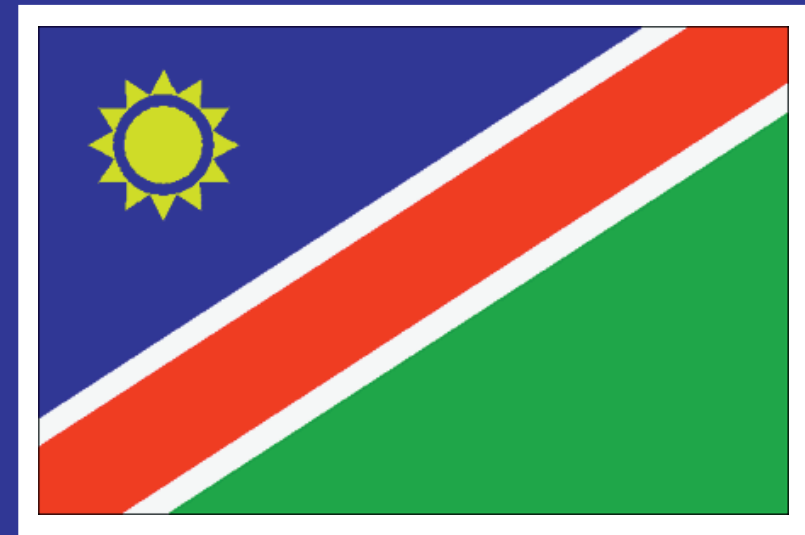


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EISA TECHNICAL ASSESSMENT TEAM REPORT

NAMIBIA



PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS 27 AND 28 NOVEMBER 2009



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EISA
TECHNICAL OBSERVER
TEAM REPORT

NAMIBIA
PRESIDENTIAL AND
NATIONAL ASSEMBLY ELECTIONS
27 and 28 NOVEMBER 2009

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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

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Abbreviations/Acronyms

APP	All People's Party
AU	African Union
CoD	Congress of Democrats
CP	Communist Party
CSOs	Civil Society Organisations
DANIDA	Danish International Development Agency
DoE	Directorate of Elections
DPN	Democratic Party of Namibia
DRC	Democratic Republic of Congo
DTA	Democratic Turnhalle Alliance
ECF	Electoral Commissions Forum
ECN	Electoral Commission of Namibia
EISA	Electoral Institute for the Sustainability of Democracy in Africa
ESC	Elections Support Consortium
EU	European Union
LAC	Legal Assistance Centre
LCN	Lesotho Council Non-Governmental Organisations
MAG	Monitor Action Group
MISA	Media Institute of Southern Africa
NA	National Assembly
NBC	Namibia Broadcasting Corporation
NCC	Namibian Council of Churches
NDMC	Namibia Democratic Movement for Change
NID	Namibia Institute for Democracy
NSHR	National Institute for Human Rights
NUDO	National Unity Democratic Organisation
PAP	Pan-African Parliament
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
RDP	Rally for Democracy and Progress
RP	Republican Party
SADC	Southern African Development Community
SADC-ECF	Southern African Development Community- Electoral Commissions Forum
SADC-PF	Southern African Development Community- Parliamentary Forum
SDC	Swiss Agency for Development and Cooperation
SWANU	South West African National Union
SWAPO	South West Africa People's Organisation
UDF	United Democratic Front of Namibia
UNTAG	United Nations Transition Assistance Group
USA	United States of America

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We thank the Electoral Commission of Namibia (ECN) for inviting EISA to observe the 2009 presidential and National Assembly elections in Namibia and for facilitating the accreditation of the EISA mission, as well as being available to respond to the mission's queries. The information provided was useful to the mission in achieving its objectives and especially in understanding the context within which the elections were being held. Our gratitude also goes to the political parties, civil society organisations (CSOs) and academics in Namibia who made themselves available to meet with the EISA Team in Namibia. The Team is indebted to the people of Namibia for their warmth and willingness to share their experiences and their opinions on the elections, as well as on political developments in their country. We commend their peacefulness, which was evidenced by the calm environment within which the elections took place. Our gratitude is also extended to the Danish International Development Agency (Danida) and the Swedish International Development Cooperation Agency (Sida) whose generous funding made the mission possible. Thanks go to Ms Yvette Ondinga, who organised and coordinated the logistics, and to Ms Astrid Evrensel and Mr Sydney Letsholo for preparing this report.

