement and, where possible, the projected availability of qualified designated group members.”**

www.queensu.ca/hr/equity/achievin.htm

In the 1992 FCP Review, the university identified the following eight major Equity goals as the focus of the Employment Equity initiatives. Arising out of these reviews ideas could be developed for goal setting at South African institutions of Higher Education.

(www.queensu.ca/hr/equity/achievin.htm)

- Increase the participation of Aboriginal people in a wide variety of faculty and staff positions in the university workforce.
- Increase the number of members of the various designated groups in those categories where data analysis shows them to be underrepresented in comparison with appropriate external workforce data.
- Continue to develop, test and implement goal setting, monitoring and evaluation procedures with respect to increasing the number of members of the designated groups in those sectors where comparison with external data indicates a tendency of low participation or uneven concentrations.
- Develop a comprehensive personnel information system which will facilitate the training and promotion of designated group members in the workforce and support efforts to fulfill specific numerical goals by collecting information on applicants.
- Develop a system of recruitment, selection, hiring and orientation which supports efforts to increase the participation of members of designated groups in the workforce.
- Follow up the Stage 1 review of employment systems and practices with specific reviews and, where appropriate, task forces.
- Improve the university's workplace so that people with disabilities are able to function more comfortably, effectively and independently.
- Ensure that a variety of people, in particular members of

designated groups, participate in ongoing development of Employment Equity related policies and procedures.

It is clear from the above that the goals :

- ◆ involve numerical targets for each of the designated groups;
- ◆ provide mechanisms for setting additional targets as well as stimulating activity in areas where numerical targets are inappropriate; and,
- ◆ relate to developing an infrastructure supporting the achievement of the targets.

The Queen's University report reveals that, arising out of specific Equity goals set, since 1990 major achievements have been realized in relation to the qualitative goals where inroads were made in developing systems and practices that support efforts to fulfill further Employment Equity goals. Progress was also made with regard to numerical goals regarding projected hiring rates.

4.4.2.6 The Employment Equity Work Plan

The following requirement of the FCP refers :

- **“Establishment of a work plan for reaching each of the goals stated above.”**

www.queensu.ca/hr/equity/achievin.htm

The work plan is a flexible document. As priorities shift and situations change, the work plan/action plan changes. As goals are met they may

also be changed or replaced.

With regard to the above requirement the university found that in order to achieve their Employment Equity goals, it was important that responsibilities were assigned and timetables for completion established and indicated on the work plan. For each goal the action to be taken, the person/s responsible for this action and the timetable were set down in the equity work plan. The following is part of one example extracted from the university's report so as to indicate what it involved and how it is recorded :

Goal 1 : Finalize all packages of information or hiring kits to assist faculty selection committees and individuals responsible for hiring procedures to ensure their advertising and other recruitment practices support the effort to increase the diversity of the qualified applicant pool.

Action	:	Human Resources
Responsibility	:	Principal
Timetable	:	1995

4.4.2.7 Special Measures to ensure that goals are achieved

The following requirement of the FCP refers :

- **“Adoption of special measures where necessary to ensure that goals are achieved, including the provision of reasonable accommodation as required.”**

(www.queensu.ca/hr/equity/achievin.htm)

The following are some of the special measures and accommodation initiatives taken by the university to increase participation of designated groups in the workforce :

- The Queen's National Scholar Programme aimed at increasing the proportion of women among faculty. More recently it included the other three designated groups.
- A policy requiring written documentation giving reasons why women candidates were not recommended for respective academic positions.
- The Development of a Faculty Hiring Kit which, in addition to outlining good hiring practices, addresses issues specific to Equity, e.g., gender and culture during the interviewing process.
- An Outreach Advertising programme for the notification of special interest groups among the designated groups.
- The establishment of an Office of the Dean of Women which is a support medium for women and an avenue where women can meet to discuss issues of concern. Amongst its several activities it served as a catalyst for establishing an ongoing network for faculty women at the university.
- Queen's Women in Network group which comprised university women meet regularly to provide a forum for women to discuss issues of concern, organize conferences, etc.
- Establishment of a Central University Human Rights Office to provide the link between race relations and Employment Equity issues.

4.4.2.8 Monitoring Employment Equity Initiatives and Compliance

The following requirements of the FCP refer :

- **“Adoption of procedures to monitor the progress and results achieved in implementing Employment Equity; and**
- **Authorization to allow representatives of the Canada Employment and Immigration Commission access to the institutions’ premises and to the records, in order to conduct on-site compliance reviews for the purpose of measuring the progress achieved in implementing Employment Equity.”**

(www.queensu.ca/hr/equity/achievin.htm)

The Human Resources Equity, Employment and Development unit monitors the whole action plan. In anticipation of the next FCP compliance review the unit provides the Vice-Principal (Resources) with a semi-annual progress report which includes adjustments in time lines and actions as needed. This information is also provided to the Council on Employment Equity.

The Director of Human Resources is responsible for ensuring that the overall plan for the review of employment systems for staff is followed as the various systems are revised and policies reviewed. The Faculty Advisor on Employment Equity and the Faculty Assistant are responsible for overseeing the review of systems applying to faculty and the development of the information package surrounding faculty recruitment and retention. Ultimately, it is the responsibility of the Vice-Principal (Resources) to ensure that the progress of the Employment Equity initiatives within the university are monitored and reported to the Principal and Vice-Principals and to the Council on Employment Equity.

The representatives of the Canadian Employment and Immigration Commission are allowed to inspect records, etc. The purpose of this is to determine the degree of compliance related to the requirements of the

Federal Contractors Program (FCP) of 1986.

4.4.3 Summation

In Canada institutions of Higher Education with more than 100 employees and which have contracts with the Federal government for \$200 000 or more are subject to the Federal Contractors Program (FCP) requirements. The FCP identifies Aboriginal people, members of visible minorities, persons with disabilities and women as being historically disadvantaged. The objective of the programme is to ensure that the organizations doing business with the Federal government strive to achieve a representative workforce and a commitment to Employment Equity.

Organizations are required to submit an Achieving Equity Report in which the university sets out its strategies and progress towards Equity according to the following set criteria :

- management commitment to Employment Equity;
- responsibility for Employment Equity within the institution;
- analysis of data on employment status and salary;
- employment systems review;
- equity goals of the institution;
- the Employment Equity plan;
- special measures adopted to ensure goals are achieved; and,
- monitoring Employment Equity initiatives.

As a final check of compliance the government authorizes that representatives of the Canada Employment and Immigration Commission be granted access to the institution and to the relevant records in order to conduct on-site compliance reviews for the purpose of measuring the progress achieved in implementing Employment Equity.

Arising out of the aforementioned Equity efforts, success has been achieved in changing the gender balance of faculty at the university. Further efforts are, however, being made to achieve similar results in representation amongst faculty for the other three designated groups.

4.4.4 Implications of Affirmative Action in Canada for South Africa

Very similar to the USA and Australia, Canada also has a compliance agency, the Federal Contractors Program (FCP), to ensure that Affirmative Action legislation is complied with. More importantly and of greater implication for South Africa is the Achieving Equity Report in which the university sets out its strategies and progress towards Equity. There is, however, some overlap in this requirement with the USA and Australia implying that there is some consensus in the strategies among the developed countries where it proved relatively successful. The following Canadian requirements can serve as pointers for South Africa :

- a management commitment towards Employment Equity;
- responsibility for Employment Equity;
- employment systems review;
- equity goals of institution;
- the Employment Equity plan;
- special measures adopted to ensure goals are achieved; and,
- monitoring Employment Equity initiatives.

Also of significance is the practice of awarding certificates of merit by the FCP in recognition of the institution's special and continuing Employment Equity efforts. This should provide some incentive for institutions in South Africa to comply and to excel which, in the final analysis, would contribute towards speeding up Equity in the country.

Among the strategies used by Canada is one which is fairly unique that calls for

the Principal who is the head of the institution to make known his personal commitment to Employment Equity by issuing a written statement in that regard. This could filter down through the entire institution and perhaps develop a sense of commitment within the institution as a whole.

Also important is that Canadian institutions have a mechanism for internal monitoring before being subjected to the scrutiny of the state agency (FCP). This is called the Employment Equity Council which includes a diverse membership representative of all segments of staff. Its internal duties included a review of employment policies and practices, dealing with Equity questions and concerns of the university community, reviewing and monitoring internal and external workforce data, recommending changes in employment policies and practices, preparing an annual report and reporting to the Vice-Principal (Resources). The lesson for South Africa here is that it is essential for some internal body to be established to monitor progress. The constitution of the Council is also important in that it is fully representative of all stakeholders.

Also laudable are the special measures and accommodation initiatives taken by the university itself to increase participation of designated groups in the workforce. These include among others, The Queen's National Scholar Programme, the Faculty Hiring Kit, the establishment of the Office of the Dean of Women as well as Queen's Women in Network Group.

Like the USA and Australia, Canada establishes goals for hiring, training and promotion of designated groups. In addition, for each specific goal, the specific action to be taken, the specific person/s responsible for the action and the timetable are set down in writing in the Equity plan. The Canadian experience reveals that this leads to more efficient and rapid achievement of goals.

The next review will be on Affirmative Action/Employment Equity in Zimbabwe which is located in close geographical proximity to South Africa and has a similar colonial and political history. One of the major reasons for selecting

Zimbabwe is the enormous success it achieved with Employment Equity at the university through Affirmative Action.

4.5 AFFIRMATIVE ACTION IN ZIMBABWE

Zimbabwe and Namibia were selected for review because of their geographical proximity to South Africa and the many similarities among the three countries' colonial and political history. The literature on Affirmative Action and Employment Equity in Higher Education in Zimbabwe, however, is rather sparse. This is due to the paucity of publications concerning Higher Education. Much of the literature reflects mainly economic and constitutional concerns rather than academic and Higher Education employment concerns which is the focus of this study. A further reason for this paucity is because Zimbabwe has very few Higher Education institutions: one university, one polytechnic, four teacher training colleges and four technical colleges. These institutions service the entire country. Hence, wherever appropriate and possible, Affirmative Action/ Employment Equity in the private sector as well will be reviewed with a view to highlighting the relevant principles and/or lessons for Higher Education in South Africa.

In Zimbabwe racial discrimination was entrenched over many decades via a range of statutory provisions such as the Masters' and Servants' Act (1901), the Land Appropriation Act (1930), Industrial Conciliation Act (1934) and the Land Tenure Act (1969). Although job discrimination was never legislated, by implication and considering the *status quo* then, it was prevalent in the Public Service including institutions of Higher Education and in the private sectors. This led to enormous disparities between Black and White Zimbabweans over the years with regard to income, employment, education and ownership. By and large Blacks were excluded from secondary, tertiary and vocational education and training, making it an even more arduous task for them to advance at the same rate as their previously advantaged White counterparts in the respective occupations - both private and public. Black academics were so disadvantaged that by 1975, even after 20 years of formal non-discrimination mandated by a non-racial charter, tenured Blacks at the university

comprised a mere 8% of all tenured staff (Nell and van Staden, 1988 : 19-20).

Arising out of such racial discrimination White males predominated in managerial and other skilled jobs in the Public and private sectors (Nell and van Staden, 1988 : 22). Bennel and Strachan (1992 : 26) corroborate this view, noting that in 1980, Whites occupied 90% of senior and middle level positions in the public sector. The situation was worse at the University of Zimbabwe where in 1980 only 4% of the managers were Black and none of the Black staff was employed in the administration of the university (Kamba, 2000 : 43).

The relevance of this review lies in the fact that there were many similarities between the University of Zimbabwe during the pre-independence period and institutions of Higher Education in South Africa during the dark days of Apartheid. Walter Kamba (2000 : 42), who was appointed Vice-Chancellor of the University of Zimbabwe in 1980, maintains that **“From the time of its establishment, the University was bedevilled by white racial politics”**.

He describes the *status quo* at the university when he assumed his term of office as follows :

- Heads of Departments were predominantly White; out of approximately 50 departments there was only one Indian and one Black Head of Department;
- the recruitment policy favoured Whites, generally appointing the best academics from abroad, which meant that local Black academics, having less experience than those recruited, were deprived of employment and promotion opportunities at the university;
- Heads of Departments **“behaved as if they owned the departments...”**, consulting with only those with whom they wished to consult;
- appointments were made by a group selected by the Heads of Department;

- none of the Black staff members was part of the university administration; and,
- the Senate, which is the chief academic body, as well as the Council were overwhelmingly White.

(Kamba, 2000 : 43)

When Kamba assumed his tenure in 1980 the position regarding Employment Equity among staff had hardly changed from that of 1975 (mentioned earlier). Black Zimbabwean staff at the university comprised less than 10 percent (Kamba, 2000 : 43). However, on his departure, 10 years later, the proportion of Black staff at the university had increased to 60 percent. This achievement, against the background of the aforementioned challenges and obstacles, definitely have implications for Affirmative Action and Employment Equity in institutions of Higher Education in South Africa. It is for this reason that the researcher found it necessary to focus on the Affirmative Action strategies introduced at the University of Zimbabwe.

In 1980, after independence, one of the immediate concerns of the new Government was to redress the racial discrimination of the past and to introduce means of enhancing the power, status, education and plight of Black people in general. In Zimbabwe Affirmative Action took the form of a Presidential directive on Black advancement soon after independence. This included steps to eliminate the inequalities in the public sector. It required the Public Service Commission (the body responsible for appointment and promotion in the public sector) to :

- recruit staff in a manner that resulted in a balanced representation in terms of the composition of the population;
- ensure rapid progress and upward mobility of suitably qualified Black Zimbabweans through appointments and promotions in the public service; and,
- maintain efficiency and satisfy career aspirations of existing public servants.

