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# EISA ELECTION OBSERVER MISSION REPORT

## NAMIBIA



### PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS 15-16 NOVEMBER 2004



EISA ELECTION OBSERVER MISSION REPORT No 18

EISA  
REGIONAL OBSERVER MISSION

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NAMIBIA  
PRESIDENTIAL AND  
NATIONAL ASSEMBLY ELECTIONS  
15-16 NOVEMBER 2004



EISA  
REGIONAL OBSERVER MISSION

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NAMIBIA  
PRESIDENTIAL AND  
NATIONAL ASSEMBLY ELECTIONS  
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EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions.

EISA Election Observer Mission Report, No. 18

# CONTENTS

<b>Executive Summary</b>	<b>vii</b>
<b>Acknowledgements</b>	<b>ix</b>
<b>Terms of Reference</b>	<b>x</b>
<b>The EISA Approach to Election Observation</b>	<b>xii</b>
<b>1. Historical Overview</b>	<b>1</b>
1.1. Political and electoral background	1
1.2. The 1999 presidential and National Assembly elections	2
<b>2. Electoral Framework</b>	<b>5</b>
2.1. The legal framework	5
2.2. The Electoral Commission of Namibia	7
2.3. Electoral system in Namibia	9
<b>3. The Pre-Election Phase</b>	<b>11</b>
3.1. Voter registration	11
3.2. Party registration and candidates' nomination	13
3.3. Women and political representation	16
3.4. Voter education and information	16
3.5. The electoral campaign	17
3.6. Media coverage of the electoral process	21
<b>4. Election Day</b>	<b>23</b>
4.1. The voting process	23
4.2. Opening of the polling stations	24
4.3. Voters' roll	25
4.4. Voting stations	25
4.5. Voter turnout	26
4.6. Voting staff, party agents and security personnel	26
4.7. Observers	27
4.8. Counting	28
<b>5. The Post- Election Phase</b>	<b>29</b>
5.1. Transmission of results	29
5.2. Result centre	29
5.3. The results	29
<b>6. Conclusions and Recommendations</b>	<b>32</b>

## 7. Appendixes

Appendix 1: Composition of the EISA observer mission	35
Appendix 2: Code of Conduct for EISA regional election observers	36
Appendix 3: EISA observer mission arrival statement	40
Appendix 4: Interim statement by the EISA observation mission: The 2004 Namibia presidential and National Assembly elections 15-16 November 2004	42
Appendix 5: List of international observer groups	51
Appendix 6: List of domestic observer groups	51
Appendix 7: Schedule of briefing meetings	52

## List of tables

Table 1: Results of the 1999 National Assembly Elections	4
Table 2: Totals of Registered Voters for the 2004 Presidential and National Assembly Elections	12
Table 3: Candidates for the 2004 Namibian Presidential Elections	14
Table 4: Approximate Allocation of Funding to Political Parties (2000 – 2005) (Millions of N\$)	15
Table 5: Results of the Presidential Election	30
Table 6: Results of the National Assembly Election	31

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## EXECUTIVE SUMMARY

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In line with its vision of promoting credible elections and democratic governance in Africa, EISA deployed a regional observer mission to the Namibian presidential and National Assembly elections, which were held on 15 and 16 November 2004. The present report outlines the EISA observer mission's assessment, findings and analysis of the electoral process in all its phases, specifically the pre-election phase, the polling, counting and post-election phases, which include the proclamation of the results.

The EISA mission was led by Dr Gloria Somolekae, Chairperson of the Botswana National Vision 2016 Council, national representative of the Kellogg Foundation Programme in Botswana and EISA board member. EISA Executive Director, Mr Denis Kadima, assisted her as the deputy mission leader. The delegation comprised 30 members, who were nationals of various countries in the Southern African Development Community (SADC), namely Angola, Botswana, the Democratic Republic of Congo, Lesotho, Mozambique, South Africa, Tanzania and Zimbabwe. The delegates came from electoral commissions, civil society organisations (CSOs), academic institutions, and political parties.

Members of the mission started arriving in Namibia on 08 November 2004. From 12 to 17 November 2004, EISA deployed nine teams in selected urban and rural areas throughout the country. Three teams were deployed in the capital city, Windhoek, and one team in each of the following areas: Walvis Bay, Katima Mulilo, Oshakati, Keetmanshoop, Grootfontein and Gobabis. Over the two voting days, the teams were able to visit a total of 161 fixed and mobile polling stations.

The mission used the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) as the basis for its assessment of the Namibian presidential and National Assembly elections. PEMMO is a document developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries. It outlines standards and best practices for the conduct and assessment of elections in the SADC region.



The 2004 Namibian elections were the fourth to be assessed on the basis of PEMMO, after the South African, Malawian and Botswana elections held in April, May and October 2004 respectively.

The year 2004 was very significant in the Namibian elections calendar as all the elections were being held in the same year. Local authority elections were held in May 2004 and elections for president, members of the National Assembly and regional councils in the course of November of that year. The 2004 elections were also historic in the sense that they formally marked the end of the last term of office of founding President Sam Nujoma.

The report summarises the main findings of the EISA mission and makes appropriate recommendations to the relevant election stakeholders in Namibia, with a view to improving the electoral process and triggering subsequent reforms. The report will be shared with the Electoral Commission of Namibia (ECN), political parties, CSOs and all electoral stakeholders in Namibia. In addition, EISA will disseminate the findings of this mission to government authorities, political parties, election management bodies and CSOs across the SADC region and the African continent so that lessons can be drawn.

On the basis of guidelines enshrined in PEMMO and the findings of its observations, the mission concluded that the 2004 Namibian presidential and National Assembly elections were free and fair, with room for further improvement.

## ACKNOWLEDGEMENTS

The EISA mission to Namibia would not have been successful without the assistance and co-operation of many people and institutions. The mission would like to express its sincere gratitude to all those who directly or indirectly contributed to the success of the mission's work.

We would like to express our special thanks to the ECN, not only for inviting EISA to observe the 2004 presidential elections in Namibia but also for providing critical information to the mission as well as agreeing to meet us on various occasions to share with us information as the electoral process evolved. The information provided, as well as the meetings held, proved to be of great importance to the mission's understanding of the complex issues that the electoral process entails.

Our special thanks also go to political parties and CSOs, such as the National Non-Governmental Organisations Forum (Nangof), which met the mission to exchange information on the electoral process.

Ultimately, the mission is indebted to the people of Namibia for their willingness to share their experiences, thoughts, opinions and views on the electoral process and the broad democratisation process in the country. The hospitality and support extended to the mission are deeply appreciated.

The mission is grateful to the Swiss Development Agency, the Belgian Embassy in Pretoria, the British Department for International Development (DFID) in Luanda and Kinshasa, and the Open Society Initiative for Southern Africa (Osisa) for their generous funding that allowed the deployment of this mission.

We thank EISA and its staff for their remarkably professional co-ordination of the mission. Finally, the mission is grateful to Martinho Chachiuwa and Dieudonné Tshiyoyo, EISA programme officers, for compiling this report.

## TERMS OF REFERENCE

The terms of reference of the EISA election observer mission describe the role and responsibilities of the mission during its deployment for the 2004 presidential and National Assembly elections in Namibia. Essentially, they provide a summary of the mission's objectives and outline the activities to be carried out by all EISA observers.

EISA and all other international observers were invited guests in Namibia and the election and related processes were for the Namibian people to conduct. As observers, EISA mission members were expected to support and assess these processes, but not to interfere. EISA believes that international observers can play a critically important supportive role by helping to enhance the credibility of the elections, reinforcing the work of domestic observer groups and eventually increasing popular confidence in the entire electoral process.

The overall objective of this mission was in line with EISA's vision of promoting credible elections and democratic governance in Africa. Specific objectives for this particular mission included the following:

- To assess whether conditions existed for the conduct of elections that reflect the will of the people of Namibia;
- To assess whether the elections were conducted in accordance with the electoral legislative framework of Namibia; and
- To assess whether the elections met the benchmarks set out in PEMMO.

In order to achieve the above, the mission sought to undertake the following activities:

- Obtain information on the electoral process from the ECN;
- Meet with political parties, CSOs and other relevant stakeholders to acquaint itself with the electoral environment;
- Report accurately on its observations and refer any irregularities to the relevant authorities;

- Observe all aspects of the election in the areas visited;
- Assess if all registered voters had easy access to voting stations and whether or not they were able to exercise their vote in freedom and secrecy;
- Assess the logistical arrangements to confirm if all necessary materials were available for voting and counting to take place efficiently;
- Find out if all the competing parties and candidates were given an equal opportunity to participate in the elections.

## THE EISA APPROACH TO ELECTION OBSERVATION

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EISA seeks to realise effective and sustainable democratic governance in Africa through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields election observer missions to assess the context and the conduct of elections in the SADC region.

In order to assess the presidential and National Assembly elections of 15-16 November 2004 in Namibia, EISA established a regional observer mission whose members were drawn from electoral management bodies, various CSOs, political parties, and academic institutions in the SADC region. The mission conducted a range of activities covering the pre-election, election and post-election phases. In the main, these activities included:

### **Election Update**

As a result of limited access to financial resources, EISA was not able to field a long-term observer mission in Namibia. As a palliative measure, EISA used its innovative method of gathering and sharing information that ensures that members of the mission and other interested parties were fully informed on major events which occurred during the electoral process. In this regard, EISA contracted Namibia-based researchers to gather information and analyse significant election-related issues. This information was published fortnightly in the *Election Update* series, which was extensively disseminated electronically and in print. Much of the pre-election information contained in this report is drawn from *Election Update*.

### **Stakeholder Meetings and Political Party Rallies**

The EISA observer mission started arriving in Windhoek on 08 November 2004, a week before polling day, with the main aim of assessing the pre-election phase and acquainting itself with the degree of preparedness of all the stakeholders. During this period, members of the mission held meetings with various electoral stakeholders, including officials of the ECN, representatives of political parties, CSOs and other observer missions and

the media in both Windhoek and areas where EISA teams were deployed. All these meetings provided first-hand information and valuable insight on the different stakeholders' assessment of the process as well as their preparedness for the elections. In addition, EISA teams attended election-related press conferences and political party rallies.

### **Observation of Voting and Counting**

The EISA regional observer mission was split into nine teams, which were deployed throughout Namibia, namely in Windhoek, Walvis Bay, Katima Mulilo, Oshakati, Keetmanshoop, Grootfontein and Gobabis from 12 to 17 November 2004. Besides holding further meetings with election stakeholders in these areas, EISA teams observed the voting process on 15 and 16 November 2004 as well as the counting of ballots that followed on 17 November.