EXECUTIVE SUMMARY

In line with its vision of promoting credible elections and democratic governance in Africa, EISA deployed a three-member technical assessment team to the Namibian presidential and National Assembly elections, which were held on 27 and 28 November 2009. The present report outlines the EISA Technical Team's assessment, findings and analysis of the electoral process in all its phases, specifically the pre-election phase, the voting and counting phase and post-election phase, which includes the proclamation of the results.

The EISA Technical Mission comprised Ms Astrid Evrensel, Senior Programme Officer at EISA, Mr Khotso Lehloka, officer for Democracy and Human Rights at the Lesotho Council of NGOs (LCN) and Mr Sydney Letsholo, Programme Assistant at EISA. The mission arrived in Namibia on 19 November 2009. During ten days of observation, EISA's Technical Team covered selected urban and rural areas throughout the country, especially in Windhoek, Walvis Bay, Swakopmund and Gobabis.

The Team 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. Other relevant documents used for the assessment of the elections were the African Union Declaration on Principles Governing Democratic Elections and the Declaration of International Principles for Election Observation and the Code of Conduct for International Observers.

On the basis of guidelines in PEMMO and the findings of its observations, 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.

TERMS OF REFERENCE

The Terms of Reference (ToR) of the EISA technical election observation team describe the role and responsibilities of these members during their mission to the Namibia 2009 presidential and National Assembly elections. They provide a summary of the Team's objectives and outline the activities to be carried out by these members.

The Terms of Reference also highlight how members should conduct themselves, calling on them to remember at all times that observers were invited guests in Namibia and that the election and related processes were for the Namibian people to conduct. As observers, EISA Technical Team 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 enhance the credibility of the elections, reinforce the work of domestic observer groups, and eventually increase popular confidence in the entire electoral process.

The overall objective of this mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa. Following an invitation extended by the Electoral Commission of Namibia (ECN), EISA established a technical team to observe the 2009 presidential and National Assembly elections in Namibia.

Specific instruments used by the Technical Observer Mission to assess the elections in Namibia included:

- The Universal Declaration of Human Rights, which is accepted by all member states of the United Nations, 1948;
- African Union Declaration on Principles Governing Democratic Elections;
- EISA/ECF Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), 2003;
- SADC Principles and Guidelines Governing Democratic Elections, 2004; and
- Declaration of Principles for International Election Observation, 2005.

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

- Obtain information on the electoral process from the Electoral Commission of Namibia;
- Meet with political parties, civil society organisations and other 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 the voting and counting to take place efficiently; and
- Verify that all the competing parties and candidates were given equal opportunity to participate in the elections.

THE EISA APPROACH TO ELECTION OBSERVATION

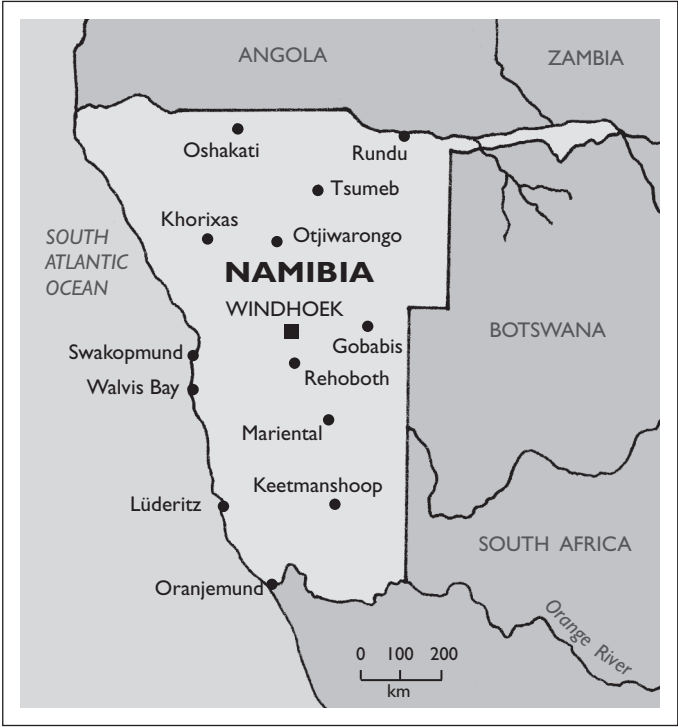
EISA seeks to realise effective and sustainable democratic governance in Africa through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within 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 27 and 28 November 2009 in Namibia, EISA established a three-member technical team. The mission conducted a range of activities covering the pre-election, election and post-election phases. In the main, these activities included meeting with electoral stakeholders, attending election-related press conferences and political party rallies, and following the training and preparation activities by the election management body.

