
ZIMBABWE ELECTION SUPPORT NETWORK



**REPORT OF THE NAMIBIA PRESIDENTIAL
AND NATIONAL ASSEMBLY ELECTIONS**

2009

ZESN'S REPORT OF THE NAMIBIA PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS 2009

THE Zimbabwe Election Support Network [ZESN] observed the just ended Namibia Presidential and National Assembly elections that were held on 27 and 28 November. ZESN deployed a team of 7 members drawn from ZESN secretariat and representatives of member organisations¹.

Methodology

This report is based on the information that was gathered by the ZESN team that observed the Namibia elections. Upon arrival all members were accredited by the Electoral Commission of Namibia, this instinctively enabled the members to meet with different stakeholders who included local civic society organizations, political parties and other observer groups. In order for the team to cover a greater area geographically the team split into two teams. This report is therefore based on information that was gathered by the two teams during the period 23 to 30 November 2009.

A brief history of Namibia elections

Namibia achieved its independence in March 1990, after the 1989 independence elections that were supervised by the United Nations Transition Assistance Group. These elections were for the Constituent Assembly of Namibia, which upon independence became the National Assembly of Namibia. The Constituent Assembly of Namibia elected the first president of independent Namibia, Dr Sam Nujoma and subsequently produced the Namibian constitution which was adopted in February 1990, which established multi-party system in the country. The first Presidential election after independence was held simultaneously with that of the National assembly in December 1994. Namibia thereafter has always continued to conduct regular Presidential and National elections every five years, in 1994, 1999 and 2004.

Legal framework of elections

The Constitution of Namibia is the basic law as well as the supreme law of the country and makes provision for four elections - Article 28 for the election of the President, and Article 49 for the election of members of the National Assembly.

The parliament of Namibia is also established in accordance with Chapters 7 and 8 of the Namibian Constitution and consists of two houses, the National Assembly and the National Council. The National Assembly consists of 72 members elected while the National Council consists of 26 members.

¹ NASCOH and ORAP

The elections are also governed by the Electoral Act established in 1992 and amended 8 times with the recent Electoral Amendment Act, 2009 which introduced a number of changes that includes the establishment of temporary voter registration points outside Namibia, provided that the Commission accredit persons to provide voter education in respect of elections. In addition the new amendments also provided for external voting and to allow for the counting of votes at polling stations and for the posting of results at polling stations.

Electoral system

Namibia applies three electoral systems which are the majoritarian (plurality) electoral system for Presidential elections, the proportional representation electoral system for the National Assembly elections and Local Councillors using the party list system and the first past the post for regional council elections.

Political parties

Fourteen political parties were contesting in the elections and of the 14, twelve fielded presidential candidates.

List of political parties; All People Party (APP), Community Party, Congress of Democrats (CoD), Democratic Party of Namibia (DPN), DTA of Namibia (DTA), Monitor Action Group (MAG), Namibia Democratic Movement for Change (Namibia DMC), National Democratic Party of Namibia (NDP), National Unity Democratic Organization (NUDO), Rally for Democracy and Progress (RDP), Republican Party of Namibia (RP), SWANU of Namibia (SWANU), SWAPO Part of Namibia (SWAPO Party) and United Democratic Front of Namibia (UDF).

Pre-election environment

Of interest the team noted that election campaigning in Namibia is regulated by a Code of Conduct which is signed by all contesting parties. The stipulations contained in the Code of Conduct are also applicable to contesting organizations, associations and independent candidates.

In these elections, there were reports of squabbles and election related incidents especially in the north central region of the country. The northern region being the home of President Hifikepunye Pohamba and the area is also a stronghold for the SWAPO party.

Role of Civic organizations

Election observation has become an integral part of the electoral processes the world over. Observers and party agents have come to play an important role in enhancing the transparency and credibility of elections and acceptance of results. A number of local civic organizations were

accredited by the Electoral Commission of Namibia (ECN). Amongst those accredited were the NANGOF Trust, the Namibia Institute of Democracy (NID), Council of Churches in Namibia (CCN) and the Namibia Society for Human Rights (NSHR). NANGOF deployed 47 observers, whilst NID deployed above 3000 observers. The team could not ascertain the actual numbers of observers from other organizations. No organization conducted the Parallel Voter Tabulation (PVT), a new phenomenon that featured in most recent African elections including Zambia, Malawi and Zimbabwe.

The team also learnt that though the legal framework gives the responsibility of voter education to the ECN, civic organizations also played a critical role in imparting voter education to the electorate. It was good to note that the synergies that existed between the civic organizations and ECN were positive as shown by the exchanging of information and collaborative work.