(Castle, 1995 : 8)

In 1955 the University College of Rhodesia and Nyasaland was established to serve the Central African Federation. In 1970 it became the University of Rhodesia and in 1980, after independence, it was renamed the University of Zimbabwe. Its founding Royal Charter forbade any discrimination on the grounds of race, gender, nationality or class. This was replaced by the Act of the University of Zimbabwe in 1982. In spite of the Royal Charter, racial politics continued to have its impact on the university (Kamba, 2000 : 42). The employment procedures, the structures and the orientation of the university were all influenced by the racist ideology of the White Rhodesian society.

Before independence the students entering university came from a segregated school system. White students, although a mere 5% of the population, were provided with the best schools by the Rhodesian Government. School facilities for the majority Blacks were very limited and under-resourced. Whites were in the majority in university enrolment and university staffing.

In 1977 there were only four Black members of staff at the rank of senior lecturer and above. The first Black professor was appointed in 1978. In 1977, through the influence of the Vice-Chancellor of the University of Rhodesia a policy of Africanisation in respect of new permanent appointments only, was proposed to the Senate. The term Africanisation was replaced with Localization by the Senate which felt that Africanisation had racist connotations. The Black staff interpreted this as a ploy for the continued preferential treatment of local Whites as had been the case in the past. Nevertheless, by 1980, this policy led to an increase in Black tenured staff to 24% (Nell and van Staden, 1988 : 22). For some unknown reason this number was reduced to 10% in 1990 (Kamba, 2000 : 43).

The Vice-Chancellor then, Robert Craig, prior to his resignation in 1979 made numerous long term appointments of Whites to academic and administrative posts. In

this regard Kamba (2000 : 47) noted that during that year before independence :

“... promotion had been rushed through; people no more qualified than senior lecturers were promoted to full professorship.”

The Black staff viewed this as a strategy to stall the process of transition so that the equitable distribution of Black-White staff will take longer to achieve.

With the appointment of Walter Kamba as new Vice-Chancellor in 1980, the policy of Africanisation was changed to a Zimbabweanisation. This policy required that preference be given to Black Zimbabweans to permanent posts and that those who were not Zimbabweans be appointed to permanent posts only if no suitable Zimbabwean was available. Prior to this many high-level posts at the university were occupied by expatriates and virtually all professional posts and departmental headships were filled by Whites (Nell and van Staden, 1988 : 22).

During Kamba's tenure a three-prong policy based on the American Affirmative Action model was introduced. This included firstly, the eradication of discrimination; secondly, creation of equal opportunity; and thirdly, redressal through preferential treatment of Black candidates. According to Nell and van Staden (1988 : 22) the first point was not an issue in Zimbabwe . The second point about equalization implied opening up opportunities by making concerted efforts to attract Black applicants to apply for posts that they generally did not apply for in the past because they believed that they would not succeed anyway since they were Black; it also required careful wording of recruitment advertisements so that they attracted Black candidates to compete against other Blacks as well as Whites for posts. The third point required redressal through preferential treatment of Blacks which was associated with the threat of reverse discrimination. This raised the following questions :

- Would well-earned reputations be reduced given the view that the appointment of Black academics could be construed as an

acknowledgment of their race rather than their ability?

- Would only already privileged Blacks benefit, overlooking those less well connected?
- Would such a policy not enhance racial consciousness, highlighting group membership at a time when vigorous attempts were being made to move away from racism and discrimination?
- Would the fears of Whites about their future not be exacerbated by a policy which appears to threaten their own future advancement?
- Would not Black self-confidence be eroded by being appointed through Affirmative Action redressal measures?

Many of the fears raised by the redressal aspect of Kamba's Affirmative Action policy proved groundless (Nell and van Staden, 1988 : 22). The university's staff statistics of 1986 clearly reveal this. Of the 400 strong university staff the percentage of Blacks increased to 44. Further, there was a reduction of a mere 18% of White staff since the implementation of Affirmative Action policies. A large percentage of those who left was due to voluntary non-renewal of contracts by the individuals themselves. There were also no glaring indications that Black self-confidence had been eroded through the implementation of Affirmative Action policies.

What is significant about Kamba's attempt to bring about Employment Equity at the University through his Affirmative Action policy is that he was of the view that **"... the position of Vice-Chancellor is pivotal to the process of this transformation ..."** (Kamba, 2000 : 44) and that he carried out his duty as such **"... with missionary zeal"** (Kamba, 2000 : 44). Of further significance was the fact that he was directly involved in every step of the process, ensured that the process was transparent and convinced the academics of the merits in his scheme from the bottom up, starting initially with the approval of lecturers and ending with the approval of the Council. His approach was also based on the consensus of the academics at the university in that he categorically argued that :

“ ... if they could convince me that my system was either unworkable or would have a negative impact on the University, I would be prepared to re-examine my position.”

(Kamba, 2000 : 46)

In order to redress the imbalances in staff composition at the university Kamba developed and implemented strategies to transform the governance structures, given the *status quo* mentioned earlier on. He felt that this was essential as the departments were vital academic units in the transformation process since it was there that discussions on curriculum, research and managing resources emerged. In this regard he targetted transforming the Heads of Departments, mindful of the fact that a change in the way departments were managed would affect the composition of the Senate, of which Heads of Departments were automatically members.

Prior to his term of office Heads of Departments, the majority from the old racist order, were appointed permanently until they resigned as professors or retired. In an attempt to replace those heads, without incurring any legal repercussion, he set up a task force to look into the structure of departments. After much discussion he personally compiled a suggested plan of action as follows :

- chairpersons of the respective departments would be appointed by the Vice-Chancellor in consultation with members of the departments and the Dean of each faculty;
- the chairperson would administer the department for a period of three years whereupon the contract appointment could be renewed;
- a departmental board headed by the chairperson would be established to deal with matters related to the department; and,
- the chairperson would serve as a departmental representative on the Senate.

He sought to achieve this in two stages : Firstly, heads were required to relinquish voluntarily their contractual rights to Head the Department. He did, however, guarantee the professors that they would remain academic leaders and enjoy all their privileges except for the right to be Heads of Departments. Initially this was met with resistance but after personal discussion with the heads about the merits of his plan, all but five, out of 50 departments, agreed to his suggestion. Secondly, he addressed members of the faculties on the advantages of his scheme and gained their support. His strategy in addressing Heads of Departments and members of faculties first and winning their co-operation made it difficult for the Senate to reject what had already been agreed upon by the staff and lecturers. The Senate ultimately gave its approval. Having mobilized the academic community the Council had no option but to approve the scheme he had recommended.

With regard to developing greater Black control of departments Kamba used the University Ordinance 25 of 1982 to accomplish this. This Ordinance separated professional status from departmental administration. The departmental administration was delegated to departmental chairpersons appointed by the Vice-Chancellor. Since these chairpersons were not required to be full professors as was the case in the past, Kamba took advantage of this rule in administering his Affirmative Action policy. In 1983 he appointed a large number of Blacks as department chairpersons while retaining some existing Whites. This strategy revolutionized the Senate and led to a greater representation of Blacks among the middle echelons at the university. This was perceived by the Black staff as a move towards transformation at the university and for the first time **“those who had felt negligible came to regard themselves as valuable participants in the process”** (Kamba, 2000 : 4).

With respect to the above appointments Kamba (2000 : 47) emphasised that applications for appointments were scrutinized by the departments themselves and recommendations were then sent to the appointment committee which was chaired by the Vice-Chancellor himself or his nominee. In this regard Kamba emphatically states that :

“In the first years of my appointment, I chaired almost all the committees in order to ensure transparency in, and accountability by, the University.”

(Kamba, 2000 : 47)

What is significant about the above procedure is the personal commitment of the Vice-Chancellor, the transparency under which it was done as well as the fact that the appointments were not a hasty means of empowering Blacks and more importantly not a form of tokenism.

All permanent appointments of expatriates were changed to contracts so as to provide an opportunity for staff development of local Black Zimbabwean academics. In order to develop the capacities of those Black academics who were newly appointed a scheme was arranged for them to attend programmes at various institutions and universities around the world after spending some time at the university. On their return they were reinterviewed. He found that the majority of the of the newly appointed Black staff had developed expertise and, hence, became valuable members of staff.

To address the past criticism that Whites were appointed beyond their qualifications and Blacks below theirs a working committee was established by the Vice-Chancellor to review notching/grading and tenure issues. Nell and van Staden (1988 : 22) noted that the Black majority on the committee gave greater weight to academic excellence and less to diffuse experience criteria and recommended more stringent promotion criteria. With regard to this the Vice-Chancellor posited the view that :

“There were expectations from Black Zimbabweans that, now that they had a Black Vice-Chancellor, now they were free, they would all become professors. I did not agree with this way of thinking..... Applicants had to establish their performance in research, their

competency as teachers, the value of their contribution to the university.”

(Kamba, 2000 : 47)

A 1983 Ordinance formalized the committee’s findings and provided an avenue through which staff could request a review if they felt that they were unfairly disadvantaged from attaining a post. In their reviews the committee allocated the greatest weight to the most traditional academic criterion, research publications.

To ensure that standards were maintained and the good reputation of the departments and the institution were upheld (a concern expressed earlier on) the following measures were undertaken :

- a tightly controlled contract system for new appointments;
- a rigorous probationary process that included peer and student review;
- provision for contract termination if the individual did not attain the required standard within a reasonable time; and,
- adequate funds were made available for an external examiner system, the purpose of which was to support the university’s confidence in its own standards at a time of transformation and experimentation with staff appointments and promotion.

The success of Kamba’s Affirmative Action policy was attributed to the :

“... explicit policy directive from the university’s top management that placed a formal imprimatur on the policy of change : the directive augmented the university’s will to change and reduced value conflict.”

(Nell and van Staden, 1988: 22)

Further, Kamba's technique of establishing working committees from within the staff inculcated a sense of participation among stakeholders in the transformation of Higher Education.

A significant aspect of the success of Kamba's Affirmative Action policies was the application of Affirmative Action at all levels simultaneously from management through to departmental headships and not only to new appointments. This policy gave the previously disadvantaged Blacks an assurance that they were in control of events and that the changes being made were not merely cosmetic.

It is clear from the above review that Affirmative Action in Higher Education generally favoured Black men. Little progress was made in advancing the occupational status of women despite the optimism expressed by some observers in the years immediately after independence. In fact the Zimbabwe government pledged its commitment to the promotion and advancement of women, a commitment which partly manifested itself through the application of Affirmative Action within the public service (Reimer, 1992: 19). The aim of this Affirmative Action policy was for women to hold 30 percent of management positions in the Public Service. It was hoped that this goal would be achieved through training and further education of women employees and giving preference to them for a position in the case of an equally qualified male candidate. The outcome of this was that by 1999 women constituted 3,6% of professors, 15,9% of associate professors, 19,8% of senior lecturers and 35,4% of lecturers at the University of Zimbabwe (Singh, 1999: www.acu.ac.uk/yearbook/142-womens.html). Reimer (1992: 19) posits that this goal of 30% women in management is a long way off but it could serve as a source of encouragement for them.

We now look at the lessons for Higher Education in South Africa from the Affirmative Action experiences of the Public Service in general and the private sector in Zimbabwe. As part of an Affirmative Action strategy the Retirement Incentive Scheme was introduced in the Public Service to create vacancies for Black incumbents. This encouraged White civil servants to retire early, given the attraction of generous retirement packages. The result was that nine years after independence, 95% of the

Public Service was staffed by Black Zimbabweans, with women generally occupying the lower rungs of the ladder (Strachan, 1993 : 144). While rapid Black occupational advancement was facilitated and appeared to be a positive sign Gatherer and Erickson (1992 : 66) found that it had a negative impact on the efficiency of the civil service, arising from the emerging nepotism, tribalism, fraud and corruption caused by the mismanagement of Affirmative Action.

Strachan (1993 : 138-9) records that the advancement of Blacks in the private sector in Zimbabwe was initially criticized as window-dressing and racism in reverse. This was due to the fact that often technical and professional qualifications and experience were ignored in the appointment of senior managers who owed their position to political patronage and nepotism. A 1987 Government Commission of Inquiry into parastatals revealed that such ministerial interference and appointments impeded the successful management of organizations and the success of Affirmative Action. Castle (1995 : 10) noted that where ministerial and political influence rather than ability or potential were used to hasten Black advancement, for example in Air Zimbabwe, the consequences were disastrous.

Another problem arising from poorly conceived Affirmative Action policies was the overpromotion of both Black and White personnel after independence (Hofmeyr and Whata, 1991 : 20). When those Whites who, as part of an Affirmative Action policy, were encouraged to retire from the civil service, army and police to make way for Black incumbents, they were offered executive positions in industry. Like Black window-dressing appointments such White over-promotion did not serve to enhance the position in industry. Over-promoted Whites, lacked competency and tended to resist the upward mobility of educated Blacks with potential, whom they regarded as threats, largely because of their own lack of competency. This attitude of the Whites is perhaps also expected in Higher Education scenario since many were overpromoted during the years before independence (Kamba, 2000 : 47).

Bennel and Strachan (1992 : 31) applauded the sustained commitment by top White managers to developing Black managerial expertise in-house as the most significant

contribution to Affirmative Action that enhanced Black occupational advancement in the private sector. They offered the following compensatory programme for Black advancement that served as useful lessons for Higher Education institutions :

- the willingness of experienced White managers to provide on-the-job training for junior Black incumbents;
- the early recognition of Blacks with high potential for progress;
- specially designed curriculum for management to cater for the needs of the Black graduate incumbents;
- the rigorous enforcement of merit-based promotion criteria; and,
- the establishment of clear career paths with comprehensive and detailed job descriptions.

According to Castle (1995 : 11), attempts to implement the above Affirmative Action strategies successfully were often complicated by covert racism. Bennel and Strachan (1992 : 32-33) found, in a 1990 study of Black and White managers in Zimbabwe, that Black managers perceived themselves as victims of persistent and widespread racism. Some White managers also felt that many of their White colleagues were blinkered by racial prejudice. They also found that social and cultural differences, resulting to a large extent from racial separation in the past, were key factors influencing racist attitudes. They suggested, however, that apart from culture and race being causes of poor Black occupational advancement at senior levels, other significant causes included the high levels of turnover among Black graduates in employment, creating job instability and a lack of incentives for top White managers to provide on-the-job training.