Stakeholder meetings

The EISA observer mission arrived in Windhoek on 19 November 2009, 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 in Windhoek with various electoral stakeholders, including officials of the ECN, representatives of political parties, CSOs and other observer missions and the media. Appendix 2 gives an overview of the stakeholder meetings which provided first-hand information and valuable insight into the various stakeholders' views of the process, as well as their assessment of the preparedness for the elections.

Observation of voting and counting

The EISA Technical Team observed the voting and counting in polling stations in Windhoek, Walvis Bay, Swakopmund and Gobabis from 27 to 28 November 2009. Resulting from these activities, this report depicts the findings of the EISA Technical Team deployed in Namibia for the 2009 presidential and National Assembly elections.



1

Political and Electoral Background



The last country in the SADC 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.

A pre-independence election was held from 7 to 11 November 1989 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. These principles were based, inter alia, 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, a draft constitution was adopted on 9 February 1990.¹ The Constituent Assembly elected Nujoma, the leader of SWAPO, as the first president of the Republic of Namibia and became the first legislature, namely, the National Assembly of Namibia.

Table 1: Namibian elections 1989–2009

1989	Pre-independence, Constituency Assembly election
1992	Regional council and local authority elections
1994	National Assembly and presidential elections
1998	Regional council and local authority elections
1999	National Assembly and presidential elections
2004	Local Authority elections
2004	National Assembly and presidential elections
2004	Regional council elections
2009	National Assembly and presidential elections

Source: EISA 2007 Webpage¹

Table 2: Presidential election results 2004

Candidate	Party	Votes	% votes
Hifikepunye Pohamba	SWAPO Party of Namibia	625,605	76.44
Benjamin Ulenga	Congress of Democrats (CoD)	59,547	7.28
Katuutire Kaura	Democratic Turnhalle Alliance (DTA)	41,905	5.12
Kuaima Riruako	National Unity Democratic Organisation (NUDO)	34,651	4.23
Justus Garoeb	United Democratic Front (UDF)	31,354	3.83
Henry (Henk) Ferdinand Mudge	Republican Party (RP)	15,955	1.95
Jacobs (Kosie) Willem Francois Pretorius	Monitor Action Group (MAG)	9,378	1.15
Total		818,395	100.00

Source: EISA 2007 Webpage²

Namibia's fourth presidential and National Assembly elections were held on 15-16 November 2004. Tables 2 and 3 show the election results of the presidential and National Assembly elections respectively.

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 had played in Namibian politics for the last five decades, with his departure, the 2004 elections were regarded as a historic milestone.

Table 3: National Assembly election results 2004

Party	Votes	% Votes	Seats
SWAPO Party of Namibia	620,609	76.11	55
Congress of Democrats (CoD)	59,464	7.29	5
Democratic Turnhalle Alliance (DTA)	42,070	5.11	4
National Unity Democratic Organisation (NUDO)	34,814	4.15	3
United Democratic Front (UDF)	29,336	3.60	3
Republican Party (RP)	16,187	1.96	1
Monitor Action Group (MAG)	6,950	0.85	1
Namibia Movement for Democratic Change (NMDC)	4,380	0.51	0
South West African National Union (SWANU)	3,610	0.42	0
Total	817,420	100.00	72

Source: EISA 2007 Webpage³

On 21 March 2005, the 15th anniversary of Namibia's independence, its second democratically elected president, Hifikepunye Pohamba, was inaugurated.⁴ Nominated by his predecessor, President Sam Nujoma, he was chosen as the presidential candidate of the SWAPO party of Namibia for the 2004 election in May of that year.⁵

