"This is Not *Africa*. This is *Namibia*":
Escapades of a Social Justice Fellow

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ON NAMIBIA

It was more than 30 hours from Toronto to Washington to Johannesburg and finally to Windhoek, Namibia. I wondered whether my swollen feet and sore back would ever forgive me for this long plane ride. The hot and arid noon air baked my face – *so this was winter in "Africa"*, I thought. It was another 45 minute cab ride before I ended up in the city core. The landscape was nothing but barren trees and long dry grass. Families of baboons and guinea fowl scurried across the highway. *So wild animals do roam the streets. Maybe I'll see some giraffes or lions later on.* I thought, *I'm finally in "Africa"*. I was expecting to see the stereotypical babies with big bellies and flies in their eyes, or to greet local tribesmen wearing nothing but loincloths, or even to be chased by some wild animal across the desert. These fantasies were, of course, fed by common images from the media or World Vision infomercials.

I couldn't have been more mistaken.

At first, it felt absolutely surreal to be in the *African* continent. I walked around Windhoek and spent my first few days in huge malls. The city was filled with taxis – no public transportation, just taxis. The big white man from Kentucky Fried Chicken smiled down from his sign. The scent of pepperoni pizzas beckoned at me. Spring rolls, sweet and sour pork, and shrimp fried noodles danced on hot woks. *This is not Africa!? And where was all the African food?* Locals told me to go to "The House of Africa" – a posh restaurant with wheelchair ramps sponsored by Canada.

And what happened to the hot and dry noon air? It dropped below minus two degrees Celsius on certain nights – and there was no central heating where I stayed. What I needed was a down coat, not the modest sweater I packed into the depths of my suitcase. This wasn't *Africa* at all. It felt as if I could just pick up and easily drive home. Of course, home in Toronto, Canada was thousands of kilometers away.

However, the closer I observed, the more I realized I wasn't at home. Electric fences and barbed wires wrapped around houses. Locals themselves didn't go out after dark. But the most blatant difference was the racism. Here it slaps you right across the face. I was also hit by the racism that sprung from me.

Coming from Canada, a country that openly promotes multiculturalism and mutual tolerance, I thought I wouldn't be as apprehensive as I was walking around Windhoek; but I was. I held my bag tightly when locals approached. It was terrible that I felt fear towards them, even those dressed as security guards. Apprehension shook my mind every time I entered a taxi. I couldn't help but loathe the racist found within me. I realized racism is pervasive and runs under the cultural quilt of Canada. We in Canada just deny it.

And as much as I prejudged throngs of people passing me by, they had preconceptions about me too. I'm ethnically Chinese. Locals here sneer and stare at me. They call out, "*China, China, kung fu, kung fu*" from the open windows of their cars.

Nobody expected me to speak English. Their eyebrows rise when a *"Trono"* (Toronto) accent rolled off my tongue. I expected this; I was warned about this. It was no different in Argentina, where I come from. But there has been very little exposure to such reactions in metropolitan cities like Toronto. I know what feeling like a minority is like. I have been one all my life living in Argentina and Canada. Even when I travel to Taiwan and China where I racially fit in, locals can still tell I'm different in the way I walk, talk and carry myself. However, this was the first time I have felt being a minority in its bleakest form: weak and powerless. I was alone in a continent I only dreamed about going.

So where does this fear, powerlessness, and racism stem from? I began approaching people, seeing them as equal human beings with needs and desires. I began listening to stories of contentment and pain of the Damara (local tribe) women who cleaned houses, Herero (local tribe) politicians and taxi drivers, Chinese merchants, and European and North American professors and NGO workers. Like me, each group sought for the same thing – happiness. And like me, each group feared and hated each other for the same reasons – a lack of understanding and empathy, and a denial of respect for anyone but those who share their ethnic background. Jacques Lusseyran, a WWII concentration camp survivor poignantly put it this way:

> *"Unhappiness comes to each of us because we think ourselves at the centre of the world, because we have the miserable conviction that we alone suffer to the point of unbearable intensity. Unhappiness is always to feel oneself imprisoned in one's own skin, in one's own brain."*