Based on its observations on the pre-election phase, the voting and partial counting stages, the mission released a provisional statement on 18 November 2004 containing its preliminary conclusions and recommendations. EISA carried on following all political and social developments in the post-election phase, including the proclamation of the final results.

Resulting from the above-mentioned activities, this report depicts the findings of the EISA regional observer mission deployed in Namibia for the 2004 presidential and National Assembly elections.



# 1

# Historical Overview



- Political and electoral background
- The 1999 presidential and National Assembly elections

## **I.1. POLITICAL AND ELECTORAL BACKGROUND**

The last country in the region to go through the process of formal decolonisation, Namibia, formerly known as South-West Africa, won its independence from apartheid South Africa in March 1990. The political transition in the country took place in the context of overall change in the region as a result of internal dynamics and the end of the Cold War. The Namibian process started with the Angolan-Cuban-South African Agreement of 1988, in the course of which South Africa committed itself to granting independence to Namibia in exchange for the withdrawal of Cuban troops from Angola. The decades-long armed struggle against white rule conducted by the South West Africa People's Organisation (Swapo) under the leadership of Dr Sam Nujoma since the mid-1960s thus came to an end.

In November 1989, a pre-independence election was held under the auspices of the United Nations Transition Assistance Group in Namibia (Untag), as part of the implementation of UN Security Council Resolution 435. The purpose of the election was to establish a transitional Parliament which would also serve as a Constituent Assembly. Ten political parties and coalitions contested the elections, with Swapo and the Democratic Turnhalle Alliance (DTA) as the main competitors. Swapo represented the liberation movement, having fought for the independence of Namibia, while the DTA was regarded by many as a manifestation of the colonial past and hence a proxy of the ruling National Party in South Africa. Proportional representation and the surplus quota were applied in these elections.



All the political parties represented in the Constituent Assembly accepted the UN-supported Constitutional Principles of 1982 as the framework for the Namibian Constitution. These principles were based, among others, on the agreement that Namibia would be a unitary sovereign state that guaranteed full democracy with regular multiparty elections. The constitutional proposals submitted by Swapo were accepted as the working draft and, on its basis, the draft Constitution was tabled in January 1990. It was unanimously adopted on 09 February 1990. The Constituent Assembly elected Nujoma, the leader of Swapo, as the first president of the Republic of Namibia. He was sworn in on 21 March 1990 and the Constituent Assembly became the first legislature, namely the National Assembly of Namibia, until the first presidential and parliamentary elections were held in 1994.

The Regional Council Act (Act 22 of 1992), the Local Authority Act (Act 23 of 1992) and the Electoral Act (Act 24 of 1992) paved the way for the first regional councils and local authority councils after independence. These elections were held in compliance with the provisions of the 1990 Constitution. Since then, Namibia has organised regular elections at the local, provincial and national levels. These include local authority elections (16 February 1998), regional council elections (30 November-03 December 1992 and 30 November-01 December 1998), as well as presidential and National Assembly elections (04-05 December 1994 and 30 November-01 December 1999). In 1994, Nujoma was elected by universal suffrage for a second five-year term as president.

The polls of 15 and 16 November 2004 marked the end of the presidency of Sam Nujoma, the veteran and charismatic leader of ruling Swapo, who stepped down in March 2005 after three uninterrupted terms. Given the pivotal role that he has played in Namibian politics for the last five decades, with his departure, the 2004 elections were regarded as an historic milestone.

## **1.2. THE 1999 PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS**

Namibia's third presidential and National Assembly elections were held on 30 November and 01 December 1999. The particularity of these elections was the re-election of Sam Nujoma as president of the Republic of Namibia for a third term; although the Constitution initially stipulated that a person must not hold office as president for more than two five-year terms.<sup>1</sup> To

pave the way for Nujoma's exceptional third term, the Parliament had to amend the Constitution in 1998, in order to allow him to be re-elected for a third term of office.

The elections were preceded by a special "supplementary registration" process which brought the electoral population up from 738 000 to 878 000. Four parties submitted nominations for the presidential elections:

- |                                       |                 |
|---------------------------------------|-----------------|
| - Swapo                               | Sam Nujoma      |
| - Congress of Democrats (CoD)         | Ben Ulenga      |
| - Democratic Turnhalle Alliance (DTA) | Katuutire Kaura |
| - United Democratic Front (UDF)       | Justus Garoeb   |

Sam Nujoma was elected president with 77% of the votes cast. Both Katuutire Kaura (DTA) and Ben Ulenga (CoD) obtained 10% of the poll while Justus Garoeb only secured 3% of the total votes cast. Sixty-two percent of registered voters actually voted.

As for the National Assembly, eight political parties contested the elections, namely, CoD, Democratic Coalition of Namibia (DCN), DTA, Federal Convention of Namibia (FCN), Monitor Action Group (MAG), South West African National Union (Swanu), Swapo and the UDF. The results of the parliamentary elections were roughly similar to the presidential ones. Swapo obtained 76% of the vote, while CoD, DTA, UDF and the MAG secured respectively 10%, 9%, 3% and 1%. DCN, FCN and Swanu received less than 1% each and failed thus to win representation in the National Assembly.

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<sup>1</sup> Constitution of Namibia, Article 29 (3).

**Table 1**  
**Results of the 1999 National Assembly Elections**

Region	Registered voters	CoD	DCN	DTA	FCN	MAG	Swanu WRP	Swapo	UDF	Total
Caprivi	33 792	6 368	71	943	18	17	28	9 754	174	17 373
Erongo	60 729	5 590	130	3 372	27	465	101	24 065	4 097	37 847
Hardap	34 915	4 854	111	3 943	78	453	72	6 318	353	16 182
International		67	4	7	0	3	2	235	3	321
Karas	40 173	4 866	94	2 939	106	405	29	13 124	299	21 862
Kavango	88 245	4 838	135	7 179	100	83	221	33 970	679	47 205
Khomas	115 401	14 530	339	5 657	162	846	302	44 925	2 288	69 049
Kunene	3 571	1 598	113	6 911	38	192	44	4 368	3 435	16 699
Ohangwene	98 408	308	27	152	9	18	181	68 593	243	69 531
Omaheke	35 635	1 967	197	7 619	81	399	254	6 402	300	17 219
Omusati	117 395	374	42	611	25	35	210	80 601	277	82 175
Oshana	75 180	1 313	20	727	16	17	128	52 247	234	54 702
Oshikoto	76 836	2 161	47	921	18	79	154	47 584	698	51 622
Ojozondjupa	6 689	4 455	467	9 843	86	606	159	15 988	2 605	34 209
Total	878 000	53 289	1 797	50 824	764	3 618	1 885	408 174	15 685	536 036
%		10	0.33	9	0.14	1	0.35	76	3	100
No. Seats		7	0	7	0	1	0	55	2	77

Source: Electoral Commission of Namibia

# 2

## Electoral Framework

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- The legal framework
- The Electoral Commission of Namibia
- Electoral system in Namibia

### 2.1. THE LEGAL FRAMEWORK

The Namibian Constitution establishes the Republic of Namibia as an independent, democratic and unitary state based on the principles of democracy, the rule of law and justice for all. The Constitution provides for the principle of separation of powers, subject to checks and balances. The Namibian Constitution is regarded as one of the most liberal and progressive constitutions worldwide.

The Constitution stipulates that the president is elected for five years by direct, universal and equal suffrage, according to procedures established in an Electoral Act. In terms of Article 28, a candidate for the presidency must obtain more than 50% of the votes cast to be elected president. The Constitution limits the presidential mandate to two five-year terms. However, an amendment to the Constitution was passed by Parliament in 1998 to allow Nujoma to be re-elected for a third term of office.

Namibia has a bicameral legislative system consisting of the National Assembly and the National Council. The National Assembly consists of 72 members, elected by the registered voters, by general direct and secret ballot according to the proportional representation system. The seats are distributed by dividing the total votes by the number of elected seats. The total number of votes obtained by each party is then divided by the quota to give them preliminary shares of the seats. Any seats left over are allocated according to the highest remainder method. In addition, the president may, on grounds

of their special expertise, appoint up to six members to the National Assembly in an advisory capacity, without voting rights. Unless dissolved by the president by proclamation, the National Assembly convenes for at least two sessions during each year, for a maximum of five years. A new election is called thereafter. Members of the National Assembly are eligible for re-election.

Article 68 of the Constitution establishes the National Council as the second chamber of the Namibian Parliament. It consists of two members from each of the 13 regions in Namibia. The members are elected by and from amongst the members of the regional councils of each of the regions for a period of six years and are eligible for re-election. Regional councillors are elected in their respective constituencies according to the first-past-the-post system. The power and functions of the National Council are regulated by Article 74 of the Constitution. The National Council serves as an advisory body to the National Assembly. It can recommend legislation on regional matters, but cannot make its own laws.

In Namibia, there are two statutory bodies charged with the duty of delivering elections, an electoral commission and a directorate of elections. Each of these two bodies performs a distinct and separate function in the electoral process. The detailed provisions describing the mandate, function, jurisdiction, composition and relation of the electoral commission to other government authorities and institutions are contained in subsequent electoral legislation.

The mission noted that the electoral laws of Namibia have been subject to a number of amendments aimed at meeting the innovations introduced into the electoral arrangement. As a result the legal and regulatory framework for elections in Namibia is found in a number of pieces of legislation, including the following:

- The Constitution (as Amended);
- Electoral Act (Act 24 of 1992)
- Electoral Amendment Act (Act 23 of 1994)
- Electoral Amendment Act (Act 30 of 1998)
- Electoral Amendment Act (Act 11 of 1999)

- Electoral Regulations (Gazetted 19 September 1992)
- Electoral Regulations (Gazetted 05 November 1992)
- The 2004 Code of Conduct for Political Parties

Overall, the mission considers that the constitutional and regulatory framework for the presidential and National Assembly elections in Namibia is generally conducive to free, fair and credible elections and to a large extent conforms with the recommendations provided in the Principles for Election Management, Monitoring and Observation (PEMMO) in the Southern African Development Community (SADC) region. This framework thus provides for a smooth, orderly and peaceful electoral contest devoid of violent conflict and intimidation. It also guarantees the promotion and protection of fundamental freedoms and human rights.