Between the 2004 and 2009 elections five new political parties were founded, the most interesting of which was the Rally for Democracy and Progress (RDP), launched on 17 November 2007 under the leadership of Hidipo

Hamutenya. Hamutenya was dismissed as Minister of Foreign Affairs by President Nujoma in May 2004 when he announced he would run against Hifikepunye Pohamba at the imminent party congress, to become SWAPO's candidate for the presidency in the national elections later in the year.⁶

The strength of the RDP's platform was that it was formed by a senior former member of SWAPO who promised to do what SWAPO had not done: tackle wide-spread poverty, a stagnant economy, inequity, rising unemployment, steadily declining quality of health and education, political stagnation and to address incompetence and lack of developmental progress. Despite the fact that SWAPO was still considered the most powerful and dominant party to win the 2009 elections, the participation of RDP signalled the start for a possible change to break the overwhelming dominance of SWAPO. Unfortunately, this was accompanied by a series of disturbances and violations during the campaign period. Further details on this issue are given in the section Political Parties in Namibia, and in Appendix 6.

2

The Constitutional and Legal Framework



- 2.1 Electoral Legislation
- 2.2 Constitution of Namibia
- 2.3 Legislative elections
- 2.4 The Electoral Act
- 2.5 Electoral systems in Namibia

2.1 ELECTORAL LEGISLATION

Elections in Namibia are regulated by the constitution of Namibia as well as in Electoral Acts, the Regional Councils Act and the Local Authorities Act. The hierarchy of laws and the years of their amendments are shown in Table 4.

Table 4: Legislation governing elections in Namibia

Constitution	Constitution of Namibia 1992 as amended in 1998 ⁷
Electoral Law	Electoral Act 1992 as amended in 1994, 1998, 1999, 2002 and 2003 ⁸ and amendments 2006 and 2009 ⁹
	Regional Councils Act 1992 as amended in 1997, 2000 and 2002 ¹⁰
	Local Authorities Act 1992 as amended 1994, 1997, 2000, 2002 ¹¹

Source: Compiled from the sources listed in the notes to the table

2.2 CONSTITUTION OF NAMIBIA

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 in the world.

Chapter 5 of the constitution regulates, among other things, the election of the president. Every citizen of Namibia over the age of 35 who is eligible to be elected to the office as a member of the National Assembly is also eligible for election as president. The president is elected for a period of five years by direct, universal and equal suffrage. Only if a candidate receives more than 50 per cent of the votes cast is he/she declared president. If no single candidate receives a majority vote, the elections will be repeated until this result is reached.

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 Sam Nujoma to be re-elected for a third term of office.

2.3 LEGISLATIVE ELECTIONS

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 a preliminary share 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 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.

2.4 THE ELECTORAL ACT

The Electoral Act, passed in 1992, governs Namibia's elections. The Act provides for:

- The election of Namibia's president;
- The election of members of the National Assembly, regional councils and local authority councils;
- The establishment of the Electoral Commission and its powers, duties and functions;
- The registration of voters and political parties; and
- The conduct of elections.

The law has been amended several times since 1992, namely in 1994, 1998, 1999, 2002, 2003, 2006 and lastly, in 2009. Some of the main provisions of the last amendment are:

- Provision of voter registration outside Namibia;
- Provision of elections outside Namibia 14 days ahead the Namibian election in-country;
- Appeals in connection with the refusal to register a person;
- Accreditation of elections observers;
- Counting of votes at polling stations; and
- Posting of results at polling stations.

2.5 ELECTORAL SYSTEMS IN NAMIBIA

The Electoral Commission of Namibia is tasked to administer four different kinds of elections, namely the presidential, National Assembly, regional council and local authority elections. To conduct the elections, two different types of electoral systems are used in Namibia, the first-past-the-post system and the proportional representation system. The president of Namibia and the members of the regional councils are elected by the first-past-the-post system, whereas members of the National Assembly and members of the local councils are elected by a proportional representation system.

The president is elected by a majority system: only if a candidate receives at least 50 per cent plus one vote of the total valid votes, is the president elected. If none of the candidates receives the required number, a run-off will take place between the two candidates with the highest votes.

The proportional representation system is used to elect members to the National Assembly of Namibia. Every political party contesting the election provides a list of candidates equal to the number of seats available in the National Assembly, namely 72 seats. 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.