Perhaps from the remnants of the apartheid, racism in Namibia towards black Africans by Whites was also present. On the political level, ideas of democracy and freedom of expression are considered "western" or "white". There is a great divide between newspapers owned by whites and state-owned ones ran by local Africans. Jennifer Mufune, one of my supervisors at the Media Institute of Southern Africa, said government officials often target MISA as siding with white imperialist sentiments. To win votes, politicians are said to use these anti-west notions. How can local Black Africans here have the ability to influence the law when politicians are using them as pawns to combat the "white westerners"? Do the locals here know their rights? How does freedom of expression play a role in all of this? The government here owns and heavily censors the broadcasting media. There is no public broadcasting corporation like CBC back home.

In Canada, we live in a society that propagates tolerance, self-realization, truth, democracy from the very words of our Charter. But sometimes, we question how much true freedom and justice there really is when racial profiling is still used by police (although they deny this), and Security Certificates are used against Arabs and Muslims suspected of terrorist acts. Our ostensibly neutral laws stipulate procedural fairness and equality, but often there is little substantive equality, especially for racial or religious minorities. So the question is: *if Canada, a country of political-social-economic democracy, has yet to reach these lofty ideals, what hope is there for countries like Namibia that are barely 20 years old?*

The people at MISA had the answer for me. In Canada we sit soaking in the concept of political-social freedom and rights. We have often grown so accustomed to these notions that we take them for granted. The people in Namibia know the alternative – dictatorship. The fear of dictatorship is what drives people to fight and cling onto social and civil movements for democracy. Sampa Kangwa-Wilkie, who runs the Freedom to Information program at MISA, said that Freedoms to Information and Expression aren't just political rights for journalists. These rights have socio-economic implications for citizens. Without the right to speak freely, the ability to get information, the disadvantaged are pushed aside (literally) and forced to live in poverty with no way out. These rights, Sampa told me, are about survival.

What I beheld was not what I thought: this was not the *Africa* I expected. I learned the potency of perceiving reality differently. Just because the ways or thoughts of others are different from mine, does not mean they are worse or less civilized. Perchance I am the savage in their eyes.

This is a country desperately trying to find its own political and democratic identity. This is a society of diverse people trying to tell the rest of the world that this was Namibia. And the message from every person I met was loud and clear: *"Don't judge us by your North American, European, or Asian stereotypes. Don't come here pretending you are better or expecting to save us. And most importantly, this is not Africa. This is Namibia. "* .

ON THE MEDIA INSTITUTE OF SOUTHERN AFRICA

MISA has been amazing. Never have I been in an organization where everyone is passionate about his or her work – the fight for free expression, free information and a free media. My supervisors know and tell me that without this fundamental right, their existence in Namibia would be very different. The government can intrude and confiscate the very necessities of survival. Although knowing the importance of their work, and the power they have to lobby governments in 11 Southern African countries where MISA operates, my supervisors and colleagues are not arrogant. Each sat down with me for an hour or more to explain the projects he/she is working on and how I could help. Furthermore, my supervisors seemed to take my interests, goals and skills very seriously. They created a work plan that catered to my strengths of research and analysis. I was assigned two major projects: compilation of information on MISA's Legal Defence Fund; and research into the level of understanding Namibians had on their Right to Information. Below are explanations of each project. See **Appendix A** for a detailed evaluation of MISA.

Legal Defence Fund

Supervisors: Regional Director of MISA, Mr. Kaitira Kandjii
Gender and HIV-AIDS Program Manager, Ms. Jennifer Mufune

MISA established the LDF on a regional level and in each Southern African country to aid journalists facing criminal and civil defamation cases. However, because there has not been a Legal Program Manager at the Regional office in Windhoek, progress or the state of the LDF program is unknown. My task was to compile information on files and legal cases from the Regional Secretariat and from local Chapters. With this information, I was to create a report on the status of the LDF, discuss its strengths and flaws, and recommend tactics for improvement.

From the week of May 7th, 2007, MISA's National Chapters, their Directors, and Advocacy Officers were contacted for information on their LDFs. For enhanced effectiveness, Chapters were contacted via phone and subsequently through email. A list (below) was prepared for each Chapter and the Regional Secretariat detailing the information needed.