## **2.2. THE ELECTORAL COMMISSION OF NAMIBIA**

### **Functions**

Electoral processes in Namibia are managed and supervised by the Electoral Commission of Namibia (ECN) as established by the Electoral Act (Act 24 of 1992) in compliance with Article 56 of the Namibian Constitution. The Commission is charged with the power to control and supervise the conduct of elections as well as to adjudicate election-related conflicts. The Directorate of Elections (DoE) is the executive body responsible for the administrative and clerical work required for the running of electoral processes and activities.

In terms of Sections 3 to 12 of Part II of the Electoral Act of 1992 and in the Electoral Amendment Act of 1998, the ECN is authorised to direct, supervise and control any election prescribed under the Electoral Act as amended. The specific functions pertaining to presidential, National Assembly, regional councils and local authority elections are listed under section 4(1) as supervising and controlling the:

- registration of voters for any election;
- preparation, publication and maintenance of a national voters' register and local authority voters' register;
- registration of political parties and the implementation of the code of conduct agreed upon by political parties;
- appointment of election officers;

- setting up of polling stations;
- provision of election materials and equipment;
- any other functions conferred upon it by or under the provisions of the Electoral Act or any other law necessary or expedient for the purpose of achieving the objects of the Electoral Act.

### **Composition and Appointment of the ECN**

The ECN consists of five commissioners, including the chairperson, who is elected from amongst their number. The Electoral Amendment Act of 1998 determines that the positions of commissioners must be advertised and stipulates that prospective and aspiring commissioners should apply through a selection committee appointed by Parliament.

Upon receipt of the applications, the selection committee must select no fewer than eight suitable candidates to be proposed to the president of the Republic of Namibia who appoints five to serve a term of office as commissioner not exceeding five years. Commissioners can be re-appointed in a similar manner at the expiration of that period.

The current members of the commission are: Dr Victor Tonchi (Chairperson), Mr Salmaan D Jacobs, Ms Notemba Tjipueja, Mr Shafimana F Ueitele and Mr Andrew Nghidinwa.

The DoE is responsible for the administrative and clerical work of the commission. It is headed by the director of elections, who also serves as the secretary of the ECN. He/she performs his or her duties subject to the direction and control of the commission and under the provisions of the Electoral Act as amended. He/she is appointed by the president following a selection process similar to the one used for the appointment of commissioners, including advertisement and in accordance with the rules governing the public service. The current director of elections is Mr Philemon Kanime and Mr Ananias Elago is his deputy.

The DoE consists of a nucleus of approximately 20 permanent staff. During the preparation for, and conduct of elections, they are reinforced by additional staff from various government agencies on a temporary basis. The appointment of civil servants enables the ECN to reduce costs with regard

to remuneration, as such officials are only entitled to claim subsistence and travel costs as well as overtime allowances. Another advantage from this deployment of civil servants is the fact that they have so far demonstrated a general level of high discipline, professionalism and reliability when dealing with sensitive election-related issues.

### **Independence of the ECN**

The mission took note of the fact that the commission enjoys a degree of administrative and political autonomy as it operates independently from any government institution and reports annually to Parliament. Besides, the Electoral Amendment Act of 1998 provides that the director of elections must report to the commission and is directly responsible to the National Assembly.

### **2.3. ELECTORAL SYSTEM IN NAMIBIA**

Four different kinds of elections are administered by the ECN, namely the presidential, National Assembly, regional council and local authority elections, in which three different electoral systems are distinctively applied. The single member majority system is used in the presidential elections, whereas the first-past-the-post system is used for the regional council elections. That means that for a candidate to be elected president of the Republic of Namibia, he/she must muster the votes of at least 50% plus one of the total eligible voters who have actually cast their vote. With regard to the regional council election, the candidate with the most votes in a given constituency will be automatically declared the winner.

As for the National Assembly and local authority elections, the proportional representation system is used. The conceptual and operational framework is that every political party intending to contest the election should provide a list of candidates equal to the number of seats available in the National Assembly – there are 72 – or to the seats available in a particular local authority council. When all the votes are counted, each party receives the percentage of seats equal to the percentage of votes that it has secured at the polls. A seat quota for the National Assembly is calculated by dividing the number of valid ballots by 72. In the first round, the votes each party has received are divided by this quota to establish the number of seats each party secures. Remaining seats are given to parties with the largest fractional remainder after the first round allocation. In the event that there is a tie in



remainders for allocation of the last seat, the seat is given to the party with the lowest total number of votes.

The mission found that the electoral systems in use in Namibia are in accordance with the country's particular history and political dispensation. The proportional representation system used in the National Assembly elections has ensured, to a large extent, the representation of different political and social groups of the Namibian population and the inclusion of key political actors.

# 3

## The Pre-election phase

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- Voter registration
- Party registration and candidates' nomination
- Women and political representation
- Voter education and information
- The electoral campaign
- Media coverage of the electoral process

### 3.1. VOTER REGISTRATION

Article 17 of the Constitution of Namibia and Section 13 of the Electoral Act of 1992 lay down the conditions for voter registration. The overriding principle is that for all elections held in Namibia, eligible voters must register in order to vote. Voters must register in their respective constituencies or local authority areas in which they normally reside. The basic eligibility criterion is the possession of Namibian citizenship; an exception is those who are subject to a court order declaring them to be mentally ill or unfit. The voter registration process, like the voting process, is voluntary. Once registered, a voter can cast his/her ballot at any polling station within the constituency or local authority area.

According to the electoral law, a voter registration campaign takes place every ten years to allow for an update of the voters' roll. However, for elections pending between the general voter registration campaigns, the president is empowered to proclaim a campaign for supplementary voter registration. Pursuant to the law, a second campaign of voter registration should have taken place in 2002. Following delays with the release of the report of the Delimitation Commission, the registration process was also delayed. For the 2004 elections, the ECN conducted a voters' registration campaign between 20 September and 03 October 2004. With a population estimated at about

1.8 million, the commission registered a total of 977 742 voters. This total includes 512 360 women against 465 382 male voters.

The Ministry of Home Affairs is required to submit on a monthly basis a list containing the names of deceased people to returning officers so that their names can be deleted from the voters' roll. The Electoral Act stipulates also that a complete voters' register is to be gazetted and made public at least 14 working days before election day for inspection by voters and political parties. Inspections are meant to help correct wrong information on the roll, including name and address, and also provide people the opportunity to point out voters who have died and false registrations. The mission noted concerns raised by political parties and civil society organisations (CSOs) operating in the field of elections for not having received the voters' roll on time, which did not allow them to properly inspect the rolls.

**Table 2**  
**Totals of Registered Voters for the 2004**  
**Presidential and National Assembly Elections**

Constituency	Female	Male	Total
1. Caprivi	20 230	16 364	36 594
2. Erongo	30 593	43 042	73 635
3. Hardap	20 364	22 105	42 469
4. Karas	20 347	26 593	46 940
5. Kavango	54 917	45 277	100 194
6. Khomas	75 666	83 633	159 299
7. Kunene	18 662	18 911	37 573
8. Ohangwena	61 555	40 635	102 190
9. Omaheke	17 291	20 698	37 989
10. Omusati	67 826	41 620	109 446
11. Oshana	48 314	33 834	82 148
12. Oshikoto	43 586	33 409	76 995
13. Otjozondupa	33 009	39 261	72 270
<b>Total Registered Voters</b>	<b>512 360</b>	<b>465 382</b>	<b>977 742</b>

Source: Electoral Commission of Namibia

Over the years the ECN has been using manual voters' registers during the voting process. The use of bulky paper-based voters' registers on polling days has proven to be a delay factor, with the potential to frustrate voters as well as election officials. As a result, the ECN has initiated and introduced the electronic voters' register, with a view to expediting the voting process. For the 2004 presidential and National Assembly elections, the ECN deployed electronic voters' registers to 300 out of the total of 1 168 polling stations in the country, mainly in Windhoek and in selected areas with a high number of registered voters. In order to avoid any inconvenience arising from unexpected hiccups such as electric power failure or technology caprice, manual voters' registers were concurrently distributed. The mission was impressed with the positive results in terms of the use of electronic voters' registers as it improved the efficiency of the voting process.

The ECN also made arrangements for Namibian citizens living abroad to vote. Some 1 051 voters were registered around the world and, with the assistance of the Ministry of Foreign Affairs, the ECN established polling stations in 19 Namibian diplomatic missions.

The mission regards the registration of voters as an important, yet delicate, process in an election. Once voters have been registered, a voters' register has to be prepared and made public for both political parties and the general public to scrutinise for authenticity and accuracy. The mission noted that the computerisation of voters' roll management is a positive development for Namibia. But for purposes of improving the management of the voters' roll and allowing broader stakeholder participation in the process, it is imperative that the ECN strives to ensure that the voters' registers are made publicly accessible in good time, in compliance with provisions of the Electoral Act.

### **3.2. PARTY REGISTRATION AND CANDIDATES' NOMINATION**

#### **Party Registration**

The Constitution of Namibia recognises and protects the rights of citizens to participate in peaceful political activity, form and /or join political parties. Part IV of the Electoral Act of 1992 deals with the registration of political parties in Namibia. It stipulates, in substance, that all political parties intending to take part in the electoral process are obliged to register with

the Electoral Commission. The Act also lays down prerequisites to which political parties or independent candidates must comply. Among other things, the Act requires that the principal object of the party to be registered must not be detrimental to the safety of the state, public welfare or to peace and good order. Upon their registration, political parties are required to subscribe to a code of conduct, which requires them to state publicly their pledge to accept the outcome of elections, among other things.

For the 2004 elections, seven political parties fielded candidates for the presidency, while 19 submitted lists for the election of members of the National Assembly. The mission found that the registration process for political parties is clearly provided for in the Electoral Act and all its subsequent amendments. The criteria for registration are also clearly defined and transparently applied. In fact, the mission was not made aware of any grievance in this regard.

### **Nomination of Candidates**

The mission received complaints about the lack of internal party democracy regarding the nomination of candidates and the selection of candidates for party lists in many of the political parties.

**Table 3**  
**Candidates for the 2004 Namibian Presidential Elections**

<b>Candidates</b>	<b>Party</b>
Justus Garoeb	United Democratic Front of Namibia (UDF)
Katuutire Kaura	Democratic Turnhalle Alliance of Namibia
Henry Ferdinand Mudge	Republican Party of Namibia (RP)
Hifikepunye Pohamba	Swapo Party of Namibia
Jacobus 'Kosie' Pretorius	Monitor Action Group (MAG)
Kuiama Riruako	National Unity Democratic Organisation (Nudo)
Benjamin Ulenga	Congress of Democrats (CoD)

Source: Electoral Commission of Namibia (ECN).