4.5.1 Summation

In Zimbabwe the racial discrimination entrenched over many decades led to enormous disparities between Blacks and Whites with regard to income, employment, education and ownership. The majority of managerial positions/ positions of control were in the hands of Whites in the Public Service, private

sectors and the university. In fact Black faculty were so disadvantaged that thirty years after non-discrimination was mandated by the non-racial Charter, tenured Blacks comprised a mere 10 percent of the university staff. Further the middle echelon of the university was almost devoid of Black employees. There were literally no Black university administrators.

Affirmative Action in Zimbabwe took the form of a Presidential directive, proclaimed after independence, in an attempt to facilitate Black advancement especially in the Public Sector. This directive was legally binding on the civil service and prison service and on the university. This led to enormous growth of Black men in employment in the public sector including the university and a certain degree of success with regard to Black women as well. The growth rate of women academics at the university, especially in the middle echelons and positions of control, was not as rapid as in the Public Service. Although optimism was expressed regarding Affirmative Action and occupational status of women, in effect it generally favoured Black men. However, encouraging measures were implemented to improve the plight of women in the Public Service including the university.

Initially the administration of Affirmative Action was fraught with problems through mismanagement and abuse. It was, *inter alia*, used as a tool to enhance the government's power base and was often associated with nepotism, tribalism, fraud and corruption.

At the Higher Education level Affirmative Action took on various terminologies through time, viz., Africanisation, Localization and Zimbabweanisation. It finally crystallized into a three-point policy based on the American Affirmative Action model. This included firstly, the eradication of all forms of discrimination; secondly, creation of equal opportunity; and thirdly, redressal through preferential treatment of Black candidates. Its implementation was initially dogged with accusations of reverse discrimination and lowering of standards, etc. In the Zimbabwean university context these fears were proved to be

unfounded as special strategies were adopted to ensure that standards were maintained and the good reputation of the institution upheld.

As part of a strategy to transform the university so that more Blacks gained employment as well as control positions at the university a specifically tailored Affirmative Action policy was implemented by its Vice-Chancellor, Walter Kamba. This ensured redressal, expedited transferring of departmental control to Blacks and reviewed staff appointment procedures to ensure that Blacks and women were not overtly or covertly disadvantaged. This led to an increased number of Black academic appointments at the university to approximately 60 percent in 1990.

It was clear from the review that the major reasons for the success of Affirmative Action/Employment Equity policies and programmes in Higher Education were:

- the belief of the university's top management in transformation and their will to change;
- the explicit policy directives related to Affirmative Action/Employment Equity given by the top management;
- the application of Affirmative Action policies at all levels simultaneously and not only for new appointments; and,
- the greater representation of Blacks on working committees.

4.5.2 Implications of Affirmative Action in Zimbabwe for South Africa

In South Africa, as in Zimbabwe, both legislation and social practice have to change to ensure access to education, training and development. These are long term goals. For the short and medium terms Affirmative Action strategies are essential.

While the Zimbabwean experience reveals that legislating for Affirmative Action

was responsible for its success it also emerged that, on its own, it is not totally adequate. Further, while Affirmative Action emerged as an effective tool to counter already existing and previous disparities in Higher Education employment a credible agency with the power to monitor and adjudicate employment practices in Higher Education is *sine qua non*. In order to successfully conduct its task this agency should be representative of all major stakeholders at the institution.

In Zimbabwe Affirmative Action generally favoured Black men. Progress at advancing the occupational status of Black women, especially in Higher Education, was minimal. Lest South Africa falls into the same trap, special legislation needs to be introduced in order to enhance the occupational advancement of women. If such legislation does exist, as was the case in Zimbabwe, it should be applied more stringently.

Training and developing young managers or academic staff at institutions of Higher Education, especially if they came from a disadvantaged education system and/or were Affirmative Action beneficiaries, require much time, money and other resources (mentoring, etc.) on the part of the employer. This was necessary to equip them with the necessary skills. Job hopping from one institution to another in search of promotion or higher wages, as was the case with Black Affirmative Action beneficiaries in Zimbabwe, is considered by critics to have a negative impact on management building the capacities of academic staff as well as job stability at the institution. These job hoppers were readily offered positions because they wore the marketable tag of being previously disadvantaged and were thus in demand by employers so that institutions can portray the politically correct equitable staff complement. Institutions of Higher Education in South Africa need to be aware of this and guard against it. They need to ensure that the salaries and other perks that they offer to academic staff are market related in order to attract and retain them.

Employers in Zimbabwe found it convenient to place Affirmative Action

beneficiaries in soft positions (personnel, lower levels of the academic hierarchy, tutorship, library, etc.) rather than in hard positions (line-management). This encouraged job hopping in search of a better job as the appointees were not placated with their soft positions. It is another trend that South African institutions of Higher Education need to guard against. Merit, based on the minimal qualification requirement and the potential to succeed, rather than mere political accommodation should guide future appointments and promotions of academics in South Africa. If Affirmative Action beneficiaries are considered for appointment they should be placed in positions of responsibility and influence and further training be given so that they may rise and, be seen to rise, on the basis of merit. Such a strategy would ensure institutions of Higher Education a safe investment.

Another lesson from Zimbabwe is in the occupational advancement of Blacks in White corporate structures. There was little or no pressure on Whites to accommodate racial or cultural diversity in the private sector and, therefore, the occupational advancement of Blacks was slow. This demonstrates that good-faith efforts on their own cannot be relied upon for the advancement of the previously disadvantaged. In the South African context necessary pressure is a must to appoint and promote Black academics especially in the Historically White Higher Education institutions which were originally established in accordance with the apartheid ideology.

Many Black Zimbabweans, who successfully advanced in their jobs, attributed their achievements to their educational qualifications. Such qualifications were often obtained abroad. The authorities in South Africa should provide the necessary training and compensatory education for the previously disadvantaged to help raise their level of performance in their respective fields. On-the-job training and experience, especially for Higher Education employment, requires a high standard of education. The demand for such a standard from among the previously disadvantaged in South Africa is questionable given the fact that they were deprived of quality education in the

past. The reliance on qualified expatriates and South Africans educated abroad to fill faculty and managerial positions in Higher Education as an alternative would defeat the hard fought struggle to rise above the evils of apartheid in education. Further, rewarding the already privileged group (the élite) also entrenches dependency on outside sources and limits the progress and empowerment of the previously disadvantaged. South Africa should embark on special programmes such as mentorship programmes, short courses, grants, workshops, scholarships and student/staff exchanges to empower the previously disadvantaged. This would enhance the experience and educational qualifications of candidates with potential thereby increasing the pool of Black academics available. In this way beneficiaries of Affirmative Action would soon hold their own as academics in Higher Education and would not be set up for failure as products of mere political accommodation or tokenism.

Overall and, on a more general level perhaps, another important lesson for South Africa from the Zimbabwean experience is that for Affirmative Action to be successful wider issues of economic and political reform need to be addressed alongside Affirmative Action. Due to the lack of adequate expansion in the economy in Zimbabwe jobs are scarce for those whose numbers vastly increased through Affirmative Action strategies. An educated mass without jobs is sure fodder for destabilizing the most democratic country. Therefore, for Affirmative Action to achieve positive outcomes in South Africa it would have to be linked to broader strategies for economic reconstruction and development.

Regarding Higher Education specifically the following are other implications that could influence the success of Affirmative Action in South Africa :

- belief in and commitment of top management of institutions to transformation and the will to change;
- no change would take place at departmental level if no decisive policy change is made at the highest level of university governance;
- application of Affirmative Action and Employment Equity policies at all

- levels simultaneously and not only to new appointments;
- inclusion of all stakeholders at institutions in the Affirmative Action (AA) and Employment Equity (EE) working committees;
- greater role of the Senate in bringing about change related to AA and EE, given that the Senate at Higher Education institutions in South Africa is not a significant player in the institution- wide transformation initiatives and process (Cloete *et al.*, 2000 : 13);
- incentives for top White managers to provide on-the-job training;
- introducing retirement schemes for Whites to create vacancies for Black incumbents;
- noting dangers of appointing candidates without the ability or potential required for that position;
- commitment of top White managers to developing the expertise of Black incumbents in-house;
- rigorous probationary process and termination of contracts if the AA beneficiary did not attain the required standard within a reasonable period;
- targetting change in the governing structures of Higher Education institutions in order to facilitate AA and EE especially because institutions in South Africa were established and governed in pursuance of the apartheid ideology in the past;
- harnessing the expertise of the previously advantaged Whites in order to build capacities of AA beneficiaries;
- commitment to transparency in implementing AA and EE policies;
- a bottom up consultation in devising AA and EE strategies;
- introduction of a comprehensive staff development scheme for previously disadvantaged Black academics;
- awareness of the possibility of nepotism, tribalism, fraud and corruption being associated with poorly designed AA policies and the need for strategies to crack down on such practices;
- awareness of the negative effects of political interference in AA appointments and the need for preventing this; and,

- encouraging all stakeholders to buy in to the recommended, Affirmative Action and Employment Equity programmes by constant lobbying.

The next review will focus on Affirmative Action and Employment Equity programmes in Namibia which is in close geographical proximity to South Africa. One of the reasons for selecting Namibia apart from its location is its similarity to South Africa's colonial and political history. Being South Africa's close neighbour, "... **their treatment of equality and Affirmative Action may well be reproduced here**" (Thompson, 1993: 14).

4.6 AFFIRMATIVE ACTION IN NAMIBIA

Since 1884, Namibia, then known as the German Protectorate of South West Africa, has been subjected to the weight of colonial occupation and exploitation. After World War I South Africa took over the administration of Namibia. Although *de jure* a mandated territory with South Africa as its trustee, it had increasingly become a *de facto* colony of South Africa. In fact, for a large part of its history it was administered as a fifth province of apartheid South Africa. Hence, the ideology of apartheid also extended to Namibia. Racial discrimination was legally enforced in much the same level as in South Africa. It is, therefore, not surprising that Asombang (1989: 193) and Mbuende (1986 : 14) describe Namibia's economic structure and social systems as products of colonialism and apartheid.

The first attempt at abolishing racially discriminatory laws was set in motion at the end of the 1970s and at the beginning of the 1980s. This led to the eventual independence of Namibia. This was done in pursuance of the agreements entered into between South Africa and interested parties and the Namibian government, installed by South Africa.

A century of colonization left Namibia with a deeply divided society characterized by gross inequalities in wealth distribution and access to educational resources and

services. Therefore, at independence, Namibia inherited a social structure that was not only racially and ethnically fragmented but also characterized by gross inequalities in all spheres of life. For example, Black Namibians, apart from being lowly qualified and earning wages below the subsistence level, were virtually excluded from better paid managerial, administrative and technical jobs (South West African Peoples Organization(SWAPO) 1981 : 65-66). Castle (1995 : 19) reinforces this view by claiming that Namibia's human resources, at independence, were characterized by the dominance of White males in decision-making and skilled positions in the private and public sectors of the economy.

During the colonial period separate education systems were established for Whites and people of colour (Pakarae, 1986 : 123). The education provided for Black Namibians was so inadequate that in 1994 a mere 30-40% of children over the age of fifteen were considered to be literate (*The Weekly Mail and Guardian*, 7-13 January 1994). Secondary school education was also of a poor standard with less than 300 students qualifying for university entrance during the period 1970-1980 (Castle, 1995 : 15). Despite the existence of a small educated middle class and attempts by SWAPO to uplift the educational level of the people at the onset of independence, Namibia still faced an educational crisis of considerable proportion.

The situation regarding education was so tenuous that until independence in 1990 Namibia did not have a university of its own. Consequently, there is a dearth of information in the literature on Affirmative Action and faculty hiring, promotion, etc., in institutions of Higher Education. Nevertheless, the researcher felt it relevant to review Namibia's general Affirmative Action and Employment Equity experiences with a view to highlighting those principles which could have a bearing on Higher Education employment in South Africa. South Africa could probably learn from their successes and avoid their mistakes.

On independence, in 1990, Namibia adopted a new Constitution in which Article 10 in subsection 2 guaranteed equality before the law for all persons and "**prohibited**

discrimination on the grounds of sex, race, colour, ethnic origin, religion, creed, social or /economic status” (Republic of Namibia, 1990 : 14-15). Many believed that the formal abolition of discrimination and the guarantee of equal rights alone would not redress the existing inequalities in Namibia but, in fact, perpetuate it unless well-targetted remedial measures were adopted (Thompson, 1992: 52). They were of the view that such measures would redress the consequences of a history of racial discrimination, class exploitation, gender oppression and inequalities in education. It was felt that in order to achieve progress in Namibia, Affirmative Action should be introduced as one contributory exercise towards eradicating at least some of the inequalities that existed and were still being perpetuated.

Subsection 2 of Article 23 in the Constitution enabled the Namibian parliament to pass Affirmative Action legislation in addition to provisions for non-discrimination as expressed in Article 10. Thus, Castle (1995 : 16) maintains that the constitution **“attempts to weld the notions of equality, anti-discrimination and the redress of past imbalances”**, an invaluable step that institutions of Higher Education in South Africa should be well aware of. Reinforcing Article 10, Article 23 of the Constitution prohibits the practice and the ideology of racial discrimination, making it a criminal offence punishable by law. It also made provision for Parliament to enact Affirmative Action for the advancement of people who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices in Namibia. Further, it authorized Parliament to implement policies and programmes with the objective of redressing social, economic and educational imbalances in Namibian society arising out of past discriminatory laws. This included, the development of a balanced structuring, *inter alia*, of the Public Service, the Police Force, the Defence Force, the Prison Service and services for previously disadvantaged women as well.