1. Status of the LDF: history, current situation, funding process, committee, constitutions
2. Application: processes, criteria
3. Cases: applied, supported or rejected, reasons, main issues and judgments, money allocated
4. General comments: follow-up done, difficulties, improvements, necessity of the LDF, role of the Regional Secretariat's office, reaction from members

Documents came in from the Secretariat and Chapters. One of the main challenges was attaining complete sets of information. Some Chapters failed to provide any valuable information altogether. While a few Chapters should be commended for the efficiency of their LDF programs, many others merely offer hollow promises of media freedom and free expression to their members and society at large. This report was later sent to the governing body at MISA and will be discussed at the September Annual General Meeting in Malawi.

Freedom of Information

Supervisor: Program Officer of Freedom of Information, Sampa Kangwa-Wilkie

My task for this project was to do sociological research and write a report on the level of understanding Namibians had on their Right to Information. At first the process was very difficult for me. I had never conducted research on a macro level with many participants and questionnaires. Luckily, Sampa, my supervisor, was extremely supportive and provided guidance every step of the way – from the drafting of questionnaires to survey participants, to the 6 am television interview the day before I left Namibia. I finished the report less than a week before I left Namibia. Sampa suggested a press conference to alert the public of study results. *Simple*, I thought. *After the press conference, I would have my last few days to roam the country as a tourist. Besides, who would want to know the results of research done by an intern anyways?* I expected almost no one to come to the press conference.

I was wrong. As soon as we sent out the press invitation, our office started getting calls from all the major print and broadcasting media in Namibia. Journalists, NGOs, and political officials began confirming their attendance. I thought it was a hoax of some sort. By the morning of the press conference, it was not a joke anymore – MISA's office was packed with people. MISA staff had to stand during the entire event, no chairs were left. Reporters came armed with pens, notepads, cameras, and questions, all ready to attack. See **Appendix B** for the speech I presented to the press. The speech details the process of information gathering, the results and my recommendations. During the Q&A session, reporters grilled me and Sampa. When it was finally all over, we congratulated ourselves for surviving the press and thought our job was done.

Wrong again. My report appeared on the national news at night and on national papers the next morning. The results of the study were discussed on radio call in shows. Reporters called to get "dirt" on me. Others sent emails criticizing the report. We got calls from radio stations, and the national broadcasting corporation to do on live on-air interviews. UNESCO and other international NGOs interested in Freedom of Information wanted for copies of the report. Sampa and I were doing television interviews up until the day I was expected to fly home to Canada. Interest in my report did not stop after I left. According to Sampa, the Finance Minister of Namibia personally called for the report. I had criticized her office. Prisoners had also requested a copy. Most incredible was that random people on the street, in banks, at grocery stores started asking if I was the woman on TV and newspapers, or they just called me by name. Most agreed with my views.

Namibia and MISA have both been invaluable to my growth as a person and a professional. Doing this Social Justice Fellowship has lit up a career path I cannot wait to pursue. I began knowing nothing about Namibia, MISA or Freedom of Information. What I did not expect was that I, an intern and a student from a Canadian law school, would leave a mark in a country and with a people I have learned to love and deeply care for.