The most conspicuous case was allegations of what appeared to be a single-handed designation of the Swapo presidential candidate, Hifikepunye Pohamba, by the incumbent President Sam Nujoma, outside the party's statutory procedure. The mission was unable to verify these allegations. In any case, the ECN allowed sufficient time for both candidates and parties to comply with the requirements of the nomination process.

### Political Party Funding

Namibia is one of the countries on the African continent that provides public financial support to political parties, as a way of promoting and sustaining multi-party democracy. In fact, only political parties represented in the National Assembly receive public funding, which is calculated in proportion to the votes received by each such party in the most recent election. This has continued to raise serious questions regarding electoral fairness, in terms of the levelling of the political field for all contestants.

Another way for funding political parties is the foreign funding that is permitted under Section 46 of the 1992 Electoral Act, provided that the recipient political party publicly discloses such receipt within an appropriate amount of time. Failure to do this will result in a fine of N\$12 000 and/or imprisonment of up to three years that can be imposed in terms of Section 98 of the same Act.

**Table 4**  
**Approximate Allocation of Funding to Political Parties (2000 – 2005)**  
**(Millions of N\$)**

Parties in the National Assembly	% of votes	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
CoD	10.0	1.3	1.4	1.8	1.9	1.6
DTA-UDF Coalition	12.5	1.6	1.8	2.3	2.4	2.0
MAG	0.7	0.09	0.1	0.1	0.1	0.1
Swapo	76.8	9.6	10.8	13.8	14.7	12.2
<b>Total</b>	<b>100</b>	<b>12.5</b>	<b>14.1</b>	<b>18.0</b>	<b>19.1</b>	<b>15.9</b>

Source: *Election Update 2004, Namibia*, N° 1, 5 November 2004

Although parties are required to disclose all donations in excess of N\$500, Namibia does not have an elaborate legal framework regulating the private contributions to political parties.

### **3.3. WOMEN AND POLITICAL REPRESENTATION**

According to statistics of registered voters released by the ECN, women outnumber men by practically 45 000 voters, which makes women 52% of all registered voters. The Namibian Constitution promotes and protects women's rights in a specific way. Article 23 on Apartheid and Affirmative Action encourages the enactment of legislation, policies and practices that promote the effective participation of women in the political, social, economic and cultural life of the nation. Likewise, Article 95 on the Promotion of the Welfare of the People calls for the endorsement of legislation to ensure equal opportunity for women in all spheres of Namibian society.

It clearly appears that, since independence, the government and political parties as well as women's organisations have substantially contributed to enhancing the social status, as well as the political participation and representation, of women in Namibian politics. In the outgoing Parliament, the representation of women stands at 26.4%. While falling short of meeting the SADC target of 30% recommended by the 1997 SADC Declaration on Gender and Development, this represented a good record compared to many other countries in the region.

The mission noted with satisfaction the general commitment of political parties to putting forward women candidates on party lists. However, the mission regrets the fact that although the parties had more than 30% women candidates in their lists, women were placed too low on the lists, which resulted in Namibia failing to achieve the minimum 30% target after the elections.

### **3.4. VOTER EDUCATION AND INFORMATION**

The Electoral Act stipulates that overall responsibility for the co-ordination of civic and voter education rests with the ECN. In line with this provision, the ECN established in December 2002, in conjunction with the Namibia Institute for Democracy (NID) and the Legal Assistance Centre (LAC), the Elections Support Consortium (ESC) to implement its civic and voter education campaigns.

Under the terms of the ESC, the NID was tasked with developing and implementing a mass media campaign to further increase public awareness of key principles of democracy and informed participation in political and electoral processes. The LAC was, among other things, assigned the task of encouraging and facilitating gender-related law reform and promoting affirmative action for women in respect of local government elections. Besides this, the centre had to raise public awareness of new and existing laws pertaining to gender and the underlying issues they address.

On the ground, the mission noted that political parties and CSOs as well as the media played an important role with regard to voter education. This was the case of the Namibian Non-Governmental Organisations Forum (Nangof), a network of autonomous non-governmental organisations working in a wide range of development and participatory democracy areas. It is worth mentioning at this point that EISA has established a strategic partnership with Nangof, aimed at providing technical assistance to the network on a range of areas of common interest.

### **3.5. THE ELECTORAL CAMPAIGN**

#### **Principles Governing the Campaign**

The electoral campaign in Namibia is regulated by a code of conduct agreed upon by political parties and associations, as well as independent candidates. The ECN is vested with the responsibility to implement the code, which provides for the following:

- No weapon of any kind, including any traditional weapon, may be brought to any political meetings, rallies or other demonstrations;
- Parties shall avoid holding rallies, meetings, marches or demonstrations physically close to one another during the same time of the day;
- Parties shall refrain from utilising a public address system, either fixed or mobile, between 21h00 and 07h00 hours and which could constitute a public nuisance;
- Speakers at political rallies may not use language which incites violence in any form against any other person or group of persons. Parties will not issue pamphlets, newsletters or posters which contain materials which incite people to violence;



- Party members and supporters will not seek to obstruct people from attending the political rallies of other parties;
- Party members and supporters will not disfigure or destroy political or campaign materials of other parties.

The code of conduct also makes recommendations as to how all the electoral stakeholders should contribute to ensuring compliance with the code. Among other things, the code urges:

- Political parties to establish lines of communication to one another in order to constantly deal with problems that may arise;
- The director of elections to regularly meet party representatives to discuss all matters of concern related to the election campaign and the election itself;
- Party leaders to issue directions to their members and supporters to observe the code of conduct, and take all other necessary steps to ensure compliance;
- The ECN and party leaders to undertake to publicise this code of conduct throughout Namibia by all means at their disposal;
- Parties to take care in their advertising and propaganda efforts not to disfigure the environment.

### **The Campaign**

The campaign process for the 2004 presidential and National Assembly elections took various forms, including media outreach, billboard advertisement and distribution of party political materials as well as political rallies. The EISA mission observed all these aspects of the campaign and concluded that the process was generally peaceful and that all political parties had the opportunity to reach the electorate. The campaign process was, to a large extent, smooth and free of political intolerance, political violence and intimidation. The peaceful atmosphere during the campaign period could be attributed to the political parties' adherence to the code of conduct and the Namibian people's culture of peaceful coexistence and political tolerance.

### **Political Parties' Manifestos**

The CoD issued a manifesto on the theme 'Towards Equal Opportunities, Welfare and Prosperity for all Namibians' in which it lamented the prevailing

conditions of poverty, inequality and unemployment, the deteriorating quality of health care, a growing trend towards corruption and self-enrichment by political and bureaucratic elites and a trend towards ethnic and tribal favouritism and nepotism that have become hallmarks of state institutions. Other social welfare issues addressed in the manifesto include education, housing and access to water and electricity. In order to deal with these problems, the CoD promised to restructure the ownership and management of the country's natural endowments. To eradicate poverty, the party promised to introduce, *inter alia*, basic income grants for the unemployed and in low-income categories.

The DTA of Namibia's manifesto was released under the title 'You Deserve Better'. Among other issues, it addressed peace and social tranquillity as preconditions for substantial economic growth. The creation of an environment conducive to collaboration among the various social partners in the economy was identified as being a pre-requisite for achieving growth. The DTA also acknowledged the impact of HIV / AIDS on Namibian society. However, although the manifesto described the pandemic as a humanitarian crisis of frightening proportions, it failed to address the options that it would pursue in case of an electoral victory.

The MAG and its candidate for the presidency, Jacobus Pretorius, adopted a 'no-campaign' campaign strategy. In fact, they did not campaign as such: no manifesto, no public meetings. However, they did embark on delivering pamphlets to every mailbox throughout the country. The practice is commonly known as 'knock-and-drop mail'. For the MAG, the mailing strategy reached more people than the total sum of all the other political parties' public rallies, and at the cheapest rate.

Among the key issues addressed in the National Unity Democratic Organisation (Nudo) manifesto were advocacy for a government of national unity, job creation, rural water supply problems and the scourge of HIV / AIDS. The document also addressed matters pertaining to land reform and resettlement by pledging to expedite the process of land re-distribution and resettlement. To achieve this, Nudo vowed to expedite the process of repossession of land owned by absentee landlords through available legal channels, as well as the development of underdeveloped and under-utilised

virgin land in communal areas into new farming units and for resettlement purposes.

The Republican Party of Namibia (RP) entrusted itself with the mission of raising a new generation of God-fearing leaders of integrity, dedicated to serving the Namibian nation. The RP undertook to address crime and corruption by ensuring that there would be appropriate legislation in place and proper training and treatment of the police force. It further promised to urgently work towards the establishment of an independent anti-corruption unit with full powers, in order to eradicate corruption completely.

Swanu issued a manifesto in which it provided a detailed historical outline as well as an overview of its guiding political and ideological principles, namely democracy, socialism and revolution. In terms of its vision for Namibia, Swanu expressed its commitment towards decentralisation and the recognition of traditional authorities. It also promised to provide affordable and adequate social amenities such as water, electricity, and sewerage. With regard to land, Swanu advocated the repossession of what was illegally taken from the people through a holistic approach that would ensure that all beneficiaries would be provided with proper and sufficient land as well as necessary services. The foreign policy under a Swanu government would be informed by the principles of pan-Africanism, African nationalism and international solidarity against capitalism and imperialism.

Swapo unveiled the most all-embracing manifesto, not only from the perspective of its 75 pages in length, but from the variety of issues covered and the depth of coverage in terms of systematic presentation. The first issues dealt with were peace, democracy and good governance as prerequisites for guaranteeing the right of choice for all Namibian people, as well as their access to opportunities. The manifesto furthermore dealt with the building of a socially just society, through the acceleration of the acquisition of land for the resettlement of landless communities, as well as broadening the scale and scope of the programmes designed to provide them with the necessary productive and environmental management skills. Finally the document dealt with the building of a vibrant economy as well as the promotion of prudent fiscal management and strengthening productive sectors. In this regard, Swapo argued that the framework for

promoting economic growth and job creation over the next five years was already in place.

The UDF launched its manifesto under the theme ‘Society back to the People – People back to the Society’. The document basically drew attention to unpleasant facts about Namibia: inequality, death, unemployment, youth in crisis, HIV/AIDS, women under threat and the persistence of colonialism. These were followed by a pledge of war for family values by fighting against alcohol and drug abuse, sexual misbehaviour and HIV/AIDS. On land reform, the manifesto promised a plan under which contractual agreements would be entered into between white farmers and their farm workers in terms of which parts of farms would be redistributed to a generational farm worker. The UDF manifesto also promised to use about N\$1.2 billion, to be raised through income tax from the richest, increased alcohol tax, and heavy tax for environmentally unfriendly industries, to subsidise a four-year plan to create 100 000 jobs.