According to the Namibian statutes an Affirmative Action Programme is defined as:

“... a set of measures designed to ensure that persons in designated groups enjoy employment opportunities and are equitably

represented in the various positions of employment with the relevant employer.”

(Thompson, 1992 : 56)

The statutes also clearly state that a :

“... designated group can, and will often be, defined in terms of race although other criteria such as gender and/or physical disability might also be used.”

(Thompson, 1992 : 56)

Subsection 3 of Article 23 of the new Constitution makes the following special provision for women :

“In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.”

(Republic of Namibia, 1990 : 14-15)

One of the significant aspects of this legislation is that it provides support for disadvantaged groups in terms of gender and socio-economic status as well rather than solely on the criteria of race. It also acknowledges that not all people automatically earn the right to Affirmative Action assistance purely on the basis of skin colour. Du Pisani (1993 : 31) advises that this particular Article on Affirmative Action is enforceable in court whereas other provisions in the Constitution directed at promoting

the welfare of women such as equal pay for equal work, maternity leave and measures to protect the health of women workers, etc., are not enforceable. However, the Ombudsman has an obligation, set out in Article 91, to ensure equal treatment of women.

In spite of the fact that women make up over 50 percent of the total population they are underrepresented at almost all levels of employment in Namibia (du Pisani, 1993 : 31). Political and economic power remain predominantly a male preserve. As a commitment to implementing Affirmative Action policies and embracing the tenets of Subsection 3 of Article 23 of the Constitution the post-independence government expressed a willingness to address women's rights and advancement to some degree. The Department of Women's Affairs was established in the Office of the President. Valuable work was also done by the Women and Law Committee of the Law Reform and Development Commission and by the Namibian Women's Association among others.

The progress that women made since independence, however, **“has mostly not been the fruits of government sanctioned Affirmative Action”** (du Pisani, 1993 : 31). Much of the credit must also be given to non-governmental organizations (NGOs) and a number of activists. The Department of Women's Affairs has also had some success mainly in deliberations with traditional leaders on the rights of women under their jurisdiction. Further, du Pisani (1993: 31) proposes that, in addition to formal recognition of the equality of women, **“the gender dimension of Affirmative Action needs sustained attention”** by the Namibian authorities so that there is substantial progress among women.

All Namibian Affirmative Action programmes were to be subjected to review by a Commission on Affirmative Action in Employment whose main task was to monitor and ensure that all Affirmative Action Programmes were implemented in accordance with the legislation. The task of this Commission included, *inter alia* :

- investigating complaints of discriminatory practices in employment; promotion of conciliation in the event of a real grievance; failing conciliation, the institution of legal proceedings against the offending party before the Labour Court;
- monitoring employer compliance with their obligations;
- advising employers on the development and implementation of Affirmative Action programmes; and,
- suggesting amendments to programmes in order to bring them in line with statutory requirements.

(Swanepoel, 1992 : 25; Castle, 1995: 17; Thompson, 1992 : 57)

Swanepoel (1992 : 23) and Castle (1995 : 17) envisage that management has a major role to play in the progress and implementation of Affirmative Action. Thompson (1992: 57) emphasised the vital role that management were required to play for Affirmative Action/Employment Equity to succeed in Namibia. They were required to:

- introduce programmes and procedures to inform and to consult employees and their representatives about the Affirmative Action programmes;
- conduct an analysis of the composition of their workforce in order to determine whether persons in designated groups are reasonably represented in the various job categories;
- assess existing human resources management practices with a view to identifying those which tend to discriminate against or exclude persons from designated groups;
- take action to amend, eliminate or revise human resources management practices which tend to discriminate against and exclude persons in designated groups;
- take action in order to make reasonable provisions for the physical limitations experienced by disabled persons;
- provide special training programmes or schemes (if employing

- more than 50 employees) in order to ensure that employees from designated groups acquire the necessary skills and qualifications necessary for recruitment and for advancement in their careers;
- ensure the preferential recruitment or promotion of suitably qualified persons in designated groups in order to achieve equitable representation of these groups in the various categories of employment;
 - set numerical goals and general objectives based on what the employer intended to achieve;
 - introduce timetables for the attainment of goals and objectives;
 - establish internal procedures that are necessary to monitor and evaluate implementation of the Affirmative Action programmes; and,
 - appoint senior members of staff with overall responsibility for the effective execution of Affirmative Action programmes in their establishments.

On the basis of the aforementioned, it is clear that Namibian employers were required not only to rectify the injustices of the past but, also have to introduce other preferential policies and practices to achieve Equity in employment, such as promoting certain groups of people over others. This recommendation has major implications for managers in institutions of Higher Education in South Africa.

Apart from a balanced structuring of the civil service, the implementation of Affirmative Action has also contributed to a change in its institutional culture (Jauch, 1998 : 146). Prior to independence this culture was moulded by White males who served as gatekeepers for the exclusion of women and Blacks so that they did not rise to senior and middle management positions. Through Affirmative Action the appearance of the civil service was not only altered but changed in its function and outlook. It also ensured a far greater diversity of Namibians entering higher levels without fear of marginalization.

In general Affirmative Action in Namibia centred around employment in the Public sector where the main beneficiaries have been Black males. Women are still underrepresented in positions of influence although the government has undertaken several initiatives to improve their status. Women's groups explained that they continue to suffer under prevailing discriminative attitudes in society. They feel that women need to be more specifically targeted by Affirmative Action policies. A clear example of this is where targets were introduced for women during the local authority elections of 1992 that demonstrated how Affirmative Action can be successfully implemented to ensure progress among them.

It is evident from the Namibian experience that the policy of Affirmative Action would only reduce inequalities on a race or gender basis while increasing inequalities on the basis of class as was noted earlier. The limitations of Affirmative Action in the Namibian context should, therefore, be acknowledged (Jauch, 1998 : 14). Economic and social policies necessary for redistribution will have to be implemented alongside Affirmative Action if the Namibian government wishes to eradicate socio-economic inequalities, a legacy of Namibia's colonial past. It is, therefore, clear that actions to achieve such fundamental changes go beyond the scope of Affirmative Action.

4.6.1 Summation

Namibia's history of colonization and apartheid left it with a deeply divided society characterized by gross inequalities among them. In an attempt to eradicate the inequalities of the past, Affirmative Action as a policy, was legislated. Of significance was that such policies also considered gender and socio-economic criteria rather than being concerned solely with race. The experiences to date reveal that the main beneficiaries of Affirmative Action were Black men. Namibian women, therefore, emphatically declare that they need to be more specifically targetted by Affirmative Action in the future if they are to enjoy greater success.

In order to ensure that Affirmative Action programmes were implemented in

accordance with the legislation the programmes were subjected to review by a Commission of Affirmative Action in employment. This included, in the main, investigation of complaints of discriminatory practices in employment, monitoring employer compliance and their obligations, advising employers on implementation and suggesting amendments wherever deemed necessary.

4.6.2 Implications of Affirmative Action in Namibia for South Africa

Namibia, like South Africa, is a nation struggling with reconstruction and development after a long history of exploitation. Nevertheless, certain principles that emerge from Namibia's Affirmative Action and Employment Equity experience may be applied to Higher Education in South Africa.

As in South Africa, Namibian Whites regard themselves as being as African as the Black majority. By implication, such attitude reveals a reluctance to empathize with historical discriminatory practices and the consequent need to redress these in favour of the previously disadvantaged. Although resistance to Affirmative Action exists it is not overt in Namibia. Given the Namibian background and the numerous parallels with South Africa, having been once a *de facto* colony of South Africa, administrators of Affirmative Action in Higher Education must be mindful of the potential White resentment. This is important so that it does not evoke any White backlash. Any opposition to Affirmative Action during such a crucial period will not augur well for the kind of supportive race relations necessary for the empowerment and advancement of the previously disadvantaged and would probably stifle their appointment as faculty or managers of institutions of Higher Education.

The Affirmative Action in Employment Bill introduced by Namibia calls for the necessity to recruit and promote employees on the basis of their qualification and skills. In the light of the poor education for the disadvantaged in apartheid South Africa, such educational qualifications would be scarce and, hence, presumably be an unreliable prediction of performance. If Affirmative Action is

to attain success in South Africa a more realistic and creative strategy that emphasises competency and experience must be in place. The implication here is that South Africa needs to devise ways of assessing experience and potential rather than rely solely on academic qualification credentials. Competency based education and assessment and recognition of prior learning are some of the areas that need to be considered.

Of further importance to South Africa is the fact that Namibia has a monitoring agency referred to as the Commission on Affirmative Action in Employment. The task of this Commission is to ensure that Affirmative Action programmes are implemented in accordance with the legislation. These include in the main :

- investigation of complaints of discriminatory practices in employment;
- monitoring employer compliance and their obligations;
- advising employers on implementation; and,
- suggesting amendments wherever necessary.

The requirements of management in Namibia also have implications for the South African managers in institutions of Higher Education. They should :

- inform and consult employees about Affirmative Action programmes;
- assess existing human resource practices;
- amend, eliminate or reverse human resource management practices;
- provide special training programmes for designated groups;
- ensure preferential recruitment and promotion for persons from designated groups;
- set numerical goals and introduce timetables for attainment;
- establish internal procedures to monitor and evaluate Affirmative Action programmes; and,
- appoint senior members with overall responsibility for the effective execution of Affirmative Action Programmes.

The Namibian experience also reveals that women were underrepresented at almost all levels. A suggestion that the gender aspect of Affirmative Action needs sustained attention if there is to be substantial progress among women, is something that institutions of Higher Education ought to take heed of.

This review is followed by that of India “... **the biggest laboratory in human history for affirmative action policies...**” (Thakur, 2000: www.dawn.com/2000/02/18/int7.htm).

The total population of disadvantaged Scheduled Castes (SCs) and Scheduled Tribes (STs) here for whom Reservation (Affirmative Action) is intended equals the population of the two Super Powers (Social Study Circle, 2001: www.ambedkar.org/ssc/development/comp_outline.htm). Therefore, the mammoth task of implementing Affirmative Action policies for such a large group could provide some lessons for Affirmative Action and Employment Equity in South Africa.

4.7 AFFIRMATIVE ACTION IN INDIA

There is a dearth of information related specifically to Affirmative Action (AA) and Employment Equity (EE) with reference to the recruitment of previously disadvantaged academic staff at institutions of Higher Education (HE) in India. Nevertheless, because of its relevance to the present study, the researcher reviewed the available literature in a general manner. South Africa might well be able to learn from the Indian experiments, their failures as well as their successes. Studying their approach can be valuable simply if it expands our own vision of what is possible. The suggestions that appear in this review are offered in this spirit : to provoke at least some new discussion and to prompt greater curiosity about how Affirmative Action/ Employment Equity experiences outside our borders can contribute to its success in South Africa.

It was evident from the review that many of the general principles, challenges and problems emerging from the Indian experience could be used as a guide to the

effective implementation of Affirmative Action and Employment Equity in Higher Education institutions in South Africa. For example, proponents of Affirmative Action in India, in creating equal opportunity for all by providing special benefits for some, attempted to ensure a delicate balance between the two principles for it to be a success (Weiner, 1993 : 5). Cognisance needs to be taken of this principle when designing and implementing Affirmative Action and Employment Equity plans in order to successfully transform Higher Education in South Africa.

A further lesson for South Africa to note is that political party agendas, which interfered with Affirmative Action policies in India, also contributed to resentment against it and, hence, affected its progress negatively. These are but a few instances where the general Indian experience can have a bearing on the manner in which Affirmative Action and Employment Equity is implemented in Higher Education in South Africa. A host of other implications in general and in Higher Education in particular are discussed under the heading 'Implications of Affirmative Action in India for South Africa'.

Havanur (1992 : 102) describes India as the world's most diverse conglomeration of people. The 2001 population census revealed that India, made up of 28 provinces and 6 union territories / states, has a population of 1, 027 billion, 18 official languages and 1 652 mother-tongue dialects (Government of India : Census 2001). This makes Affirmative Action and Employment Equity programmes in Higher Education a mammoth task. Further there are 308 universities, 12 349 colleges administered by the universities, 7 institutions of technology and a student population of 7 400 000 with 3 420 000 academic staff (www.ugc.org). South Africa like India has a diverse community, although not to the same extent as India. Also the vast majority of them are disadvantaged. The Indian experience could, therefore, help South Africa develop strategies to ensure the effective implementation of Affirmative Action and Employment Equity. This provides a further reason for the review.

In addition to the vast array of dialects, religious and ethnic differences and the numerous Higher Education institutions and personnel, the ranking of people as either high or low caste and the widespread poverty and lack of education among them make

Affirmative Action imperative to alleviate the plight of the already stigmatized and down trodden lower caste (Jauch, 1998 : 10). It must be noted, however, that while the *de jure* position of the Constitution of India prohibits and outlaws the caste system, the *de facto* social pattern as described above still prevails more prominently in the rural areas (Bekker, 1992 : 63).

The caste system, one of the major sources of discrimination which had existed for more than 3 000 years was developed by *Brahmins* (priests) in order to maintain their superiority (www.dalits.org/whoaredalits.html). Eventually the caste system became formalized into four distinct classes *Varnas* which consisted of *Brahmins* (the priestly caste), *Kshatriyas* (the warrior caste), *Vaisyas* (the trading caste) and the *Shudras* (the servile caste) (Seenarine, 1996 : 2). Lowest in the hierarchy beneath the four main castes was a fifth group made up of the Scheduled Castes (SCs) and Scheduled Tribes (STs) who were commonly referred to as Dalits, outcasts or untouchables (www.dalits.org/whoaredalits.html).

There are approximately 260 million Dalits who comprise 26 percent of the population. In a country where the Constitution stipulates that every individual is entitled to equal rights and opportunities one out of every four persons is deprived of educational and employment provision and is condemned as untouchable.