For elections to regional councils the proportional representation system is also used. Parties provide lists of candidates equal to the number of seats available in a particular local authority council.

3

Election Management Body



3.1 The Electoral Commission of Africa

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.

3.1 THE ELECTORAL COMMISSION OF NAMIBIA

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. The specific functions regarding the presidential, National Assembly, regional councils and local authority elections are listed under section 4(1) as supervising and controlling:

- 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; and
- 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 among 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 of them to serve a term of office as commissioner, not exceeding five years.

In 2009, the members of the ECN were:

- Mr Victor Tonchi (Chairperson)
- Ms Notemba Tjipueja
- Ms Rosa Shipiki-Kapolo
- Mr Shafimana Ueitele and
- Mr Lazarus Shatipamba

Directorate of Elections

The Directorate of Elections (DoE) is responsible for the administrative 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 (part II, section 11, as amended). He/she is appointed by the president of the Republic 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. Since August 2008, the director of elections has been Mr Moses Ndjarakana. 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 of 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. However, opposition parties have, on the other hand, criticised this practice on the grounds that civil servants might be biased in favour of the ruling party.

Independence of the ECN

The ECN operates independently from any government institution and reports annually to parliament. 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. Despite the fact that the ECN enjoys a degree of administrative and political autonomy, several stakeholders¹² expressed their serious concerns about the election commissions' independence.

4

Political Parties in Namibia



4.1 Political Parties



4.2 Funding of Political Parties



4.1 POLITICAL PARTIES

Despite the fact that SWAPO was still considered the most powerful and dominant party in Namibia at the time, political analysts predicted that these elections could lead to a possible change, as the newly formed party, the Rally for Democracy and Progress (RDP) was contesting and seriously challenging the ruling party, particularly in its Ovamboland stronghold in the north of the country. A list of the most important parties in Namibia and their party programme for the 2009 elections follows:

The SWAPO Party of Namibia

The SWAPO party of Namibia was founded on 2 August 1957. It is the ruling party, with their candidate for presidential elections Mr Hifikepunye Pohamba. For the 2009 elections, the party's election slogan was 'SWAPO United, SWAPO Victorious, Now Hard Work'. The key areas of the party manifesto are to promote democratic stability, health, the economy, promotion of gender equality; and the promotion and enhancement of foreign relations and international cooperation.'

Rally for Democracy and Progress (RDP)

The RDP was founded on 17 November 2007. Hidipo Livius Hamutenya was the party's presidential candidate in 2009. According to party declaration, the party slogan was 'It's Time for Change - Together We Can Do More'. The RDP's party manifesto prioritises key issues such as social development, assistance to war veterans, foreign affairs policies, institutional reform and

national reconciliation.

The Democratic Turnhalle Alliance (DTA)

The DTA was founded on 2 December 1991. It was a coalition of political parties from 1977 to 1991. The party's presidential candidate was Mr Katuutire Kaura. The DTA's slogan for the 2009 elections was 'Let's Stop the Rot. Vote DTA of Namibia Because You Deserve Better'. Key issues for the party were accountability, ethnicity, investment and freedom.

United Democratic Front of Namibia (UDF)

The UDF was a coalition of parties from 1989 to 1993, when it became a political party. Its presidential candidate was Chief Justus Garoëb. The party launched its elections manifesto 'Towards Empowering All' in which it promised to reclaim the Namibian constitution, democratic governance and nation building as well as to reform the education system. It also promised to protect the country against crime, social injustice and unaccountability, and to provide affordable and quality health care and social welfare.

Congress of Democrats (CoD)

The CoD was founded on 23 March 1999. Its presidential candidate for the 2009 election was Mr Benjamin Ulenga. The party emphasised 'Building a secure future for our youth'. It also believed that government must remove all legal, financial, political, social or cultural obstacles in order to allow the country to profit from the energy, drive and exuberance of its youth.

South West African National Union (SWANU)

The SWANU was founded on 27 September 1959. Its presidential candidate was Mr Usutuaije Maamberua. The party's election theme was 'SWANU Cares for the People'. Its areas of focus were democracy and human rights, good governance and public service delivery; foreign relations and globalisation.