### **Political Violence and Intimidation**

Despite the fact that it emerged from a long and bitter colonial past, Namibia has always held peaceful and violence-free elections. Apart from a short-lived and unsuccessful attempt in August 1999 by armed separatists in the north-eastern Caprivi region to secede and sporadic cross-border raids by the Angolan rebel group, Unita, which stopped in the early 2000s, Namibia has been a stable and peaceful democracy since independence. The 2004 elections were not an exception to the trend. The mission therefore congratulates the people of Namibia, the ECN, political parties and security forces for committing themselves to a culture of political tolerance and peace throughout the election process.

### **3.6. MEDIA COVERAGE OF THE ELECTORAL PROCESS**

Over the years the media in Namibia has continued to operate in an environment free of government or ruling party interference, hence enhancing the role of the media at times of election. The principle that allows proportional airtime to political parties ahead of elections is laid down in the Communications Commission Act. The Act instructs that 60% of free public service campaign coverage on radio and television be divided proportionally according to party representation in the National Assembly.

The remaining 40% should be shared equally by all political parties contesting the elections.

This translated into 150 minutes being given to Swapo, 31 minutes to the CoD, 30 minutes to the DTA, 19 to the UDF, and each of the smaller parties receiving 13 minutes of airtime on the state-owned Namibia Broadcasting Corporation (NBC) for the whole campaign. This allocation is obviously detrimental to political parties with weak representation in the National Assembly and those not represented. The CoD and the DTA unambiguously accused the public broadcaster of political bias ahead of the 2004 National Assembly and presidential elections, alleging that the NBC was awarding the ruling Swapo a disproportionate amount of television airtime. Swanu, one of the parties without representation in the National Assembly, threatened to lodge a legal complaint against the formula for the allocation of airtime to political parties, with a view to forcing the NBC to provide equal coverage.

The mission found that the weakness of the Communications Commission Act resides in the fact that it does not make any clear and specific provision for the allocation of airtime to political parties. In the absence of this guideline, the NBC has generally used its own editorial policy to allocate airtime. In line with PEMMO recommendations, the mission proposed that Namibia abides by the principles that ensure that all contesting parties and candidates enjoy equitable access to the public media during an election period.

# 4

## Election Day

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- The voting process
- Opening of the polling stations
- Voters' roll
- Voting stations
- Voter turnout
- Voting staff, party agents and security personnel
- Observers
- Counting

### 4.1. THE VOTING PROCESS

Despite some hitches, including those concerning computer failures in some areas, voting during the Namibian presidential and National Assembly elections proceeded smoothly over the two days, namely, 15 and 16 November 2004.

The law provides in detail the procedures to be followed in the voting process. These include the fact that the presiding officer is required to verify voters' identity through checking the voters' registration certificate against his/her name in the register of voters and to certify that he/she has not voted by checking the finger for indelible ink. Only after the presiding officer is satisfied is the voter issued a ballot and allowed to cast his/her vote.

For the 2004 elections, there were two types of votes cast at every polling station. An ordinary vote was to be cast at any polling station within the constituencies where the voter was registered. A tendered vote was the vote cast at any polling station outside the constituency where the voter was registered. For a tendered vote, the voter was issued with an envelope

marked with his/her constituency. The tendered vote system, while enhancing participation, was criticised for slowing the process as well as creating a potential for abuse by allowing double voting amid allegations that the indelible ink could be easily washed off.

Some stakeholders raised concern about the security of the ballot boxes after polling due, in part, to the voting over two days and the fact that counting does not take place at the polling stations. Be that as it may, the mission wishes to note that each political party agent is allowed to put a seal with a unique number on the ballot box after polling ends. The same party agents then become part of the team that opens the same boxes after verifying the seals on the following morning before counting.

Overall, the voting process was much more organised and orderly in respect of fixed polling stations, most of which opened on time at 07h00 and closed at 21h00 hours. We wish to note, though, that in some cases a different pattern marked the voting process with respect to mobile teams. The mobile teams were either late opening or they failed to open in locations that the ECN had designated as polling stations.

#### **4.2. OPENING OF THE POLLING STATIONS**

The electoral regulations determine that the voting must take place between 07h00 and 21h00 hours. The procedures for the opening of the polling station are prescribed by law and require that the presiding officer, together with other polling staff and representatives of contesting political parties or candidates, verify that there are no irregularities with the voting booth and other voting material. The presiding officer, in front of all present, must specifically exhibit the ballot box to verify that it is empty; thereafter the ballot box is closed and sealed.

The mission was satisfied with the degree of compliance with the opening procedures. Indeed, in all the polling stations where the mission observed the opening, the presiding officers strictly followed the procedures.

In general, the polling stations opened on time and had enough essential voting material and election staff. A few polling stations experienced negligible delays. The reasons for late opening at some polling stations

included problems with logging onto the computerised voters' registers and lack of some voting material such as the secret marking stamps required to validate each and every ballot paper, or the indelible ink. These were hiccups that were generally resolved in good time and the mission did not come across any reports that such delays might have affected the polls to any substantial degree.

#### **4.3. VOTERS' ROLL**

Section 74 of the 1992 Electoral Act establishes that each polling station be furnished with a copy of the relevant portions of the national voters' register. This clause was repealed by the provisions of the 1994 amendment which allowed voters to cast tendered votes outside of their constituencies. This meant that polling stations were no longer dealing with only voters of their respective constituencies but also large numbers of applicants for tendered votes whose particulars had to be checked against the full national voters' roll. This proved to be a logistical nightmare.

Some stakeholders raised concerns over the voters' register for the 2004 elections. The concerns included allegations of potential inaccuracy of the total of 977 742 registered voters. According to the allegations, judging from projections based on the 2001 population census, which put the population of Namibia at 1.8 million inhabitants in 2004, of which 51% is said to be below 17 years of age, the figure of registered voters might be inflated.

Another complaint raised was related to the late issuance of the voters' roll for popular scrutiny. As a result double registration and voters with registration certificates not appearing in the voters' roll were reported. Theoretically this opened room for abuse of the process.

The mission noted with satisfaction the introduction of an electronic voters' register in 300 polling stations to trace the names of voters in the register. This enhanced the speed of the whole voting process and the mission encourages the ECN to continue its efforts towards the introduction of this system in all voting stations.

#### **4.4. VOTING STATIONS**

Section 73 (1) of the Electoral Amendment Act 1994 provides that 'The



Commission shall, for the purpose of facilitating the taking of the poll in any election, establish one or more polling stations at convenient places for each constituency ...' The allocation of polling stations is determined with due observance of factors such as the distribution of the voters, the availability of suitable places, access routes and distances to be travelled by voters.

For the 2004 presidential and National Assembly elections, the ECN established 1 168 polling stations. The mission was satisfied that the ECN established enough polling stations to give voters easy access to the poll. The mission was particularly content with the fact that in response to the dispersion of voters in the country, the ECN established mobile stations to ensure that voters were not inconvenienced by having to travel long distances to the voting stations. The mission noted that the polling stations were well laid out, ensuring a smooth flow of voters as well as ensuring the secrecy of the ballot. Overall the polling stations were well managed, resulting in a peaceful, orderly atmosphere throughout the voting process. The mission therefore congratulates the commission and the people of Namibia for the peaceful, orderly and civilised manner in which they conducted themselves during the voting process.

#### **4.5. VOTER TURNOUT**

The voting days were characterised by high temperatures and rain, but nevertheless 825 376 voters came out to exercise their right to choose their leaders. This corresponds to a particularly high 84.4% voter turnout, which attests to their high political maturity. The mission was satisfied and would like to congratulate the people of Namibia for their keen interest in participating in the political life of their country.

#### **4.6. VOTING STAFF, PARTY AGENTS AND SECURITY PERSONNEL**

The mission noted the high proportion of women amongst polling personnel, from support staff to presiding officers. The mission was hence satisfied and commends the ECN for promoting gender equity in the management of elections.

Party agents were present at all 161 voting stations visited by the mission, though not all contesting parties were represented in every polling station.

In general, party agents did not explicitly attempt to unduly influence the voters at the polling stations. Party agents did not carry party propaganda material to the polling stations.

In all 161 voting stations visited by the mission, police officers were present. At none of the polling stations could the security forces present be regarded as intimidating or interfering with the voting process. The mission therefore felt that the security arrangements were effective and contributed to the peaceful, orderly and free atmosphere in which the elections took place.

#### **4.7. OBSERVERS**

##### **International Observers**

According to the ECN, there were 10 international observer groups accredited. The largest were the SADC Parliamentary Forum with 35, followed by EISA and the Zambia Reconstruction Organisation (Zamro) with 30 members each. The medium size mission was the African Union, which deployed a nine-member mission, while the smallest missions comprising two to three members were deployed by the electoral commissions of Zambia, Zimbabwe, Botswana, Tanzania, Rwanda and Uganda.

In the run-up to the voting day these missions exchanged information on their observations as well as their deployment plans. Their conclusions around the critical aspects of the process as contained in their interim reports were by and large similar.

##### **Domestic Election Monitors**

The mission learnt that the relationship between the ECN and CSOs was not a co-operative one. This led to a difficult process of accreditation of domestic monitors. Nevertheless, two local observer groups, namely Nangof and the National Society of Human Rights, were allowed to observe the elections.

The mission noted with concern the limited capacity of CSOs to monitor the electoral process. The mission learnt that apart from the reluctance of the ECN to formalise a relationship with CSOs, the lack of capacity is due to the lack of funding for their work. EISA believes that in order to deepen democracy, domestic CSOs' involvement in the electoral process as effective

non-partisan watchdogs is critical. Therefore the mission would like to encourage all stakeholders concerned, including donors, to support CSOs in their quest to monitor the electoral process in Namibia.

#### **4.8. COUNTING**

The law in Namibia requires that the counting take place in central counting centres starting at 08h00 hours of the day following the last voting day. In order to avoid additional problems, such as the obvious security of the ballot boxes overnight, PEMMO recommends that counting takes place at the polling station immediately after the close of the poll. The counting during the 2004 elections in Namibia was also marred by delays caused by the large numbers of tendered votes. Indeed, the mission noted that in some polling stations, the proportion of tendered ballots was quite high in comparison to ordinary ballots. The mission therefore recommends that Namibian election stakeholders review the procedures for counting to allow for counting to take place at the polling station and to reconsider the current procedure of tendered ballots.