Weiner (1993 : 5) claims that “... **such disparities among Indian castes are not the result of British colonial rule but are deeply embedded in the Indian social order**”. Reddy (1993 : 3) supports this viewpoint as well by regarding this inequality as “**a very deep rooted one in the hearts and minds of Indian people**”. Havanur (1992 : 103) underscores this contention about castes claiming that those who were placed at the lower end of the hierarchy were subjected to many “**ignominies and disabilities preventing them from rising above the place and condition fixed for them by scriptural laws**”. Seenarine (1996 : 2) extends this perception in the belief that they are also subjected to “**limiting strictures**”. He quotes the examples of untouchable groups who were, *inter alia*, not allowed to draw water from wells and tanks used by

upper caste Hindus or to enter temples.

Prior to independence the caste system strongly affected the lower caste's educational opportunities, employment in government service including Higher Education institutions, ownership of land and other property, civil and political rights as well as other job opportunities. Hence, the caste system, has **"... long been a burden of Indian society"** (Thompson, 1993 : 36).. During the World Conference Against Racism in August 2001, the caste system was described by members of the National Campaign on Dalit Human Rights as **"India's social shame"** (Padayachee, 2001 : 1). As it created enormous inequalities, the post-independence national Government led by Nehru committed itself to transform India into a more egalitarian society. Havanur (1992: 104) stresses this need by stating that the caste system was contrary to the ideals of an egalitarian social order and entrenched inequality. Reddy (1993 : 32) corroborates this contention by his comment that the caste system in India was **"a textbook type of inequality [which] existed for millenia"** prior to independence of India in 1947.

Although **"... the heinous crime of untouchability"** was made a legal offence by the Indian Parliament as early as 1955 it was and is still kept alive (National Campaign on: Dalit Human Rights : info@dalits.org). The upper caste Hindus (caste Hindus) insisted on enforcing the inferiority of the *Dalits* (untouchables) in many ways and if the Dalits tried to improve their standard of living and education they were cruelly persecuted. The literature reveals that the most effective weapon which promoted the perpetuation of untouchability was the institutionalised bias and denial of access to educational resources.

For about 1 500 years the SCs and STs were denied education. They were not even allowed to listen to Sanskrit, the language of the educated upper caste and religious literature, or enter temples which were repositories of knowledge. In fact the suppression of educational development among them was so immense that, if at that time, they were caught listening to speeches or hymns by the upper caste, lead was

poured into their ears (Raza, 2002 : personal interview). Knowledge was the preserve of *Brahmins* who subsequently became well educated and held influential positions in society. As the majority of Dalits were denied education they took on the menial low-paid jobs in society. This denial of education to the Dalits kept them in bondage under the upper caste which in the long term prevented them from attaining necessary qualifications for employment in Higher Education institutions.

In the years that followed primary and secondary school education for the low castes was extremely poor. The Indian Constitution mandated the State to provide free, compulsory and universal education for all children up to the age of 14 with special consideration to be given to the promotion of educational progress of SCs within a period of ten years. In spite of this, enrolment of Dalit children in 1993 was an inexcusably low 16,2 percent, while among the non-SCs it was 83,8 percent. There was also staggering dropout rates among Dalit children (National Campaign on Dalit Human Rights, 1999: www.sandesh.org/CastandRace.html). While this may be partly attributed to the need for Dalit children to supplement their family income through labour; more insidious was the discriminatory and abusive treatment by non-Dalit teachers and fellow students that led to such massive dropouts. Because of such poor early education and overt educational suppression the Dalits had little hope of progressing towards equitable employment in Higher Education.

At institutions of education there was an unacknowledged Reservation policy for upper castes, particularly *Brahmins*. Although they comprised a mere 5 percent of the population they occupied more than 70 percent of the jobs in government services. In the composition of university teaching faculties a very similar situation existed : upper castes occupied 90 percent of the posts in the Social Sciences and 94 percent in the Sciences, while Dalits occupied an insignificant number of posts (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/).

The representation of Scheduled Castes (SCs) and Scheduled Tribes (STs) in academe either as students or employees at schools, colleges and universities was negligible. Thousands of qualified SC and ST applicants to institutions of Higher

Education were deliberately refused employment. SC and ST lecturers and students were deprived of opportunities to further their studies. Invitations to study abroad were concealed from them while the upper caste academics were privileged to study abroad on Scholarships and other schemes. Further, the number of SCs and STs occupying higher level posts such as Senior lecturers, Readers, Assistant Professors, Associate Professors was almost non-existent (Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm).

Upper caste Professors were privileged to serve as Heads of Departments until retirement and had full power in the admission of students, assessment of students' performance and recruitment of staff (Rao : www.indiapolicy.org/debate/Notes/jagadiswara.html). These upper caste Hindu Professors made no attempt at enabling or facilitating attempts by SC or ST students to qualify with M Phil and PhD degrees which were essential prerequisites for teaching at institutions of Higher Education. They were deliberately given a poor rating so that they were denied eligibility for teaching even if they possessed the necessary higher qualifications (Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm). A retired British ICS (Indian Central Secretariat) officer who served India for a long period of time summed up his observations thus :

“Perhaps India is the only Nation in the World where the Teachers instead of teaching the poor are denying them education, instead of equipping them with knowledge are condemning them, turning them as unfits and deliberately rating them low. In fact this has been the history of India. One could not ever afford to forget Egalivya.”

(Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm)

It is apparent from the aforementioned discussion that :

“If Education is the Key, then Dalits are Locked Out.”

(National Campaign on Dalit Human Rights, 1999 : www.dalits.org/)

In an attempt to transform India into a more egalitarian society the Indian Constitution of 1950 made explicit provision for Affirmative Action in favour of the disadvantaged caste groups. Section 16 of Independent India’s Constitution lays the foundation for equal employment opportunities, the relevant parts of which are outlined by Bekker (1992 : 65) below :

- there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state;
- no citizen shall on the grounds of religion, race, caste, sex, descent, place of birth, residence be ineligible for, or discriminated against in respect of any employment or office under the state; and,
- nothing in the article shall prevent the state from making any provisions for the reservation of appointments to posts in favour of any backward classes of citizens which, in the opinion of the state, is not adequately represented in the services under the state.

With reference to the above Naidoo (1995 : 131) observed that while on the one hand provision was made for **“non-discrimination on the basis of religion, race, caste, sex, descent, place of birth or residence”** on the other hand another clause was introduced stating that **“nothing should prevent the state from making special provision for the advancement of socially and educationally backward classes such as the scheduled castes and tribes”**. In other words, while certain clauses of the Constitution upheld equality and outlawed discrimination, others introduced qualifications. Weiner (1993 : 5) and Thompson (1992 : 36) highlighted the contradiction between these clauses. Weiner (1993 : 5) subsequently summarized the

status quo in India as one that provides “**equal opportunity for all, but special benefits for some**”. Sauerman (1996 : 42 - 43) notes that although the exact wording of these clauses differs from that of Section 9 of the South African Constitution, they serve the same purpose :

“... they provide that there is a right to equality, but that right should not exclude measures designed to advance certain sectors of society.”

He cautions, however, that it is the extent to which such measures have been permitted that has been the subject of judicial scrutiny in India and is, therefore, something that South Africa should be wary of when developing and implementing Affirmative Action/Employment Equity programmes.

An astute but cautious constitutional lawyer and renowned campaigner for the rights of the untouchables, an untouchable himself, Dr Ambedkar, was responsible for drawing up the Draft Bill related to Reservation for the SCs and STs. According to Professor Beteille (1993 : 5), Dr Ambedkar’s policies and recommendations were governed by his view that “**The provisions of special benefits for some should not eat up the provision of equal opportunity for all**”. In other words the aim of Affirmative Action should be that while it serves to create equal opportunity for all by making special provisions for some it must also ensure a delicate balance between the two . The question arose as to “**... who ought to be the beneficiaries, and what were to be the benefits**” (Weiner, 1993 : 5). The answer rightfully posited by Havanur (1992 : 107) is “**The lower castes which have been exploited, oppressed, suppressed and neglected by the higher castes for many generations cannot produce equal results without compensatory measures protecting them from discrimination.**”

Consequently, the need arose for the lower caste to be targetted as the primary beneficiaries of Reservation (Affirmative Action) policies. It was felt that if such

compensatory measures are not provided, then, given their disadvantaged beginning the lower castes would make little progress in the so-called equal society. It is more likely that they would revert once again to square one and be trapped in a vicious cycle for the rest of their lives.

This vast machinery of protective discrimination or positive discrimination (some of the many Indian synonyms for Affirmative Action) for the Scheduled Castes (SCs) and Scheduled Tribes (STs) was developed as early as the 1930s and 1940s under the British Colonial rule (Seenarine, 1996 : 4; Reddy, 1993 : 3). The Constitution of India originally provided for Reservation (another Indian synonym for Affirmative Action) in favour of two disadvantaged groups, the Scheduled Castes (SCs) and the Scheduled Tribes (STs) who were identified by the constitution as Backward Classes (BC) (Jauch, 1998 : 11)

The SCs are made up of untouchables who, according to the 1991 Census, comprise over 16 percent (138 million) of the Indian population (Seenarine, 1996 : 3). They are commonly clustered together in segregated hamlets at the edge of villages. They are a small and vulnerable minority in any given region, making resistance to exploitation and violence very difficult. According to the 1971 census over half of the SCs workforce were landless agricultural labourers compared to 26 percent in the case of non-Scheduled groups (Seenarine, 1996 : 3). Many are **“compelled into dehumanising jobs like manual scavenging and garbage picking and pushed by the gruelling cycle of generational poverty and landlessness and hunger into life-long indebtedness”** (Padayachee, 2001 : 1).

The Scheduled Tribes (STs) on the other hand made up 7,75 percent (66 million) of the population of India (Jauch, 1998 : 11). Historically they lived in isolated hills and forest areas, leading a simple lifestyle of low economic and technological standard (Jauch, 1998 : 11). Weiner (1993 : 5) contends that it was this isolation that contributed in part to their being disadvantaged. Presently the SCs and STs together comprise approximately 260 million (Social Study Circle, 2001 :

www.ambedkar.org/ssc/reservation/resevn.htm).

Jauch (1998 : 11) observed that the Scheduled Tribes and Scheduled Castes are widely accepted in Indian society as being the appropriate target groups for compensatory measures. This is clear from the action of the constituent assembly which, while rejecting the reservation of parliamentary seats for religious minorities, reserved seats for the Scheduled Castes and Scheduled Tribes in the national parliament and state legislatures. This constitutional provision was initially made for a period of ten years. It was later extended to 50 years in view of the belief that the Scheduled Castes and Scheduled Tribes were still in need of compensatory measures (Havanur, 1992 : 106-107). The literature, however, overwhelmingly reveals that one of the commonly agreed upon principles of Affirmative Action is that it should be temporary and flexible (Human, 1995 : 56). Thompson (1993 : 37) specifically highlights the fact that political considerations in India led to the contrary by making permanent of the temporary by increasing the period from ten years to fifty. Thakur (2000 : www.dawn.com/2000/02/18/int7.htm) cautions that as such group-based Affirmative Action programmes permeate public institutions of a country, they end up institutionalising the very divisions that they were meant to eradicate.

The Constitution subsequently made provision for special benefits for an additional group referred to as Other Backward Classes (OBC). Together with the SCs and STs they fell into the general category of Backward Classes. The inclusion of this third target group, the majority of whom formed the last tier of the upper class, as beneficiaries of Affirmative Action policies led to a great deal of controversy in India. In a country of such vast and widespread poverty it was beneficial to classify oneself as a member of the Backward Class in order to qualify for legislative relief linked to the Affirmative Action policy. Hence, the backward label soon became **“heavily prized”** in India (Thompson, 1993 : 37). This Indian dilemma which Thompson (1993 : 37) interprets as one that could be a lesson for South Africa, is described in the following manner :

“... with regard to the OBC India has embarked on a well meaning policy of seeking to achieve greater equality, but the road to success (if there is any) is blocked by a mountain of confusion as well as scarcity of resources. ... India’s strategies of protected discrimination must be ... formulated in the context of an ecologically sound form of sustainable development.”

He claims that India has painfully learnt that Reservations for a clearly defined, fairly limited number of potential beneficiaries are manageable with greater ease than **“a spray-can system of giving some form of preferential treatment to a large number of groups of people”** (Thompson, 1993 : 37). In India’s situation, it is clearly impossible to help all those who claim they are backward unless there is a clear definition of backwardness. The Indian policies on the OBC category ran into troubled waters. The unfulfilled promises turned **“dreams of benefits into nightmares of communal riots”** (Thompson, 1993 : 37).

Despite the constitutional proposals the government initially did not provide special benefits for Other Backward Classes (OBC), partly because so many communities described themselves as backward and partly because the educational and employment differences between the backward and so-called forward castes were not as clearly spelt out as was the case for Scheduled Tribes and Scheduled Castes (Weiner, 1993: 5). In 1980 a Presidential Commission, known as the Mandal Commission, after the name of its chairperson, issued a comprehensive report and a set of recommendations for national standards. Its central premise was that the mere prohibition of discrimination and a policy of equality of opportunity were insufficient to remedy the profound social effects of the caste system. It stated that :

“People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity Equality of opportunity is also an asocial principle, because it ignores the many invisible and cumulative hindrances in the way of the disadvantaged.”

(Cunningham, 1999 : 2)

The Commission recommended that a percentage of new hires for Central Government jobs be reserved for OBC members under a quota system. Hence, in 1990 there was an about turn on the part of the government in that Reservations or quotas were introduced for Other Backward Classes (OBC) as well. This included preferential treatment in university admissions and university and government employment. The quota established for Other Backward Classes (OBC) was 27 percent of jobs in the Federal Public Sector. This was in addition to the 22 percent set aside for Scheduled Tribes and Scheduled Castes (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm).