Appendix A – MISA/Internship Evaluation

1. **Period of Internship**: May 7 – July 24, 2007
2. **Assigned Projects**:
   - Legal Defence Fund (LDF) – gathered, compiled and created report/recommendations on status of LDF's at different MISA Chapters and the Regional Secretariat; completed – June 30, 2007
   - Freedom of Information (FOI) – perform sociological research on the level of knowledge Namibian's have on the Right to Information; prepare report and recommendations; completed – July 18, 2007
   - Media Lawyers' Network – research and create preliminary contact on possible associations with which to network; completed – May 2007
3. **Objectives and Expectations of Internship**:
   - To learn more on all aspects of media law – from litigation to aiding journalists on the ground
   - To familiarize myself with the situation of media law/freedom of expression in SADC/Namibia region
   - Contribute to the improvement of laws and take part in reform
   - Directly contribute to journalist advocacy and aid them directly on the ground, as opposed through merely administrative means
4. **Rate the Following on a scale of 1-5 (1-poor, 2-average, 3-good, 4-very good, 5-couldn't ask for more)**
   - **Supervision**:
     i. FOI – 5; I constantly sought my supervisor, Sampa Kangwa-Wilkie, for aid on all aspects of the research. She has always been available to answer my emails, questions, and was with me in many trips to UNAM to collect questionnaires. My supervisor was at my side until the very end – going on NBC-Good Morning Namibia to get interviewed on the FOI report.
     ii. LDF-2; there was very little supervision on this project. This project was done under the request of the Regional Director. Since the RD was constantly traveling, there was very little guidance or supervision that he could provide me. I took most, if not all, of my questions to another supervisor – she was able to guide me through areas that she understood.
   - **Professional Support**:
     i. FOI – 5
     ii. LDF – 2
   - **Administrative Support**: 4
   - **Information Resource**: 4
   - **Personal Support**: 5; Many staff members and managers at MISA have been incredibly supportive of me during my stay in Namibia. I truly felt as if I was part of a family. From the beginning, Jennifer Mufune volunteered to help me get to and from work during the times she was in Namibia. These rides were definitely a mode of transportation, but more importantly, I truly appreciate the guidance, advice and concern that Jennifer provided me. Half way through my trip, not only did I start to face financial difficulties, but my bag with credit

cards, debit cards, and travellers' cheques was also stolen. If it wasn't for the help and concern of MISA staff, including Sampa Kangwa-Wilkie, Jennifer Mufune, Alick Kawerama, Werani Chirambo and the Regional Director, my last month in Namibia would have been very difficult. In sum, MISA has been more than a place of learning and growth, it has been a source of encouragement and safety for an intern so far away from home. I felt a personal connection with all staff members in one way or another.

- **Organization**: 3; I was on the whole impressed by the care many managers and officers took to designing my internship program/projects. However, the work culture and the general organization at MISA was somewhat disappointing. There were many times when the managers and the RD travelled abroad for meetings and audits. Those left in the office either did very little work, or didn't show up at all. Others would take extended lunch hours to pick up friends from the airport or work on their cars. As well, work by some staff, especially the translating, seemed inadequate and often completed far later than expected.

5. **How did you find the workload – too much, adequate or little**?
   - At first the workload seemed overwhelming because of the number of projects compared to my short stay (3 months) at MISA. But as I planned out mini deadlines for myself for each projects, all worked out pretty well eventually. In the end, I finished the first draft of the LDF report ahead of schedule and the FOI research report a week before I left Namibia. This gave us time to run a press conference, and attend on air interviews with Namibia's Broadcasting Corporation and with Katutura Radio.
   - However, as a side note, there was a lot of negative reinforcements early on that the projects might not get finished. They were too large, or might take too much time to finish. In the beginning, it really got me to doubt my own abilities, but in the end, I realized it had more to do with the "Work Culture", commitment and diligence of an individual
6. **What would you say you learned during your time at MISA?**
   - Freedom of Information/Expression Laws and Conventions – in SADC, internationally and case law; learned to analyze them and understand their importance for democracy and a fledgling country like Namibia.
   - Sociological Research/Report – coming from a background of journalism and law, research conducted is frequently on a more micro scale, rather than a slightly larger and more general one on different groups in society. I learned how to collect information (questionnaires, interviews), to analyze data collected, and to create a balanced report that left participants anonymous.
   - Improved communication skills – getting information I needed from Chapters and respondents was difficult. I really got to hone my skills of persuasion and of creating well supported arguments verbally and on paper.
7. **Do you believe you contributed to MISA? If so, how?**
   - I believe I have contributed. After finishing my LDF report, my project supervisor thanked me and told me it set the ground work for follow-up work. As well, the public attention with respect to the FOI research and report was immense. It felt good to contribute to the debates in Namibia on FOI

legislation, or lack of it.