# 5

## The Post-Election Phase

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- Transmission of results
- Results centre
- The results

### 5.1. TRANSMISSION OF RESULTS

After the counting centres have finalised counting, they are required to fax the provisional result forms to the Central Election Results Centre (CERC) in Windhoek, where final verification takes place before the final results are released. The slow counting process mentioned above led to a prolonged delay in the transmission of results from counting centres to the CERC. This in turn caused delays in the announcement of results, thereby igniting anxiety and frustration on the part of the electorate.

### 5.2. RESULTS CENTRE

The ECN established a results centre aimed at verifying the results as they were transmitted from the counting centres. The mission was confident that the centre was well equipped to speedily process the results, allowing for their timely announcement. However, the delay experienced in the counting and transmission of results from the counting centres cancelled out that advantage. This led to a situation where the results were only available for announcement four days after the voting.

### 5.3. THE RESULTS

The ECN announced the final results on Sunday, 21 November 2004, four days after the close of the voting process. As a result of the uncertainties, this delay led to some political tension in the country. At least one incident of political intolerance was recorded between supporters of Swapo and the CoD in Ongwediva in northern Namibia during a victory celebration march.

The results announced by the ECN were as follows:

**Table 5**  
**Results of the Presidential Election**

Candidates	Party	Result ( % )
Hifikepunye Lucas Pohamba	Swapo	76.4
Ben Ulenga	CoD	7.3
Katuurike Kaura	DTA	5.1
Kuaima Riruako	Nudo	4.2
Chief Justus Garoëb	UDF	3.0
Henk Mudge	RP	1.9
Kosie Pretorius	MAG	1.1

Source: Electoral Commission of Namibia

**Table 6**  
**Results of the National Assembly Election**

Regions	CoD	DTA	MAG	NMDC	NUDO	RP	SWANU	SWAPO	UDF	Total no of votes	No of reg voters
Caprivi	3 872	1 809	56	38	68	2 745	42	19 596	244	28470	36 594
Erongo	6 186	2 746	1 102	281	3 380	1 664	291	39 604	8 127	91 833	73 635
Hardap	6 098	5 118	599	226	479	1303	73	15 767	609	30 272	42 469
Karas	7 059	3 761	671	215	495	1 061	82	25 127	681	39 152	46 940
Kavango	4 617	5 198	189	194	520	431	235	65 077	795	77 256	100 194
Khomas	18 872	7 225	1 982	819	8 782	5 040	1 071	87 092	5 880	136763	159 299
Kunene	1 324	5 716	393	109	2 015	667	117	9 817	6 511	2 669	37 573
Oshana	443	166	31	64	158	80	133	88 061	374	89 510	102 190
Omaheke	1 039	3 488	566	1 549	6 849	1 310	821	12 582	491	28 695	37 989
Omusati	523	163	25	94	751	81	110	92 082	435	94 264	109 446
Oshana	1 674	870	59	85	312	97	93	70 111	366	73 667	82 148
Oshikoto	2 567	647	244	88	410	228	149	63 769	1 126	69 228	76 995
Otjozondjupa	5 161	4 762	1 002	344	9 622	1 257	219	31 423	3 690	57 480	72 270
Total	59 465	41 714	6 920	4 138	33 874	15 965	3 438	620 787	29 336	<b>815 637</b>	<b>977 742</b>
Percentage	7.2	5.0	0.8	0.5	4.1	1.9	0.4	75.1	3.5		
Total no of seats	5	4	1		3	1		55	3		

Source: Electoral Commission of Namibia

# 6

## Conclusions and Recommendations

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In the preceding sections, this report has provided a detailed account of the mission's observations regarding the critical areas of the conduct of the 2004 Namibian presidential and National Assembly elections. It should be recalled that these observations are based on the guidelines enshrined in the ECF/EISA PEMMO. As indicated in the mission's interim statement issued on 18 November 2004, the overall conclusion of the EISA election observation mission was that the 2004 Namibian presidential and National Assembly electoral process was free and fair, with room for further improvement.

The mission concluded that there were no major legal, political or other impediments for the free exercise of the constitutional right of people to participate in the electoral process. The electoral process had taken place in a peaceful and orderly environment and no explicit acts of intimidation that could affect the freedom of the process were brought to the attention of the mission. The mission was impressed with the peaceful and orderly manner in which the people of Namibia participated in the elections.

Finally, having all these observations in mind, the mission would like to make recommendations in the areas where it felt that some improvements could be made:

### **Voters' Roll**

The accuracy, accessibility and ultimately credibility of the voters' roll is critical for the success of an electoral process. The computerisation of the

voters' roll is a positive development for Namibia. The Namibian Electoral Act stipulates the manner in which voter registration is to be undertaken and how and when the voters' roll is supposed to be made public for inspection by voters and parties. For purposes of improving the management of the voters' roll and allowing broader stakeholder participation in this, it is imperative that the ECN strives to ensure that the roll is made publicly accessible in good time in conformity with the Electoral Act.

### **Access to Media**

PEMMO proposes that access to public media during an election period should be equitable and equal to the benefit of all contesting parties and candidates. The mission found that political parties' access to the public media (both print and electronic) during elections tended to be skewed in favour of the incumbent party and that this situation inevitably raised concerns from other electoral stakeholders. In line with PEMMO guidelines, it is proposed that Namibia abides by these principles to ensure that all parties enjoy equitable access to the public media.

### **Funding of Political Parties**

Elections are an expensive political activity and thus claim a considerable chunk of the national budget and meagre resources of political parties. It is for this reason that in a number of SADC countries, public funding of political parties has been legislated with a view to nurturing and sustaining multiparty democracy. Namibia is one of the countries that provides public funding for political parties. All political parties represented in the National Assembly receive state funding proportional to the number of votes they received during the most recent National Assembly election and the corresponding parliamentary seats secured. Although the funding of parties is useful for strengthening parties as key institutions of democracy, various issues need to be addressed in order to improve this mechanism. This includes the need to re-examine the formula for public funding and to institutionalise a mechanism of effective accountability of political parties on their finances, both publicly and privately secured.

### **The Electoral System: Inclusivity and Representation of Women**

In respect of the presidential and National Assembly elections, Namibia operates a party list-proportional representation system. This electoral



system has served the country's democracy well in terms of representation and inclusivity. In particular, the proportional representation model has facilitated more gender inclusivity in the National Assembly. In the last Parliament, the representation of women in Namibia's National Assembly stood at 26.4%. This is a good record and the country is close to achieving the minimum target of 30% of women's representation by the year 2005 as per the SADC Declaration on Gender and Development adopted by the Heads of State and Government during the SADC annual summit in Blantyre, Malawi in 1997. It is recommended that Namibia maintains and sustains its good record on gender representation in the National Assembly. In keeping with PEMMO, the mission encourages stakeholders to ensure that at least 30% of the candidates are women at all levels of governance and within political parties and that they are placed in winnable positions in the party lists.

### **Counting**

In order to address the prolonged delays in counting and announcement of results, the ECN should audit and review mechanisms and procedures governing tendered ballots. For purposes of addressing concerns around the security of the ballot, Namibia ought to consider reforming its counting procedures. This could be done by introducing changes which allow counting at polling stations immediately after the completion of voting, rather than transporting the ballot boxes to the central counting stations and counting only on the following day.

## APPENDICES

### Appendix 1 Composition of the EISA Observer Mission

	Title	Name	Gender	Country
1.	Dr	Gloria Somolekae	F	Botswana
2.	Mr	Denis Kazadi Kadima	M	DRC
3.	Ms	Iлона Tip	F	South Africa
4.	Mr	Sekara Mafisa	M	Lesotho
5.	Ms	Sa Ngidi	F	South Africa
6.	Ms	Rindai Chipfunde-Vava	F	Zimbabwe
7.	Dr	Dr Khabele Matlosa	M	Lesotho
8.	Ms	Irene Mathenjwa	F	South Africa
9.	Mr	Dieudonné Tshiyoyo	M	DRC
10.	Ms	Belinda Musanhu	F	Zimbabwe
11.	Ms	Portia Kobue	M	South Africa
12.	Ms	Thandi Kondleka	F	South Africa
13.	Mr	Joao Domingos	M	Angola
14.	Ms	Zahira Seedat	F	South Africa
15.	Ms	Shumbana Karume	F	Tanzania
16.	Mr	Mawetu Mosery	M	South Africa
17.	Ms	Miriam Chonya	F	Zambia
18.	Ms	Bronwen Thompson-Williams	F	South Africa
19.	Rev	Ngoyi Boliya	M	DRC
20.	Ms	Nsanza Cynthia Kalenga	F	South Africa
21.	Mr	Augusto Santana	M	Angola
22.	Ms	Helena Manuel	F	Angola
23.	Ms	Bertha Chilundo	F	Mozambique
24.	Mr	Martinho Chachiuu	M	Mozambique
25.	Mr	Alcides Sakala	F	Angola
26.	Mr	Manuel Fernandes	M	Angola
27.	Mr	Charles Kabangu Tshibitshibi	M	DRC
28.	Ms	Marie-Rose Kambere Kavira	F	DRC
29.	Mr	Gaston Kalombo	F	DRC
30.	Mr	Nazeem Dramat	M	South Africa

## **Appendix 2**

### **Code of Conduct for EISA Regional Election Observers**

Election observation is widely accepted around the world. It is conducted by intergovernmental and international, regional and national non-governmental organisations in order to provide an impartial and accurate characterisation of the nature of election processes. Much therefore depends on ensuring the integrity of election observation.

All observers invited to be part of an EISA regional election observation mission must subscribe to and follow this code of conduct.

#### **Respect Sovereignty and International Human Rights**

Elections are an expression of sovereignty, which belongs to the people of a country. Genuine elections are a human right, and they require the exercise of a number of other human rights and fundamental freedoms. Election observers must respect the sovereignty of the host country and the human rights and fundamental freedoms of its people.

#### **Respect the Laws of the Country and the Authority of Electoral Bodies**

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers must also maintain a respectful attitude towards electoral officials and national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international human rights instruments.

#### **Respect the Integrity of the Election Observation Mission**

Observers must respect and protect the integrity of the election observation mission. This includes following this code of conduct, any written instructions (such as terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers

must attend all of the observation mission's required briefings, training and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers must also report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers who are part of the mission.

### **Maintain Strict Political Impartiality at All Times**

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be perceived reasonably as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

### **Do Not Obstruct Election Processes**

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after the election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell them for whom or what party or referendum position they voted.