According to many political observers this about turn was undertaken by the government to win greater electoral support. The consequence of this was that almost 50 percent of all government appointments were reserved for Backward Classes. There was now the threat of Dr Ambedkar's concern **“that the special provision for some would eat up equal opportunity for all was becoming a reality”** (Weiner, 1993 : 5).

Whilst there was broad acceptance of Affirmative Action (Positive Discrimination (PD)) being applied to Scheduled Castes and Scheduled Tribes there was tremendous opposition to its application to the Other Backward Classes (OBC) because it would be then extended to cover the majority of the population. It also raised fears among the privileged classes who felt that this new vastly increased percentage of Affirmative Action beneficiaries might soon lead to the abandonment of the principle of equal opportunity. What angered the population further was that they were aware that such benefits were extended to the OBCs for political gain.

Weiner (1993 : 6) maintains that in the Indian context, Affirmative Action is **“defined rigidly in terms of reservations or quotas”**. These Reservations exist in the state legislature and in the union legislature or parliament, in services under the states including Higher Education and in education in general. Such Reservations or quotas were described as low cost strategy, or rather the easy option for reducing disparities

between castes since little attention was focused on developing primary and secondary education systems, the deprivation of which was one of the root causes of the existing inequalities. This view is supported by Seenarine (1996 : 4) who recommended that **“Reservations coupled with other welfare programmes constitute the core of Affirmative Action”**. Jauch (1993 : 12) corroborates this viewpoint that while middle class children frequently attended expensive private schools, the quality of education in the government schools remained relatively poor. Hence, although there was an increase in basic literacy among the Backward Classes, the poor quality of schooling prevented most of them from competing successfully at higher levels thus limiting Employment Equity and upward mobility in institutions of Higher Education.

This was the consequence of low financial investment on mass education by the government that resulted in a relatively small pool of qualified people from the Scheduled Castes and Tribes. The number from this group that could have entered the universities as staff or students or obtained employment at other government institutions on an equal basis was therefore small. Nevertheless, India's Affirmative Action policies did contribute to a reduction of inequalities between castes by, for example, creating a new middle class from the ranks of the Backward Classes. This was to a large extent made possible by the introduction of Reservation rules in government employment and Higher Education institutions.

Recruitment of academic staff at institutions of Higher Education is based on Reservation rules set out in Government Orders (GOs) (Rao : www.indiapolicy.org/debate/Notes/jagadiswara.html). Within institutions, departmental rules and regulations and/or office memoranda are circulated based on recommendations of the GOs. The Reservation categories recognized are the physically handicapped, women, SCs, STs and OBCs. The SCs, STs and OBCs are further divided into four categories : A, B, C and D. These four categories are based on weighting in terms of degree of backwardness (disadvantage). According to the rules if a particular post was reserved for OBC-A category it could not be filled by a better SC candidate or a candidate from any other group for that matter.

Quotas in Central Government employment, legislative representation, education and numerous other areas were set down by statute (Kamath, 1991 : 3). This Reservation quota was mandatory in government institutions including institutions of Higher Education. The government later extended quotas to promotions as well. The mandated quotas for SCs were set at 15 percent, for the STs 7,5 percent and for the OBCs 27 percent (shikshanic.nic.in/cd50years/r/2Q/A2/2QA20901.htm). These percentages varied in different provinces according to various influencing factors within the respective provinces. However, it could not be changed below the government-mandated minimum (Raza, 2002 : personal interview).

Women in general and in Higher Education were disadvantaged; they fell into the lowest rung in the hierarchy of both upper and lower caste folk (Raza : personal interview). Dalit women, in particular were, further disadvantaged in that they were subjected to a triple oppression by way of class, caste and gender subordination. Seenarine (1996 : 2) succinctly described this in the following words :

“... females suffer from the interconnection of multiple oppressions of class, caste, gender and cultural oppression at all levels (household, village, district, state, national and global) by both men and women, from all castes and class.”

The Central Government planned to set aside 33⅓ percent of Reservation for women (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm). This existed only in theory and was rarely put into practice (Raza, 2002 : personal interview). This was frowned upon by the majority of the upper caste and, although discussions are still continuing, consensus has not been reached on it as yet. Many fear that the scheme would be hijacked by the **“bibi, beti, and bahu brigade”** i.e. the wives, daughters and daughters-in-law from the elite caste would be given preference over other deserving candidates (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm). There were yet others who opposed it on the basis that they wanted caste quotas included within the quotas for women. Dalits, on the other hand, have campaigned for the recognition of

Dalit women as a distinct social group rather than masking them under the general category of women. They wanted a separate distribution of Reservation facilities for Dalit women in education and in employment in general.

Other Reservation rules for the disadvantaged caste groups were :

- Relaxing general requirements for employment as academic staff in institutions of Higher Education for SCs, STs and OBCs because of the disadvantaged nature of their early education (Raza, 2002 : personal interview).
- Increased age limit for the lower caste groups regarding entry into the Higher Education workforce. Generally, such appointments were governed by a minimum age requirement. This Reservation rule took into consideration the fact that entry into educational institutions for the lower castes was often delayed because of a lack of resources for poorly endowed families to provide Higher Education for their children.
- Institutions of Higher Education and individual departments were required to keep a register (called roster in India) in which the following information, among others, was to be recorded : the number of various sub-categories of SC, ST and OBC candidates, the number appointed;, the percentage of posts filled in relation to the Reservation quota and the future plans for appointing candidates from these disadvantaged groups. Such registers were to be available for scrutiny by the Provincial Commissioner of Education or its representative in order to ascertain, *inter alia*, whether the process was transparent, what initiatives were undertaken and the progress achieved (Raza, 2002 : personal interview).
- A monitoring agency accountable to the Provincial Commissioner of Education and the SC/ST representative at the respective institutions was given authority, among other considerations, to scrutinize registers, procedures, raise objections, make suggestions, etc. (Raza, 2002 : personal interview).
- Every institution was required to establish an SC-ST committee to deal



with matters related to such castes (Raza, 2002 : personal interview). Further, all departmental committees at institutions of Higher Education were required to appoint a SC-ST representative to ensure that there was no discrimination against their caste members and to safeguard their interests in general.

- Advertisements of posts had to fulfill certain specific requirements. It had, for example, to stipulate the specific qualification requirements (which had to be reduced) for the specific sub-categories of SCs, STs and OBCs. If no suitable candidate was available first time round, the advertisement had to be repeated twice more (Raza, 2002 : personal interview).
- Appointments of individuals from the ST, SC and/or OBC groups onto National Planning Commissions were encouraged. This was rare as in the past planning for these disadvantaged groups had always been done by people from the upper castes who had little knowledge and experience of the actual problems of SCs and STs (Social Study Circle, 2001 : www.ambedkar.org/ssc/development/comp_outline.htm).
- The University Grants Committee (UGC) was established by an Act of Parliament in 1956 to contribute, *inter alia*, to the progress of Reservation policies by way of financial aid and/or incentives, grants, scholarships, etc., for both the institutions as well as SC and ST academic staff at such institutions (www.academics_india.com/main_frame.htm);
- The establishment of Employment Exchange Offices by the provincial government in order to facilitate and monitor the appointment of SCs and STs in institutions of Higher Education (www.dalits.org/). Newly qualified academics from the SC, ST and OBC groups were required to register with this office if they wished to avail themselves for a position in an institution of Higher Education. Certificates indicating the degree qualification, marks obtained and proof, that the applicant was from the Scheduled or Backward Class, were required. Each applicant was granted a number and when posts became available that matched the qualification of the applicant they were informed accordingly. Further, a

requirement by the government was that a special and separate list indicating progress in filling the reserved posts by the lower castes had to be drawn up. As a concession for the lower caste groups the fee required to register with the Employment Exchange Office was to be waived (Raza, 2002 : personal interview). Of importance was the fact that the Employment Exchange Office made available data on the percentage of posts for the lower castes that had been filled or were still vacant (www.dalits.org/). An analysis of such data would indicate whether progress was made or not.

- Abuse of academics from the SC, ST or OBC groups by their upper caste colleagues was to be punishable by law. Social friction between the upper and lower caste academics was a common feature. In fact according to Raza (2002 : personal interview) the low caste academics were referred to in a derogatory manner as “**quota people**”.
- Opportunities were to be made available to the lower castes to further their study and/or to study abroad. An example of such opportunity, among others, was the Dr Ambedkar Fellowships introduced by the Dr Ambedkar Foundation.

There has been an increase in educational access for Scheduled Castes and, to a lesser extent, for Scheduled Tribes as a result of the post-independence Affirmative Action educational programmes. Apart from Reservations in educational institutions other major programmes for their upliftment included exemption from school fees, provisions for stipends or scholarships, provision for book grant facilities and hostel maintenance and assistance to hostels for the previously disadvantaged students.

The Central Government sponsored college scholarships, awarded travel grants and a 7,5 percent Reservation in favour of previously disadvantaged students in merit scholarship. The programmes also provided for assistance by way of special coaching for such students residing in hostels as well as pre-examination coaching facilities for those students taking competitive examinations. Policies for low caste women focused on programmes like gifts of money for marriages in which one partner was an

untouchable, support for housing projects, legal machinery for law-suits against discriminative practices and so on.

In spite of the above the Scheduled Castes and Scheduled Tribes still remained among the poorest and least educated communities in India. In Higher Education as well progress was slow. STs and SCs occupied a mere 1,2 percent of the posts in the Social Sciences and 0,5 percent of the posts in the Sciences while the upper caste representation was 90 percent and 94 percent respectively (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/). The Affirmative Action programmes did not bring about a major shift in redistribution of material resources as was envisaged. Whilst this might have been one of the objectives of the Indian government whatever programmes it had in mind were crippled by its very low economic growth rate, thus the much hoped for “... **rising tide that might have lifted the poor did not occur**” (Weiner, 1993 : 6). This was because the resources available for the expansion of education and other such services were limited.

Other factors responsible for the slow progress of Reservation in education in general and in Higher Education appointments, in particular, are :

- lack of interest, enthusiasm and the resistance by the upper caste, who held the majority of the academic posts, in disseminating knowledge and educating the lower castes. They often sought to neutralize the government’s proposals by denying stipulated benefits to SCs and STs;
- discrimination of students in Higher Education by academicians - the teaching staff, other educationalists and the administrative staff. Apart from the discrimination against SC and ST committees it was also prevalent in the evaluation and grading of students and lecturers;
- limited financial support, scholarships, fellowships, freeships or their inadequate and untimely disbursements. Proponents claimed that opportunities to further study abroad available to Indian students, were often kept secret from SCs and STs. A case in point was the Dr

Ambedkar Overseas Fellowships for SC and ST students which “... **has been badly twisted beyond recognition by the Welfare Ministry ... [and] has been in cold storage for quite sometime**” (Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm). The University Grants Commission run by predominantly upper caste also colluded with the upper caste in suppressing Higher Education appointments for the SCs and STs;

- large loopholes and shortcomings in Reservation rules and the non-existence of any legislation to overcome this. This made it possible for even the smallest functionaries to subvert the Reservation philosophy and to evolve negative mechanisms to defeat both the purpose and operation of even specified Reservation rules;
- lack of efficient machinery to monitor or correct adverse and negative reactions and procedures, typical of the upper caste, and positions of authority in Higher Education. An Indian scientist, Dr Raza from the National Institute of Science, Technology and Development Studies, confirms this. He maintains that monitoring and evaluation agencies have been inadequate and ineffective over the years and that only in the last five years there has been some progress (Raza, 2002 : personal interview);
- restricted or no involvement of SC and ST leaders and intellectuals in the planning and preparing programmes for SCs and STs even at grass root levels;
- limited number of academics appointed from the SCs and STs that made it well nigh impossible to have a representative in all committees at institutions of Higher Education. A critical mass of SCs and STs was lacking (Raza, 2002 : personal interview);
- lack of will by the authorities to uplift women in general, more particularly those from SCs and STs. This was further compounded by the fact that SC and ST women were alienated thrice over on the basis of their class, caste and gender;

- unacknowledged Reservation policy for upper castes, particularly the *Brahmins* in Higher Education, appropriately termed “Brahminocracy” (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/);
- ruling elite in control of appointments deliberately did not fill the Reservation quotas set aside for SCs and STs. According to the National Commission of Scheduled Castes and Scheduled Tribes Report in 1993, of the total SC and ST Reservation quota in the Central Government, 54 percent remained unfilled and in the Public sector 88 percent remained unfilled thus depriving the disadvantaged the opportunity of occupying these posts. At the state level in Andhra Pradesh, for example, 37 649 Reserved posts were not filled in 1986 although a staggering 260 000 SC and ST candidates had registered with the respective Employment Exchange Office (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/);
- reservation quotas not mandatory at private institutions of Higher Education and such institutions were, therefore, not obliged to appoint academics from the SC and ST groups;
- ownership and control of the majority of material resources remained almost totally in the hands of certain higher caste communities who opposed any attempt by the lower castes to become economically or educationally empowered. For example, in September 1988, in a village in the state of Karnataka the powerful upper caste Hindus located a prosperous *Dalit* (untouchable) household, beat up the son and raped the daughter in front of Dr Ambedkar’s statue. The reason cited in an Indian newspaper was that the “... **uppercaste Hindus do not tolerate the prosperity of Dalits**” (Seenarine, 1996 : 6);
- reservation in education was limited up to the graduate level, especially in professional institutions. This made it difficult for SCs and STs to pursue Higher Education studies, which was essential for obtaining Higher Education positions as well as positions anywhere in the country (S o c i a l S t u d y C i r c l e , 2 0 0 1 : ,

www.ambedkar.org/ssc/development/comp_outline.htm); and,

- Reservation rules circulated by GOs and departments of institutions and office memoranda were easily flouted and conveniently changed (Raza, 2002 : personal interview). What India lacks is an official enactment of a Reservation law.