8. **How can MISA improve as an organization; and with its internship program?**
   - Firstly, MISA has been one of the best organizations I've been with. There was a projects meeting and proposal for my internship program. As well, you took my needs seriously and it felt like the questionnaire I filled in at the beginning of the internship was not just administrative acrobatics, but truly was insight to the needs of the intern. I was very impressed.
9. **What is the one memorable or most fulfilling experience you take away from MISA?**
   - There are many.
     i. Accomplishing reports and projects; getting recognition not only from managers, but also the general public. Knowing I could do sociological-type research and reports was amazing. Getting questionnaires back also felt incredibly rewarding and kept me going.
     ii. Felt I made a difference and had an input in the political and legal discourse in Namibian society.
     iii. Guidance professionally on the reports and how to get information from Chapters.
     iv. Personal guidance and team-work by a number of managers. When my report was attacked by a few journalists, Sampa and Zoe Titus both stayed after hours to calm my nerves, but also to draft objective and fact driven rebuttles. I knew that as a member of MISA's family, I would never be the only one left to battle it out.
10. **Were your expectations and objectives met?**
    - On the whole, yes.
    - It came to Namibia to learn about its society, culture and political/legal problems. I not only got first hand experience, but felt I took part in the larger debate to move Namibia towards a more democratic future.
    - I learned an incredible amount about the value of Freedom of Information for not only journalists but also the individual citizen.
    - From reading cases on criminal and civil defamation against journalists, I learned how serious the situation was, and found out the path of Media Law to be very enticing and potentially very rewarding.
11. **Other comments?**
    - The first thing that hit me as I spoke to each Programme Manager or Officer, was the passion each had for Media Freedom, Freedom of Information, Freedom of Expression and Public Broadcasting advocacy. I drew from this energy and it contributed to my drive to finish my projects on the LDF and FOI. Furthermore, I felt my voice and opinions were valued. I grew to genuinely care for MISA and to want to get involved in everyone of its projects and advocacy work. I only hope to one day come back to work, or to meet those at MISA to fight for democracy and justice elsewhere in this world. Thank you all for the opportunity, experience, guidance and care.

Appendix B – Freedom of Information Press Conference Statement

Eight years ago the Prime Minister's office was told to create Freedom of Information legislation. Civil Society Organizations, like MISA, lobbied and campaigned. But today, a draft bill doesn't even exist.

So what went wrong? And what does it take to enact effective Freedom of Information legislation?

Everyone, from citizens to those in power, need to know exactly what this right entails – politically, economically, socially and in their everyday lives. So how much do Namibians know on their Right to Know? That's the question we sought to answer with this research.

We hope the findings can form a basis for civil society organizations in Namibia to readjust campaign tactics, and to eventually get a Freedom of Information law passed in this young democracy.

We wanted to test Namibians. We prepared questionnaires asking respondents the definition of Freedom of Information, and the laws that guaranteed this right. Of course, no laws actually exist. We also wanted respondents to rate the government's level of openness, and whether citizens had the right to know issues from the president's salary, Namibia's military strategy, sexual orientation of officials, to the number of shoes the first lady owns.

We took these questionnaires to the public. Then we targeted specific groups that had a stake in Freedom of Information legislation, and should understand its principles. These groups included: journalists, MPs, law and media students at UNAM, professors, NGOs, Donors and legislation drafters.

Information gathering was not easy. But I had a few strategies from my days as a journalist. I know how easy it is to ignore questionnaires. So first, I called respondents, then emailed them, then called them again to confirm they got the questionnaires, then emailed a day or two later – or until I got the questionnaires back. And on the whole, my ploy worked.

Second, I went to lectures at UNAM armed with folders, pens, and posters – bait really – to get as many students to fill out my questionnaires. Media students were hooked; but for mature constitutional law students? Not impressed. They filled out the questionnaires, then sat me down and grilled me for more than two hours. I was tested on my understanding of the Right to Information, statistics in Namibia, statistics in Canada and why the system in North America was so perfect that I had to come and save Namibia's. I came out sweating, but also much enlightened. I realized that these Namibians fiercely loved their nation, but were also ready to challenge its political regime. Further, they were much more informed than I thought.