### **Provide Appropriate Identification**

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

**Maintain Accuracy of Observations and Professionalism in Drawing Conclusions**

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers must also keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

**Refrain from Making Comments to the Public or the Media Before the Mission Speaks**

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement. Observers may explain the nature of the observation mission, its activities and other methods deemed appropriate by the observation mission and should refer the media or other interested persons to those individuals designated by the observation mission.

**Cooperate with Other Election Observers**

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

**Maintain Proper Personal Behaviour**

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host country cultures and customs, exercising sound judgment in personal interactions and observing the highest level of professional conduct at all times, including leisure time.

**Violations of This Code of Conduct**

In a case of concern about the violation of this code of conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may be expelled from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

### **Appendix 3**

## **EISA Observer Mission Arrival Statement**

EISA OBSERVER MISSION  
Presidential and National Assembly Elections  
Namibia, 15-16 November 2004



### **FOR IMMEDIATE RELEASE**

EISA is pleased to announce the official beginning of its Regional Election Observer Mission to the Namibian presidential and National Assembly elections to be held on the 15-16 November 2004. The mission is led by Dr Gloria Somolekae, national representative of the Kellogg Programme in Botswana and EISA board member. The Executive Director of EISA, Mr Denis Kadima, is the deputy leader of the mission.

The mission comprises 30 observers. They are nationals of various Southern African Development Community (SADC) countries, namely Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe. The delegates were drawn from electoral commissions, civil society organisations (CSOs), and political parties.

Following an invitation extended by the Electoral Commission of Namibia (ECN), EISA established a mission to observe the 2004 presidential and National Assembly elections in Namibia. The overall objective of this mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa.

Specific objectives for this particular mission include the following:

- To assess whether the conditions exist for the conduct of elections that reflect the will of the people of Namibia;

- To assess whether the elections are conducted in accordance with the electoral legislative framework of Namibia;
- To assess whether the elections meet the benchmarks set out in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries.

PEMMO is the result of three years of work by ECF and EISA, in consultation with CSOs who work in the field of elections. Subsequently, the election principles which serve as benchmarks in the conduct and assessment of elections in the SADC region were adopted on 6 November 2003 in Johannesburg, South Africa. PEMMO has been applied for the assessment of the South African, Malawian and Botswana elections held in April, May and October 2004 respectively.

On 12 November 2004, EISA will deploy nine teams throughout Namibia, namely in Windhoek, Gobabis, Grootfontein, Katima Mulilo, Keetmanshoop, Oshakati and Walvis Bay, where they will meet electoral stakeholders, including the electoral commission, political parties, CSOs and academics, ahead of the election days. The mission will remain in the country until 19 November 2004 to observe the voting and counting processes as well as post-polling activities.

EISA is a regional non-governmental organisation established in 1996 and based in Johannesburg, South Africa. Its mission is to strengthen electoral processes, good governance, human rights and democratic values in the SADC region and beyond through research, capacity building, advocacy and other targeted interventions. EISA services electoral commissions, political parties, CSOs, governments and other institutions operating in the democracy and governance fields in Africa.

The mission is based at Safari Court, where EISA has established a field office in Block C, Room 33 of the Safari Hotel. For further information, please contact Ms Irene Mathenjwa, the EISA mission coordinator, on +26481 236 0599.

**Dr Gloria Somolekae**  
Mission Leader

**Denis Kadima**  
Deputy Mission Leader



## Appendix 4

### INTERIM STATEMENT BY THE EISA OBSERVER MISSION

#### THE 2004 NAMIBIA PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS 15-16 NOVEMBER 2004

##### **I. INTRODUCTION**

EISA was invited by the Electoral Commission of Namibia (ECN) to observe the country's presidential and National Assembly elections scheduled for the 15th and 16th November 2004. Accordingly, EISA deployed an observer mission to these elections. As a regional election observer mission made up of citizens from various SADC countries, we came here to learn and make our contribution to the nurturing, institutionalisation and consolidation of democracy in Namibia.

The mission has made an assessment of the election and its preliminary findings and recommendations are presented in this interim statement. EISA will produce a more comprehensive and final report on the entire election process. This report will provide an in-depth analysis and detailed observations as well as recommendations for further consolidation of the country's democratic governance. Therefore, EISA will continue to follow the process to its completion, including the announcement of results so as to evaluate the overall post-election phase.

On behalf of the EISA Election Observer Mission, I, as the Mission Leader, and my Deputy would like to take this opportunity to extend our gratitude to the people of Namibia for the warm welcome and hospitality given to the mission. We also congratulate the people of Namibia for their political maturity and the peaceful manner in which the election was conducted. We also extend our sincere appreciation to the Electoral Commission of Namibia (ECN) for the invitation to observe the election. We were allowed unhindered and unrestricted access to all key offices dealing with elections, all polling and counting stations visited as well as access to the Central Election Results

Centre (CERC). We were impressed by the hospitable, courteous and friendly manner in which the election personnel received our mission in the spirit of ubuntu. This warm welcome and hospitality made our task both easier and enjoyable indeed.

## **2. ABOUT EISA**

EISA was established in 1996. It is an independent, non-partisan and non-profit organisation which seeks to promote credible elections and democratic governance in Africa through research, capacity building, advocacy and other targeted interventions. Election observation is one of the key components of EISA work as it allows the collection of data and information on electoral practices. It allows a country holding elections to share valuable lessons with other countries, given that mission members come with varying experiences from their own countries. Equally important for EISA, election observation provides an opportunity for mission members from countries without a long tradition of multiparty democratic elections to gain first-hand electoral experience which is intended to have a positive multiplier effect for their own countries.

EISA has its headquarters in Johannesburg, South Africa, and has field offices in Angola, Burundi, the Democratic Republic of Congo (DRC) and Mozambique.

## **3. MISSION COMPOSITION**

The EISA election observer mission is composed of 30 members drawn from electoral commissions, civil society organisations, the media institutions, office of the ombudsman, political parties from various SADC member-states namely, Angola, Botswana, the Democratic Republic of Congo, Lesotho, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe.

The mission leader is Dr Gloria Somolekae, Chairperson of the Botswana National Vision 2016 Council, national representative of the Kellogg Foundation Programme in Botswana and EISA board member. The Executive Director of EISA, Mr Denis Kadima, is the deputy leader of the mission. Members of the EISA mission started arriving in Windhoek on Monday 08 November 2004. The mission met various Namibian election stakeholders and observed events until Thursday 18 November 2004.

#### **4. DEPLOYMENT**

A total of nine EISA teams were deployed in different parts of Namibia on Friday 12 November 2004 as follows:

- Three teams in Windhoek
- One team in Walvis Bay
- One team in Katima Mulilo
- One team in Oshakati
- One team in Keetmanshoop
- One team in Grootfontein and
- One team in Gobabis.

The mission was able to visit 161 out of a total of 1 168 polling stations. The teams covered selected rural and urban areas in the constituencies where they were deployed.

#### **5. METHOD OF WORK**

In order to accommodate the need for a holistic approach to election assessment, EISA conducted various activities covering the pre-election, polling and post-election phases. The assessment methodology includes the following activities:

##### **5.1. Research and Publication Election Update**

As part of its pre-election assessment, EISA engaged a Namibian researcher to gather relevant information and produce *Election Update 2004: Namibia*. Three volumes of the update covering the three phases of the election, namely the pre-election phase, polling phase and the post-election phase, are planned to be published. By the time of the election, one issue had been produced covering the following aspects of the election:

- The political setting
- Political parties and manifestos
- The presidential and National Assembly elections
- Regional council elections
- Civil society participation
- Conflict prevention and management mechanisms.

The second and third issues of *Election Update 2004: Namibia* will cover both the election phase and post-election developments in the country. EISA uses its innovative method of information gathering and sharing to keep members of the mission and other stakeholders up to date with the electoral process as it evolved in the run-up to election day.

### **5.2. Election Talk**

Additionally, another group of Namibia-based researchers was engaged to gather information which was in turn put together and published in a monthly bulletin – *Election Talk* – which is widely distributed both electronically and in print. *Election Talk* has covered various facets of Namibia's electoral processes since January 2004.

### **5.3. Stakeholder Meetings and Political Party Rallies**

Members of the mission held meetings with various electoral stakeholders, including representatives of the Electoral Commission of Namibia (ECN), political parties, civil society organisations, the media and academics. The mission also met domestic observers from the Namibia Non-Governmental Organisations Forum (Nangof), church groups and other international observer teams. Stakeholder meetings were held in Windhoek and at constituency levels. These meetings provided useful insight into the different key stakeholders' assessment of the process as well as the general mood in the country as the election drew near. Our teams also attended political party rallies in various parts of the country where they were deployed.

### **5.4. Observation of Campaign, Voting and Counting**

The members of the mission were deployed in the field between 12-18 November 2004 where they held meetings with electoral stakeholders in the process of observing the campaigns, and the voting as well as the counting.

## **6. PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING AND OBSERVATION (PEMMO) IN THE SADC REGION**

The EISA observer mission's assessment of the Namibia's 2004 presidential and National Assembly elections is based on the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC Region. PEMMO is a set of benchmarks against which an election can be measured to assess whether conditions exist that reflect the will of the people of

Namibia. PEMMO was developed by EISA in partnership with the Electoral Commissions Forum (ECF) of SADC countries, which comprises all the election management bodies in the SADC region. These principles are the result of extensive research and region-wide consultations with electoral stakeholders, in particular electoral management bodies and civil society organisations who work essentially in the election field. The principles contained in PEMMO are not inconsistent with the legal framework governing elections in Namibia. Thus, the mission experienced no major difficulties applying PEMMO in assessing and evaluating the Namibian electoral process.

The principles cover the whole electoral process, including the period before, during and after the poll. They provide an objective standard against which an election can be measured. Furthermore, they constitute a useful tool for both post-election review and electoral reforms. For observers, PEMMO also outlines guidelines on the expected behaviour for the enhanced ethical conduct and credibility of both election observation and monitoring groups.

After its adoption at a regional conference on the 6th November 2003 in Johannesburg, PEMMO has been successfully used to assess elections in South Africa, Malawi and Botswana held in April, May and October 2004 respectively.

## **7. FINDINGS OF THE MISSION**

The EISA election observer mission, basing itself on the PEMMO as a guideline, made the following findings:

### **7.1. The Legal and Regulatory Framework for Elections**

The mission found that the legal and regulatory framework for the presidential and National Assembly elections in Namibia is generally conducive to the holding of democratic elections. This framework, thus, provided for a smooth, orderly and peaceful electoral contest devoid of violent conflict and intimidation. This framework also guarantees the promotion and protection of fundamental freedoms and human rights. The overall legal and regulatory framework includes:

- The Constitution, 1998 (as Amended)

- The 1992 Electoral Act (as Amended) and
- The 2004 Code of Conduct for Political Parties.