The civic organizations also informed the team that they had lobbied for the election laws to be changed so that voting is done in one day but this recommendation was not considered by the law makers though on a positive note some of the civic organizations' recommendations like counting of results at polling stations and display of results after counting were integrated in the legal framework.

There were other recommendations that were not considered, specifically NANGOF was advocating for the reviewing of the tendered vote system and that counting officials be different from polling officials². The rationale of having different officials for polling and counting is not clear in the statement.

The teams also learnt that stakeholders in particular political parties were involved in observing the whole election process including the receiving and verification of ballot papers which were printed in South Africa as well as the distribution for diaspora ballot papers which was being done for the first time in Namibia.

There were however concerns that were raised by a number of civic organizations over voter registration process and the actual voters' roll. Of major concern was the issue of duplicated names, inconsistencies in total number of registered voters and the existence of dead people's names in the voters' roll. They said, they had raised these concerns with the commission and had recommended that the rolls be linked with the Ministry of Home Affairs so that it is constantly updated every time a death certificate is issued. It was the team's observation that most civic organizations and political parties did not have empirical evidence against the voters' roll as they had not done actual audit of the voters' roll and neither had they fully participated in the monitoring of the voter registration process.

² NANGOF Trust- SADC Council of NGOs Election Observation Mission Press statement issued 25 November 2009

The team also learnt that just a few days before the polls the ECN withdraw the accreditation of the National Society of Human Rights for also claiming that many people had been registered more than once in the voters' roll and that the roll was in shambles as it contained names of many deceased people. It is believed that the NSHR displayed documents in the media that showed different voter registration numbers of some registered individuals and subsequently issued a statement that read;

“The ECN has repeatedly lied to the general public that it was doing its best to ensure a free and fair election in which registered voters will be allowed to vote only once and that a number of mechanisms have been put in place to prevent voters from voting twice.”

The ECN subsequently retaliated and claimed that the human rights organization had defamed the people whose names it published as having registered twice; therefore they also claimed that this had therefore compromised the integrity of the NSHR as an election observer group.

On the eve of the election 26 November, the ECN was ordered by the High Court to reinstate the accreditation status of the NSHR³ after the organisation had filed an urgent High court application. Addressing a press conference which ZESN attended the ECN said they would comply with the court's decision as they are governed by laws that govern the country. Subsequent to the High Court the ECN then called the NHR for a hearing and the NHR refused leading again to the second withdrawal⁴ of the accreditation status of the organization on the 28th of November.

Polling day

A total of +/-1 million Namibians were registered to vote while 997 fixed polling stations were established and 2242 mobile polling stations were also deployed countrywide.

Voting days were not declared public holidays and business went on as usual for most Namibians.

Despite recommendations from civic organizations to have polling done in one day, polling was done over two days in accordance with the legal framework of Namibian elections. The team observed opening of polling in Windhoek at Jan Jonker Afrikaner School where polling started at 0803hrs instead of 0700hrs owing to the late arrival of political party agents. The team later travelled to Okahandja about 100km north of Windhoek where they also observed that voting was going on smoothly and peacefully. There were fairly long queues at most of the polling stations. There were at least three police details at every polling station, some where stationed outside while some where inside the polling stations.

³ ECN Press conference and statement 26 November 2009

⁴ ECN Press conference addressed by the Chairperson Vincent Thonchi on 28 November 2009

At all polling stations that the teams visited, two types of ink were used, the invisible ink and the indelible ink. They were also two copies of the voters' roll, one which was electronic and a printed copy.

On the second day of polling the team observed that voter turn out was very low in the morning and fairly high later in the day at all the polling stations that the teams visited. Voting went on smoothly and there were no incidents of disruptions that the teams observed or heard.

Counting was done in situ for the first time in Namibia. Closing of polls was done at 2100hrs. The team observed counting at University of Namibia polling station. Generally counting went on well, but very slowly till mid morning of the following day.

Tendered Votes

The teams observed that Namibians do tendered voting where voters who are unable to vote in their constituencies where they are registered are entitled to cast their votes at any polling station inside and outside Namibia through the tendered vote system.

The provision applies only to elections for the President and members of the National Assembly.

In this election the teams observed that this also enables Presiding Officers, Polling Officers, Police Officers and other ordinary citizens who were not in their constituencies for various reasons and were registered voters to vote in the elections.