And for Members of Parliament from the National Council, I went straight to their Chairperson. Three days later – questionnaires were filled out and ready to be picked up. I thumbed through MPs answers. They were the most disappointing, and anorexic of the whole research. Most politicians seemed to have little to no understanding of Freedom of Information.

Thus, after months of badgering, waiting, begging and compiling of responses, here are the findings.

- 91 per cent of all respondents had an incorrect or vague understanding of their Right to Know. And breaking this down:
    - 75 per cent of journalists also had a vague or incorrect understandings; and
    - 100 per cent of MPs wrote vague or incorrect definitions. None mentioned his proactive duty, as a government official, to disseminate information.
- Almost 70 per cent of all respondents said there was Freedom of Information legislation – when a draft bill does not exist. Most cited the Namibian Constitution that guarantees Freedom of Expression and of the media, but *not* Freedom of Information.
- As a follow-up, close to 85 per cent incorrectly thought Freedom of Information and Freedom of Expression were the same, or had vague notions of their differences.
- When asked to provide the government website (http://www.grnnet.gov.na), 100 per cent of university students and the general public got it wrong or did not know.
    - 3-quarters of journalists said there was no access, or very little useful information on it.
- Approximately 90 per cent of journalists said obstacles existed with seeking information from the government. This includes:
    - Delay, bureaucracy, incompetence, secrecy, cut back on resources and government control of editorial appointments.
- When asked what information the government should provide, yet have not, half of MPs said:
    - Employment opportunities, campaigns on HIV/AIDS, crime level in Namibia, tax/budget allocation, and the people's rights.
    - However, the other 50 per cent were not as forthcoming. One wrote: "Nothing, no two more things needed in this country". And other said Namibia's government was better than the US federal government.
- Finally, on what Namibia citizens had the right to know:
    - More than 70 per cent said a right existed to information on the President, PM, Ministers, and Permanent Secretaries' salaries;
    - 90 per cent, including MPs, said citizens have the right to know the level of government corruption;
    - 80 per cent believe government has the duty to disclose official travel expenses;
    - However, almost 60 per cent said citizens had <u>no</u> right to know the country's military strategy;

- Nearly 15 per cent thought there was a right to look inside on the First Lady's closet to see how many shoes she owned; and
- Two-third of respondents said there was no right to know the sexual orientation of officials, unless it was (according to a reporter) "established that a Minister who issues homophobic statements is having a homosexual relationship"

So what does this all mean?

It means most Namibians have little to no clue what the Right to Information stands for. Most have very little knowledge of its purpose or significance. This is especially menacing in a young democratic state like Namibia. In a democracy, it is the citizens who hold power – they can only do so with information on government actions. But with no Freedom of Information legislation, and with secrecy being so pervasive, there is no transparency, no accountability, no democracy – only a cesspool where autocracy and corruption can ferment and grow.

It is equally dangerous that journalists are confused with the Right to Information. In democracies, media workers are the eyes and ears of citizens. They are the watchdogs of public and private institutions for public welfare. What good is a journalist who does not know to demand information? What good is a watchdog without teeth?

It is also problematic that MPs and drafters questioned say the Right to Information is guaranteed in the Constitution. This substantiates their lack of understanding of Freedom of Information; their confusion with Freedom of Expression; and potentially their excuse not to enact Access to Information legislation for 8 years.

So what needs to happen for Freedom of Information to be enacted?

Civil society organizations, like MISA, must clear the nebulous confusion. Lobbyists must breakdown abstract theory. They must educate everyone – from politicians, to journalists, to NGOs, and to even the poor – what the Right to Information implies for political and social participation, and for everyday life. School children must be taught from a young age to question those in power and to demand information that affects their well-being.

In human terms, Namibia is 17 years old – it's a teenager. With a Freedom of Information regime, this young democracy has the chance to become transparent, and accountable to its citizens. However, with sluggish bureaucracy, unchecked corruption, and a self-censoring media, Namibia could easily rebel and inch backwards into autocracy. We cannot let this happen. The public must gain control.

So here's the last question: what are you prepared to do to fight for your Right to Know?