### **7.2. The Electoral Commission of Namibia (ECN)**

The mission takes note of the fact that in Namibia there is a body charged with a mandate to run elections. The Electoral Commission of Namibia plays an important role in coordinating all aspects of the electoral process.

### **7.3. The Campaign Process**

Seven (7) political parties contested the presidential election while nine (9) parties contested the National Assembly election. The campaign process for both sets of elections took various forms, including media outreach, posters, billboard publicity, distribution of party political material and political rallies. The EISA mission observed all these aspects of the campaign. On the whole the campaign process was free of political intolerance, political violence and intimidation. The mission, therefore, congratulates the people of Namibia, security forces and political parties for the peaceful atmosphere maintained throughout the election process.

### **7.4. Accreditation of Observers**

The participation of both international and domestic observers was facilitated by the smooth and efficient accreditation process put in place by the ECN. There were both international observer and domestic observer missions allowed to observe the election. We commend the ECN for the preparation of a very comprehensive and helpful information pack which was distributed to observers. The ECN electoral staff were fully apprised of the presence of these missions.

### **7.5. Registration of Voters and the Voters' Roll**

Registration of voters is an important, yet delicate, process in an election. Once voters have been registered, a voters' register is prepared and made public for both parties and voters to check its authenticity and accuracy. Computerisation of voters' roll management is a positive development for Namibia. The Namibian Electoral Act stipulates the manner in which voter registration is to be undertaken and how and when the voters' roll is supposed to be made public for inspection by voters and parties. According to the Act, a complete voters' roll is to be gazetted and made public at least

14 working days before election day. We noted concerns raised by political parties for not having received the voters' roll on time.

### **7.6. The Voting Process**

Despite some hitches, including those concerning computers in some areas, voting during the Namibian presidential and National Assembly elections proceeded smoothly over the two days, namely the 15th and 16th November 2004. Some stakeholders raised concern about the security of the ballot boxes after polling, due in part to the two-day voting and the fact that counting does not take place at the polling stations. Be that as it may, we also wish to note that each political party agent is allowed to put a seal with a unique number on the ballot box after polling. The same party agents then become part of the team that opens the same boxes after verifying the seals on the following morning before counting. Additionally, overall, the voting process was much more organised and orderly in respect of fixed polling stations, most of which opened on time at 07h00 and closed at 21h00. We wish to note, though that in some cases a different pattern marked the voting process with respect to mobile teams. The mobile teams were either late opening or they failed to open in locations that the ECN had designated as polling stations.

### **7.7. The Counting Process**

Counting took place in various counting centres around the country. The main problem experienced during counting was due to slow progress in this process due largely to the tendered ballots, a system through which voters registered in one constituency are allowed to cast their ballot in a different one provided they have the necessary documents and fill in the Elect 23 form. This led to a prolonged delay in the transmission of results from counting centres to the Central Election Results Centre. This in turn caused delays in the announcement of results, thereby igniting anxiety and frustration on the part of the electorate. The mission noted that in some polling stations, the proportion of the tendered ballot was quite high in comparison to the ordinary ballot.

### **7.8. Composition of the Election Staff**

The mission was pleased and impressed by the composition of the election staff at polling stations visited. It was observed that there was a large

proportion of women as both support staff and presiding officers. We commend the ECN for promoting gender equity in the management of elections.

## **8. RECOMMENDATIONS**

The mission therefore recommends the following:

### **8.1. Voters' Roll**

For purposes of improving the management of the voters' roll and allowing broader stakeholder participation in this, it is imperative that the ECN strives to ensure that the roll is made publicly accessible in good time in conformity to the Electoral Act.

### **8.2. Access to Media**

PEMMO proposes that access to public media during an election period should be equitable and equal to the benefit of all contesting parties and candidates. We found that political parties' access to the public media (both print and electronic) during elections tended to be skewed more in favour of the incumbent party and this situation inevitably raised concerns from other electoral stakeholders. In line with PEMMO guidelines, it proposed that Namibia abides by these principles to ensure that all parties enjoy equitable access to the public media.

### **8.3. Funding of Political Parties**

Elections are a fairly expensive political activity and thus claim a considerable chunk of the national budget and meagre resources of political parties. It is for this reason that in a number of SADC countries, public funding of political parties has been legislated with a view to nurturing and sustaining multiparty democracy. Namibia is one of the countries that provides public funding for political parties. All political parties represented in the National Assembly receive state funding proportional to the number of votes they received during the most recent National Assembly election and the corresponding parliamentary seats secured. Although the funding of parties is useful for strengthening parties as key institutions of democracy, various issues need to be addressed in order to improve this mechanism. It is suggested that ECN remain engaged with the formula for public funding and institutionalise accountability mechanisms so that parties report accurately on their finances to the ECN.



#### **8.4. The Electoral System: Inclusivity and Representation of Women**

In respect of the presidential and National Assembly elections, Namibia operates two types of electoral systems in tandem, namely the majoritarian system and the party list-proportional representation (PR) system. The former applies to the election of the president, while the latter applies to the election of the National Assembly. Both have, on the whole, served the country's democracy well in terms of representation and inclusivity. In particular, the PR model has facilitated more gender inclusivity in the National Assembly. In the last Parliament, representation of women in Namibia's National Assembly stands at 26.4%. This is a good record for the country to achieve 30% of women's representation by the year 2005 as per the SADC Declaration on Gender and Development adopted by the Heads of State and Government during the SADC annual summit in Blantyre, Malawi. It is recommended that Namibia maintains and sustains its good record on gender representation in the National Assembly. In keeping with PEMMO, we encourage stakeholders to ensure that at least 30% of the candidates are women at all levels of governance and within political parties.

#### **8.5. Counting**

In order to address the prolonged delays in counting and announcement of results, the ECN should audit and review mechanisms and procedures governing the tendered ballot. For purposes of addressing concerns around security of the ballot, Namibia ought to consider reforming its counting procedures. This could be done by introducing changes which allow counting at polling stations immediately after the completion of voting rather than transporting the ballot boxes to the central counting stations.

### **9. CONCLUSION**

We note as we conclude today that ballot counting and announcement of results have not been completed. On the basis of the mission's observation of the campaign and voting and basing itself on the guidelines enshrined in the PEMMO, the EISA election observer mission concludes that the 2004 Namibian presidential and National Assembly electoral process was free and fair with room for further improvement.

**Dr Gloria Somolekae**  
Mission Leader

**Mr Denis Kadima**  
Deputy Mission Leader

## **Appendix 5**

### LIST OF INTERNATIONAL OBSERVER GROUPS

1. The African Union (AU)
2. The SADC Parliamentary Forum (SADC PF)
3. EISA
4. National Electoral Commission of Rwanda
5. National Electoral Commission of Zimbabwe
6. National Electoral Commission of Zambia
7. National Electoral Commission of Botswana
8. National Electoral Commission of Tanzania
9. National Electoral Commission of Uganda
10. Zambia Reconstruction Organisation

## **Appendix 6**

### LIST OF DOMESTIC OBSERVER GROUPS

1. Namibian Non-Governmental Organisations Forum (Nangof)
2. National Society of Human Rights (MSHR)

## Appendix 7

### Schedule of briefing meetings

#### EISA ELECTION OBSERVER MISSION TO NAMIBIA PROGRAMME

Safari Court, Windhoek  
Thursday, 11 November 2004

<b>SESSION 1</b>	<b>WELCOME AND INTRODUCTIONS</b>
08:00-08:05	<b>Welcoming Remarks</b> <i>Mr Denis Kadima: Deputy Mission Leader and Executive Director, EISA</i>
08:05-08:20	<b>Official Opening</b> <i>Dr Gloria Somolekae, Coordinator of Democracy Research Project, University of Botswana EISA Mission Leader</i>
08:20-08:35	<b>Introductions</b>
<b>SESSION 2</b>	<b>THE OBSERVATION PROCESS</b>
	<i>Facilitator: Dr Gloria Somolekae, EISA Mission Leader</i>
08:35-08:50	<b>Programme Outline</b> This session will give a general overview of the observation process <i>Ms Sa Ngidi, Manager EPP</i>
08:50-10:30	<b>Assessing Election in Accordance with PEMMO</b> The Principles for Election Management, Monitoring and Observation will provide a tool against which the election will be assessed. What are the main features of PEMMO? How have we adapted our checklist to be in line with PEMMO? <i>Mr Denis Kadima and Ms Sa Ngidi</i>

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10:30-10:50	EISA mission photograph – Coffee/Tea Break
<b>SESSION 3</b>	<b>THE POLITICAL CONTEXT</b>
	<i>Facilitator: Denis Kadima, Deputy Mission Leader</i>
10:20-10:45	<b>Media Coverage of the 2004 Namibia Elections</b>
	<i>Mr Peter Chilambwe and Mr Luckson Chipare, MISA</i>
10:50-11:10	<b>Assessment of the Current Political Situation</b>
	<i>Mr Phaniel Kaapama, University of Namibia</i>
11:10-11:30	<b>The Role of Civil Society in the Electoral Process: Assessment of the 2004 Election Environment to Date</b>
	<i>Ms Daphne de Klerk, Nangof</i>
11:30-11:50	<b>Readiness of the Electoral Commission of Namibia: Preparations thus far</b>
	<i>Mr PH Kanime, ECN</i>
11:50-12:20	<b>Discussions</b>
<b>SESSION 4</b>	<b>THE PERSPECTIVES OF POLITICAL PARTIES</b>
	<i>Facilitator: Khabele Matlosa, EISA</i>
12:20-12:50	Mrs Saara Kuugongelwa Amadhila, Swapo Party of Namibia
12:50-13:20	United Democratic Front of Namibia (UDF)
13:20-14:00	LUNCH
14:00-14:20	Kala Gertze, General Secretary, Congress of Democrats (CoD)
14:20-14:40	DTA of Namibia
<b>SESSION 5</b>	<b>DEPLOYMENT PLAN</b>
	<i>Facilitator: Mr Denis Kadima, Deputy Mission Leader</i>
14:40-16:00	<b>Deployment Plans and Logistical Packages</b>
	<i>Ms Sa Ngidi</i>
16:30-17:15	<b>Press Conference: Arrival Statement</b>
18:00-19:00	Cocktail with all Election Stakeholders