Voters abroad or at sea

The teams learnt that Namibians who were absent on government service abroad as well as those who were temporally absent from the country, and are registered voters, managed to cast their votes at Namibian diplomatic missions and other places identified by the ECN in the host countries in consultation with the Ministry of Foreign Affairs. The team was also informed that polling day for these voters was done on 13 November 2009 which was exactly 14 days prior to the general polling date as stipulated in the Electoral Laws.

This came into effect for the first in Namibia after the new amendments of 2009 to the Electoral Act which introduced and provided for special voting days for registered diaspora voters and seafaring voters.

Prisoners, Elderly and Hospitalized Voters

To ensure that persons qualified to vote are not denied that right in a spirit of fundamental human rights as enshrined in the Namibian Constitution, the team observed that Namibia offers prisoners, the elderly living at old age homes and hospitalized voters' equal rights to vote in all elections.

Mobile units of ECN were deployed to prisons, hospitals and old age home for polling of the aforementioned groups.

Assisted Voting

The team observed voters who are incapacitated by blindness and other physical disability being assisted by friends and relatives of their own choice. In the event that they had not brought any friends or relative to assist them the Presiding Officer assisted them in the presence of a police officer as a witness.

The team also observed the use of Braille templates by the visual impaired persons. The Braille templates were developed and introduced in the 2004 Presidential and National Assembly elections by the ECN to ensure that eligible visually impaired persons can vote independently and in secrecy.

Youth's participation in the elections

Interestingly campaign seemed much concentrated towards the youth. In particular young people born during the process of independence, including after independence were being able to vote for the first time. Some politicians even called them, the 'virgin voters'. This category indeed enjoyed particular attention that was directed towards them during the campaigns. There were really massive campaigns to mobilize them to vote, while in some instances they were even part of the mobilizers within their political parties. Importantly they were also involved in conveying the message of their various political parties to their peers through various media which included television, print media, text messaging and Facebook. Without doubt, the youth was an active participant during the electoral process, even as polling officials; the youth manned and ran the elections at polling station level.

Media coverage

In a meeting with the Chairperson of NANGOF Trust, Ronny Dempers, he pointed out that there was unfair access to the state media by all political parties participating in the elections.

In addition a statement entitled 'A wish for peaceful elections', which was issued the day before the polls in Namibia by the Steering Committee of the Churches and Elections, also explained that there was extreme bias of the state owned National Broadcaster in favour of the SWAPO party in its national news coverage which was also a clear disenfranchisement of the Namibian people by limiting their right to exercise their own free judgment. They also claimed that this bias was a prejudice not only against the masses, but also against the various political parties each whom believe they had something to offer the Namibia people and who should have been given an equal voice through equitable campaign coverage.

Foreign observers

The teams observed the presence of other foreign observer groups in Namibia which included the SADC observer mission, the AU observer mission, the Electoral Institute of Southern Africa, the Electoral Commissions Forum, the SADC-Council of NGOs, the European Commission, Pan African Parliament, Federal Republic of Nigeria Observer mission and Angola Electoral Observatory team.

Conclusion

In conclusion the team felt that the Namibia elections were held in a relatively conducive environment that nurtures democracy. Even though there were a number of concerns that were raised by various stakeholders in particular political parties and civic organizations, there are a number of lessons that Zimbabweans can learn from the Namibian elections as the country (Zimbabwe) is currently working towards reforming its Constitution. The teams therefore take note of the following lessons;

- It is important for Zimbabwe to clearly define the country's electoral system[s], which can be accepted and understood by the general populace.
- There is need for Zimbabwe to consider establishing a Political Parties Code of Conduct that is wholly owned, respected and abided by all political parties. It is proposed that the Code should have signatures and party symbols of all political parties.
- Zimbabwe should consider the needs of special groups like the visually impaired, as the case in Namibia, where they use a Braille template.
- The involvement of various stakeholders at all levels in the election process is critical in enhancing transparency and credibility of the elections.
- Namibia conducted external voting for the first time in this just ended election and the teams observed and learnt that if proper mechanisms are put in place to deter manipulation of the votes and if people can have confidence in the process in particular in the Electoral Commission it is attainable. Zimbabwe might need to consider this idea seriously as it is becoming the common phenomenon in SADC countries also so as to ensure that people in the Diaspora do not continue to be disenfranchised.
- Free and fair elections legitimize governments as well as leaders and this should be enshrined in the Constitution and other indispensable legal frameworks. The Namibian constitution clearly spells out the fundamental freedoms that citizens should enjoy like the freedom of opinion and association.