Seenarine (1996 : 4) also attributed the slow improvement in the socio-economic status of untouchables to corruption and nepotism, e.g., the poor received less than ten percent of the actual funding allocated to them. Corruption and nepotism in educational institutions led to SC and ST academics being sidelined (Social Study Circle, 2001 : www.ambedkar.org/ssc/development/comp_outline.htm). Also there was often cheating and misrepresentation in the use of the facility of Reservation (Affirmative Action). Jauch (1998 : 13), therefore, makes the declaration that, since Affirmative Action neglected to challenge the structures which caused fundamental economic and educational inequalities, the policy did not result in large enough improvement of the status and conditions of Backward Classes. Generally only certain members of the scheduled groups benefitted namely, those who were better educated, because they were able to capitalize on the opportunities created by the Reservation system (Affirmative Action). The majority of the untouchables, however, remained as labourers or subsistence farmers and were far removed from developing academic excellence (Beteille, 1993 : 11-14).

As a means of redressing caste inequalities, Affirmative Action was relatively successful but as a redressor of the economic standing of the impoverished majority it was not as successful as anticipated. The lack of comprehensiveness of the Affirmative Action policy and the lack of necessary resources required for the fulfilment of such a policy are limitations that need to be recognized and addressed. Jauch (1998: 13) cautions that the process of administering Affirmative Action and Employment Equity and the specific circumstances under which they were implemented **“might reduce inequalities in one area without affecting inequalities in another”**.

4.7.1 Summation

While the *de jure* position in terms of the Constitution of India prohibited the caste system the *de facto* social pattern of behaviour tended to perpetuate it. This created enormous inequalities among the people over the years.

In an attempt to transform the society into a more egalitarian one the policy of Reservation (Affirmative Action) was introduced. The two historically disadvantaged groups, the STs and the SCs were initially targetted as the main beneficiaries. Later, it targetted a third group referred to as the OBC who formed the fourth and last tier of the upper caste. In all instances Affirmative Action was initiated as an interim measure but soon assumed a degree of permanence contrary to the principles sounded out in the literature.

Due to the lack of clear definition of what constituted backwardness and the fear of overwhelmingly large numbers classifying themselves as such, out of convenience, merely to take advantage of the privileges, the idea was initially rejected. However, in order to satisfy their political agendas, the government, on the recommendation of the Mandal Commission, included them as the third set of beneficiaries in 1990, much to the resentment of the Indian community. This meant that Affirmative Action programmes were now required to cater for a larger percentage of the population against the background of limited resources to do so. Hence, the reason for its slow progress in certain areas.

Affirmative Action in the Indian context is defined rigidly in terms of Reservations or quotas. This was described by critics as a low cost, quick fix or an easy option for reducing the disparities among castes since it did not deal with eliminating the root causes of the existing inequalities, which, *inter alia*, was lack of adequate education and educational facilities, resources, etc. The following were some of the Reservation rules for employment in Higher Education :

- lowering Higher Education employment requirements for SCs and

STs;

- increasing the age limit for appointments;
- keeping a register of details related to SC and ST employment;
- establishing ST and SC committees;
- appointing ST and SC representatives on committees;
- establishing monitoring agencies;
- identifying special requirements in advertisements for posts;
- obtaining assistance from UGC;
- establishing Employment Exchange Offices; and,
- offering opportunities for SCs and STs to further their qualifications.

Whilst some progress was noted the SCs and the STs still remained among the poorest communities in India and the least represented in Higher Education institutions. This was mainly because there were limited resources for expansion of education and other services. The low economic growth was also a contributing factor. A further obstacle was that the ownership of material resources remained in the hands of the higher caste who were reluctant to empower the low caste. Corruption, cheating, nepotism, misrepresentation in the implementation of the facility of Affirmative Action and skewed allocation of funds affected progress. This also contributed to the slow progress in uplifting the socio-economic status of female untouchables. Other factors included :

- resistance, negativity and lack of commitment by the advantaged upper caste in improving the educational ability of the SCs and STs;
- discrimination against SC and ST students and lecturers by upper caste academics in power;
- limited opportunity for and prejudices against improvement of qualifications of SCs and STs;
- absence of enacted Reservation laws;
- inadequate monitoring and evaluation of Reservation

- programmes;
- restricted involvement of SCs and STs in Reservation programmes designed for them;
 - triple oppression experienced by low caste women;
 - deliberate attempts by those in power not to fill Reservation quotas; and,
 - lack of Reservation quotas at private institutions.

Affirmative Action as a means of addressing class inequalities was relatively successful. However, as a redressor of the economic and educational standing of the impoverished majority it was not as successful as anticipated.

4.7.2 Implications of Affirmative Action in India for South Africa

An important and all embracing lesson for South Africa from the Indian experience is epitomized in the following central premise of the Mandal Commission referred to by Cunningham (1999 : 2):

“People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity ... Equality of opportunity is also an asocial principle, because it ignores the many invisible and cumulative hindrances in the way of the disadvantaged.”

This message for Higher Education in South Africa is that, given the disadvantaged background of people of colour in the country and the various hidden and visible barriers, something more profound than the “... **asocial principle....**” of equality of opportunity is required, viz., Equity or fairness which is discussed in Chapter Two. It also makes imperative the principle of providing other enabling conditions through Affirmative Action and Employment Equity programmes for the previously disadvantaged if Equity or substantive equality is to be achieved.

Another lesson for South Africa from the Indian experience is crystallized eloquently in the words of Dr Ambedkar who cautioned that “... **The provisions for special benefits for some should not eat up the provision of equality of opportunity for all**” (Weiner, 1993 : 5). The nub of this proposal is that, while Affirmative Action serves to create equal opportunity for all by providing special provisions for some it must also ensure a delicate balance between the two principles. This is a daunting task which South African implementors of Affirmative Action and Employment Equity in institutions of Higher Education should focus on seriously. The dilemma of providing equal employment opportunities for those from the designated groups without promoting a system of new inequalities will be crucial for Higher Education managers in South Africa.

In India, as in South Africa, ownership and control of most resources are in the hands of the previously advantaged (upper caste Hindus in India, Whites in South Africa). These upper caste Hindus were opposed to any attempt by the previously disadvantaged to advance themselves or to become empowered. The authorities responsible for administering Affirmative Action and Employment Equity in South African institutions of Higher Education should guard against such a situation. Good relations with the previously advantaged Whites, the majority of whom have the necessary academic background, expertise, resources, etc., should be harnessed to empower and advance the previously disadvantaged academics of colour and women. Hence, they should be encouraged to buy into such programmes and, among other considerations, be involved in the designing and implementing of these programmes in order to prevent the backlash that prevailed in certain quarters in India.

Affirmative Action in the Indian context is defined rigidly in terms of Reservations or quotas. This is frowned upon by international proponents of Affirmative Action who recommend a flexible goals and timetable approach. The critics describe quotas as low cost, or quick-fix methods for reducing the disparities

among the people. This strategy was not totally successful. Their main point of contention was that it did not deal with eliminating the root causes of the existing inequalities. For example, as long as the upper caste Hindu academics remained at the helm of Higher Education institutions progress in Employment Equity for the lower caste groups will be slow. What India failed to develop was efficient machinery to monitor and correct the negative reactions and practices of the upper caste academics in positions of authority in Higher Education which was one of the root causes of inequalities. South African institutions of Higher Education should, therefore, be aware that eliminating root causes of inequality is important and that merely fast tracking appointments of members from the designated groups, as a quick-fix method, either to meet hidden quotas or to appear politically correct, is not the solution.

For Affirmative Action to be successful in South Africa institutions of Higher Education should, firstly, focus more on flexible goals and timetables rather than on quotas, given the negative history of its consequences. Secondly, the implementation of Affirmative Action/Employment Equity should be concurrent with broader upliftment or capacity building programmes for the previously disadvantaged who were denied sound educational background under the apartheid regime of the past. In this regard Thompson (1993 : 37) claims that implementing Affirmative Action in the absence of **“an ecologically sound form of sustainable development”** created a dilemma for Indian implementors. Higher Education institutions in South Africa should be wary of this. This suggestion/lesson also emerges from Seenarine’s (1996 : 4) proposition that **“Reservation [Affirmative Action] coupled with welfare programmes constitute the core of Affirmative Action.”** By implication the message for Higher Education implementors in South Africa is that the diversity in academic staff arising from Affirmative Action and Employment Equity policies at their respective institutions requires to be managed effectively if there is to be progress in the future. This means that implementors of Affirmative Action and Employment Equity programmes in Higher Education institutions in South Africa

must ensure that adequate support services are provided for beneficiaries of Affirmative Action and Employment Equity so that they can function effectively, efficiently and confidently in their respective positions of responsibility at their institutions.

Another implication that institutions of Higher Education should take cognisance of is corruption, cheating, nepotism, tribalism, misrepresentation of the facility of Reservation (Affirmative Action) and skewed allocation of funds that India experienced. This indeed was a major obstacle in the progress of Affirmative Action policies in India and is something that Higher Education institutions in South Africa need to guard against. A message for South Africa in this regard is that the skewed allocation of funds and resources which favoured HWIs in the past must be rectified with a view to 'levelling the playing fields'. India's experience has proven that, without such resources, any attempt at Affirmative Action and Employment Equity is doomed to failure. The probability of corruption, nepotism, etc., being associated with Affirmative Action and Employment Equity practices should alert Higher Education managers to institute ongoing evaluation and supervision of all Affirmative Action and Employment Equity practices and procedures at their respective institutions. It is also imperative for those entrusted with the task of implementing Affirmative Action and Employment Equity to be accountable to some higher authority or office at the respective institutions so that any devious practice could be nipped in the bud.

Government and ruling party political interferences with Affirmative Action also contributed to its resentment against it in India. South African Higher Education institutions should guard against falling victim to them. Political interference has serious implications for Higher Education in that the candidates proposed by the ruling party may not be the most suitable from among the designated group.

India has painfully learnt that Affirmative Action for a clearly defined, fairly

limited number of potential beneficiaries is manageable with greater ease than **“a spray can system of giving some form of preferential treatment to a large number of groups of people”** (Thompson, 1993: 37) which often leads to unfulfilled promises as was the case in India which turned **“dreams of benefits into nightmares of communal riots”** (Thompson, 1993 : 39). South African institutions of Higher Education need to take cognisance of this and, given the limited resources available, refrain from biting off more than they could chew if Affirmative Action and Employment Equity are to succeed.

In order to promote the disadvantaged, sponsorships, scholarships, travel grants, coaching and monetary support among other things are awarded by the Indian government via Affirmative Action and Employment Equity programmes. The government in South Africa should note the merit of this and make contributions, in whatever way possible, to enhance the progress of the previously disadvantaged academics rather than simplistically and unwisely calling for rigid quotas. The principle of making such awards or grants could serve a very useful purpose in developing the capacity and qualifications of those previously disadvantaged academics who could serve as role models for future applicants from the designated group.

Ideally Affirmative Action should be a temporary or an interim measure until the ‘playing fields are levelled’. In India the extension of this period from ten to fifty years has indeed given it a degree of permanency. The danger of this is that as group-based Affirmative Action and Employment Equity programmes permeate public institutions of a country, they end up institutionalizing the very divisions that they were meant to eradicate (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm). The implication, for South Africa is that there should be an ongoing review of the progress and decisions regarding its time scale so that anomalies could be rectified timeously.

The lack of a concise definition of who comprised the Backward Classes

(previously disadvantaged) in the Indian context was a stumbling block to the effective implementation of Employment Equity and Affirmative Action. Worthy of note is the fact that India later divided the SCs, STs and OBCs into four sub-categories according to degrees of disadvantage. South Africa, therefore, need to consider this and develop a clear and unambiguous definition of who comprises the previously disadvantaged (designated group) to ensure that Affirmative Action and Employment Equity programmes target the appropriate population, lest it suffers the same fate as in India.

It was found that institutionalized bias and the denial of access to education were major factors in the perpetuation of discrimination against the lower caste groups in India. These are traits that Higher Education institutions in South Africa especially HWIs, which supported the policy of racial segregation in the past, must rid themselves of, if Affirmative Action and Employment Equity programmes are to succeed.

The fears of the previously privileged groups, such as the 'innocent White males' in South Africa, must be addressed at institutions of Higher Education. Such fears among the privileged classes in India led to their playing a miniscule role in bringing about Employment Equity among the lower castes and often blocked progress. In this regard Seenarine (1996 : 6) categorically states that **"... uppercaste Hindus do not tolerate the prosperity of the Dalits"**.

Another stumbling block to the success of Affirmative Action and Employment Equity in India was that the programme neglected to challenge the structures which were responsible for the fundamental inequalities. This has relevance for Higher Education institutions in South Africa more so, since the institutional structures of HWIs in particular and to a lesser extent HBIs, were to a large extent based on the apartheid ideology of the past. Therefore, it is imperative that those structures which hinder the progress of Affirmative Action and Employment Equity initiatives are identified and removed. If these structures are not challenged it would be tantamount to merely assimilating Blacks into the

White culture of the HWIs with its apartheid influence, social and academic practices.

A factor which was clearly evident in India as being responsible for inhibiting progress in Employment Equity for the disadvantaged was the lack of commitment among those who held positions of power in Higher Education. This highlights the need for a strong commitment and belief in the Affirmative Action/Employment Equity programme by those in positions of power, especially those in executive positions.

Although, in theory, systems were in place for monitoring the progress of Affirmative Action in India until very recently it was inefficient and ineffective largely because the monitors of Affirmative Action/Employment Equity programmes did not sincerely subscribe to them and, therefore, were not passionate about their success. South African authorities must take cognisance of this and ensure that committed individuals who are accountable to some higher authority, are entrusted with the task of implementing Affirmative Action/Employment Equity programmes.

Maintaining a set of records related to initiatives, plans, etc., in administering Affirmative Action/Employment Equity programmes in India was an essential requirement to assess progress. Unfortunately, they were not well maintained. In order to ensure transparency and eliminate any fear of overt or covert discrimination South African institutions of Higher Education should maintain and make available such records to both internal and external monitoring agencies for them to effectively evaluate Affirmative Action/Employment Equity programmes.

India introduced and advertised special concessions for academics from the disadvantaged groups to attract them to apply for posts at institutions of Higher Education. South Africa, too, should introduce such special measures to attract the best candidates from the designated group to avail themselves for posts in

Higher Education.

Government organizations and committees such as the University Grants Committee in India should be established in South Africa to empower and develop the capacities of academics from the designated group. If such organizations are state driven they can serve all institutions of Higher Education equitably and with grater authority than autonomous committees set up by the respective Higher Education institutions for itself and its staff.

Exchange Offices in India serve as a centrally based data bank, office or directory providing information on available qualified candidates from the designated group ranging from lecturers to executive managers. Such a data bank should be established in South Africa to supply Higher Education Institutions with an available pool of adequately qualified academics from the designated group.

Because of the inadequate number of academics from the disadvantaged group available to represent them in decision-making committees in Higher Education institutions in India it further disadvantaged them because they had no representatives to promote their welfare. Institutions of Higher Education in South Africa should, therefore, be mindful of this and make concerted efforts to ensure the appointment of adequate number of academics from the disadvantaged group to serve on decision-making committees.

In India the triple oppression (caste, class and gender subordination) experienced by low caste women hindered their progress in education. South African institutions of Higher Education should be alert to this and make every effort to eradicate institutional and systemic barriers that hinder progress of women. Special consideration should, therefore, be given to women in general and Black women, in particular, who experienced a double oppression (race and gender) in the past.

In the recent past India involved academics from the disadvantaged groups (who were previously omitted) on commissions and planning programmes. Such a move, in addition to having the advantage of employing people onto the committee who had vast experience and knowledge of the disadvantaged groups, also served to empower these members.

It must be remembered that for Affirmative Action and Employment Equity to succeed economic growth and development are vital. For example, the low economic growth rate in India had a crippling effect on the progress of Affirmative Action policies there while in Malaysia a positive economic growth rate had the opposite effect inspite of their problems. For Affirmative Action to progress in South Africa an all out attempt must be made by all stakeholders to ensure a positive economic growth rate.

Having reviewed Affirmative Action and Employment Equity policies in the aforementioned six countries and their implications for South Africa, this chapter concludes with a discussion of the general principles of Affirmative Action/Employment Equity that emerged from the above. In this discussion some reference will also be made to other countries to substantiate these implications. This will obviously have a bearing on the South African scenario.

4.8 CONCLUSION

In this chapter a historico-comparative study of Affirmative Action (AA) and Employment Equity (EE) policies and procedures in developed countries (USA, Australia, Canada) and developing countries (India, Zimbabwe, Namibia) as well as their implications for Higher Education in South Africa was undertaken. This was done so that emerging South African policies and programmes in Higher Education can be understood in the light of the relevant international experience and critique. There was clear evidence, in this review, that a measure of difference in the implementation and progress of Affirmative Action/Employment Equity policies between developed and developing

countries and between economically rich and economically poor countries exist.

The review revealed that Affirmative Action/Employment Equity programmes undertaken in the respective countries varied, ranging from rigid quotas to a more nuanced range of policies. It also emerged from the aforementioned study, that, while the underlying principles of Affirmative Action/Employment Equity are noble, there appears to be no single method of implementing one policy successfully for all. This became evident in the respective countries where the different political, economic and social circumstances required different methods of implementation.

It is also clear from the review that all the AA/EE programmes focus on the common principle of uplifting or improving the plight of disadvantaged communities. These communities usually belonged to racial, ethnic, caste or gender groups which were previously disadvantaged in some way or the other.

In general two different types of Affirmative Action policies emerged from the review. The first type matches the concept introduced by Weiner (1993 : 11), i.e., “**Affirmative Action for expanding opportunities**” which required the introduction of as many strategies conceivable to eliminate discrimination of whatever nature. One example is the elimination of job requirements that are not job related and which generally impact negatively on the previously disadvantaged.

Another involves race, ethnic or gender conscious policies intended to expand the pool of qualified individuals from among the previously disadvantaged. In Higher Education this usually took the form of increasing opportunities for the previously disadvantaged to obtain higher and more specialized education and training so that they can qualify for or obtain a greater proportion of faculty and administrative positions. Among other considerations this usually took the form of :

- training programmes to upgrade skills;
- special bridging programmes

- teaching assistantships;
- financial aids or grants;
- research incentives;
- staff exchanges;
- mentoring programmes;
- women in decision-making programmes;
- coaching;
- scholarships; and,
- training in academic fields in which the disadvantaged were previously underrepresented.

The second type is termed by Weiner (1993 : 11) as “**result-orientated policies.**” It may be described as Affirmative Action for fixed outcomes based upon set quotas. Such policies aimed at ensuring the distribution of education, employment, income and wealth among individuals in proportion to the percentage of each ethnic, race or gender group in the country.

According to this model quotas are set and Affirmative Action is not regarded as being successful unless proportional representation is achieved in every endeavour. In almost all the countries reviewed the quota route led to tremendous controversy and suspicion. Experience in these countries revealed that such rigid and inflexible quotas and the consequent token, forced or compulsory, appointments associated with it, generally achieved little. In the haste to fill quotas standards were often lowered and the special benefits for some threatened to consume the provision of equality for all.

Notable in the review is the impact of Affirmative Action preferences on group identities and in the way people intentionally organized themselves in order to qualify as beneficiaries, once quotas or preferences were established. Such systems of preferences appeared to strengthen identities on the basis of race, religion, language, gender and caste and often led to polarization.

Another commonly observed phenomenon is that broadly targetted Affirmative Action

policies often tended to favour already privileged sections of the community such as middle class citizens. Whilst this suited Higher Education applicants from the disadvantaged communities it led to the neglect of the lower socio-economic groups who were generally in the majority, who needed it more and who found it difficult to benefit from such policies primarily because they were already at a disadvantage. As a counter to this criticism it must be noted that the focus on Affirmative Action in employment in no way implies that it was or should be the only strategy to achieve equality. Other strategies are also necessary. Therefore while Affirmative Action cannot benefit all those who have suffered social deprivation, it remains, nevertheless useful to those who are minimally qualified to cope with the deficits in prospects attributed to such deprivation. It must also be noted that the eradication of overall inequality and poverty should be an ordinary permanent feature of a responsible government and, therefore, should not be placed solely at the 'feet' of Affirmative Action.

One of the negative aspects of Affirmative Action that emerged was the resultant conflicts among the beneficiaries themselves. This occurred when one group believed that the others were more successful at gaining benefits for themselves than they were. This has implications for Higher Education Institutions in South Africa, in view of the fact that the designated groups as defined by the Equity Bill, No. 55 of 1998 includes three race groups, women and the disabled. Further the African race category in particular is divided into a wide range of ethnic language groups. Also since different ethnic groups are aligned to different political parties it becomes a crucial matter for consideration. One of the probable solutions to this is to give consideration to the predominant (majority) ethnic language group in the respective regions when establishing Affirmative Action/Employment Equity targets.

Another negative aspect of Affirmative Action, revealed by the literature review, is that poorly constituted Affirmative Action and Employment Equity Programmes based on racial or ethnic identity can result in violent race and class conflicts. It was found that those who were continually subjected to dominance and whose interests and goals were ignored or neglected resorted to extreme and often violent measures to remove

power from the dominant group. To prevent such consequences caution must be taken when introducing Affirmative Action/Employment Equity programmes not to allow the special benefits for some to threaten provision of equality for all.

In most cases the focus of Affirmative Action policies was to eliminate disabilities without attempting to develop abilities among the previously disadvantaged. This was, for example, evident in filling positions with people of the appropriate colour, gender or language without consideration being given to enabling them (the Affirmative Action beneficiaries) to develop the required skills to perform satisfactorily in their respective posts. Apart from some attempts made in developed countries in-house training, mentoring, bridging and capacity building programmes are conspicuous by their absence in developing countries. This sends a strong message to Higher Education employers in South Africa to ensure that capacity building programmes go hand in hand with Affirmative Action/Employment Equity programmes.

It also became apparent that the success of Affirmative Action programmes went hand in hand with an increase in economic growth. The success of Affirmative Action in Malaysia may be attributed to a large extent to its rapid economic growth while partial success of Affirmative Action in Namibia and Zimbabwe can be attributed to the downward turn in their economic development. This calls for an all out attempt by the government to improve the economy of the country.

What also became evident is the catastrophe caused by the implementation of Affirmative Action for personal or political gain and not for humanitarian or human rights ends. For example, blatantly favouring candidates from the ruling political party over others under the guise of Affirmative Action has frequently led to the **“... deterioration of a policy designed to overcome inequality into an instrument of discrimination”** (Jauch, 1998 : 6). The decision by the Indian government to expand Affirmative Action to include the Other Backward Classes (OBC), a political strategy to create a wider political base, also led to disastrous consequences such as rioting, etc. Political interference in the appointment of so called Affirmative Action beneficiaries in

Zimbabwe and in India, among other countries, had a negative impact on its success. Inherent in the above is an important lesson for Higher Education institutions in South Africa which are multi-ethnic, multi-cultural and multi-racial in that they should guard against any political interference in their Affirmative Action/Employment Equity programmes.

In those countries, where Affirmative Action was associated with blatant favouritism for one group over the other, it led to feelings of resentment by the group that was disadvantaged as a result of the policy. This is not foreign to South African academics of colour who worked under the apartheid regime of the past. Institutions of Higher Education should be wary of entertaining such practices. It will not augur well for a country like South Africa which prides itself on the democratic principles embodied in the Constitution and the Bill of Rights. Further, resentment by the previously advantaged Whites in South Africa as was the case with the privileged castes in India can be an obstacle to the progress of Affirmative Action and Employment Equity policies in many ways. Higher Education institutions should, therefore, strive to include both the disadvantaged and advantaged in the designing and implementation of Affirmative Action/Employment Equity programmes. Further, the expertise of the previously advantaged Whites should be harnessed and used in the successful implementation of Affirmative Action and Employment Equity programmes.

It also emerged from the reactions and responses that the ethnic or racial conflicts arising from antagonism towards the preferential treatment associated with Affirmative Action could have been avoided or tempered if implementation was done through a consensual process between proponents and opponents. Such a process would probably have led to a consensus on appropriate and acceptable measures for one group without incurring too great a loss upon the other.

The degree of success of Affirmative Action policies appear to be far greater in those countries where it was legislated and where its administration guidelines, monitoring mechanisms, penalty systems for non-conformity and reward systems for conformity, were in place. To understand and appreciate this one merely needs to look at

Zimbabwe and India where Affirmative Action was not formally legislated for all and the USA, Australia, and Canada where it was. Also where the government-established monitoring agencies existed there was great success. It must be noted, however, that whilst legislating Affirmative Action and/or Employment Equity on the one hand is laudable since it compels institutions to conform, experiences in some of the countries reviewed revealed that it can lead to entrenchment of the privileges emanating from it. Therefore, it is clearly evident that including in the legislation that Affirmative Action and/or Employment Equity will be a temporary or interim measure and that the legislation related to this aspect will be reviewed from time to time is important for its success. This proposition is also advanced categorically by the plethora of research on the subject.

Affirmative Action policies for women were more prevalent and vigorously pursued in the developed countries such as the USA, Australia and Canada. In most of the other countries reviewed, policies for affirmative advancement of women were often not given priority. In fact, in some countries women were not considered at all in any Affirmative Action plan. There were yet other countries where probably because of pressure from certain quarters, women were included in their Affirmative Action plans. Unfortunately, there is little or no evidence to back this claim. This calls for more stringent enforcement of Affirmative Action and Employment Equity for women.

Affirmative Action programmes are always described as temporary expedients in the literature yet in some countries they tend to persist and proliferate. In India, for example, they were meant to have ended after fifteen years in 1965 but they have not. The danger of this is that as such group-based programmes permeate the public institutions of a country, they end up institutionalizing the very division that they were meant to eradicate.

Having reviewed the Affirmative Action/Employment Equity policies and procedures in the aforementioned six countries and having noted their experiences, the researcher concurs with the declaration of Weiner (1993 : 14) when he says :



“I know of no country that has yet satisfactorily resolved the disparities among the racial or ethnic groups - or among genders - nor have any multi-ethnic societies really resolved the issue of conflict.”

However, given the success of Affirmative Action policies and noting the following statement from writers in India, the world's largest Affirmative Action laboratory, others need not despair :

“Reservations [Affirmative Action] for long have been recognized as a reliable mechanism to help weaker sections of the Society anywhere in the World. And there is no better model, to uplift the Backward, the Helpless, the Marginalised and Neglected Communities.”

(S o c i a l S t u d y C i r c l e , 2 0 0 1 :
www.ambedkar.org/ssc/reservation/resevn.htm)

It was clearly evident in the review that, for Affirmative Action/Employment Equity to succeed it requires a great degree of commitment. Such commitment is necessary within institutions that adopt their own Affirmative Action/Employment Equity programmes and within governments that make Affirmative Action/Employment Equity part of their national policy.

Finally, in view of the fact that the underlying principle of Affirmative Action, viz., equality in employment for the previously disadvantaged, continues to be supported is indicative of the fact that many countries will still continue with its implementation **“albeit in a substantially altered form or even under a different name”** (Rai and Critzer, 2000 : 145). In rare instances did it prove to be a total failure, although for some countries it will be ‘a long and winding road’.

The next chapter focuses on Affirmative Action and Employment Equity as they are perceived in the South African context. In this chapter the researcher will review the background and the *status quo* of Affirmative Action and Employment Equity policies with particular reference to Higher Education institutions in the country.