4.2 FUNDING OF POLITICAL PARTIES

Namibia is one of the countries that provide public financial support to political parties, as a way of promoting and sustaining multiparty democracy. Since 1997 political parties represented in the National Assembly have received funds from the state on an annual basis, in proportion to the votes they garnered in the previous legislative election. Public funding of parties

is restricted to 0.2 per cent of the state budget of the previous year. There are no legal obligations on parties to submit audited accounts for public funds received.

There are very few regulations on private funding in Namibia; only two sections in the Electoral Act regulate issues on private foreign funding, sections 46 and 98. Section 46 regulates private funding, namely, the request for the disclosure of foreign private funding for political parties, as follows: It is allowed for political parties to receive foreign funding, provided that any such funds are disclosed to the public within such period after having received it and in such manner and subject to such conditions as may be prescribed. The law, however, does not in fact prescribe the conditions for disclosure. Section 98 of the Act deals with offences in connection with foreign financing as follows: if a political party refuses to disclose its foreign funding, its registration can be cancelled and a fine can be imposed. According to Hapwood, however, political parties do not follow the ECN's stipulations on foreign funding.¹³

Apart from regulations for private foreign funding, there are no regulations of private Namibian party funding. Boer¹⁴ summed up the situation as follows: There are no laws at all about how much a private individual, company or organisation can donate to a political party. Donors do not have to disclose contributions, nor are there tax benefits for supporting political parties. There are no ceilings on contributions and no limits on how much money parties can raise. There are no bans on donations from foreigners, companies, government contractors, trade unions or anonymous donations. in quotes?

Table 5: Party funding in Namibia in the years 2006/07

Party	No. of Seats in the NA	Amount in Namibian Dollars
SWAPO	55	12.5 million
CoD	5	1.1 million
DTA	4	916.000
NUDO	3	687.000
UDF	3	687.000
RP	1	229.000
MAG	1	229.000

Elections are an expensive political activity and thus claim a considerable part of the budget and resources of political parties. Namibia is one of the SADC countries that provide public funding for political parties, which is a positive approach to a more fair and equitable playing field. State party funding was introduced in Namibia in 1997 to assist political parties in running their legislative offices and fulfil general political and organisational duties, and to ensure future viability of parties.

Based on a 1996 cabinet decision, the amount to be shared among political parties in a financial year is 0.2 per cent of the revenue of the previous financial year, which is divided among the parties according to the number of seats they received in the National Assembly. This formula, however, leads to an uneven distribution of state finances to the parties in parliament, favouring the leading ruling party. For example, in 2007 SWAPO received 11 times as much state funding as any other party represented in parliament, 3.2 times more than all the opposition parties together.

Political parties not represented in parliament do not qualify for funding at all. This became a reality for some of the parties participating in the 2004 elections. SWANU, the RP and the NDMC did not qualify for government funding because they were not represented in parliament. These political parties complained of being discriminated against by the allocation formula, claiming that the system is unconstitutional and that all political parties should be treated equally.¹⁶ Mr Kosie Pretorius, chairperson of the Monitor Action Group (MAG) in 2007, requested the appointment of a committee to revise the formula for political funding by the Namibian state.¹⁷

IPPR, in its Election Watch of March 2009¹⁸ lists some criticism about this financial support system, including the lack of transparency, the fact that the system heavily favours the dominant party and that parties outside the National Assembly have no access to state funds at all. In

‘A blueprint for Namibia’ suggestions were made to improve the system. These include the creation of legislation that:

- Divides a proportion of state funding equally among parties represented in the National Assembly or National Council;

- Divides the rest of the state funding according to seat allocation in the National Assembly;
- Creates a separate fund for election campaigning, which is divided equally among parties registered for the election;
- Makes the release of funds conditional on the satisfactory accounting and auditing of previous state funding to a particular party;
- Makes funding conditional on parties having up-to-date lists of members and having raised a proportion of their funds through membership subscriptions; and
- Places the oversight of the funding system with the independent electoral management body and gives the Auditor General a role in checking party spending.

The formula currently in use in Namibia is also used in many other countries, including South Africa. As more and more countries introduce financial support to political parties there is also an ongoing discussion about the effectiveness and importance of state support and the nature of this support. Political analysts and some party representatives argue that state support targeted only to parties represented in the national parliament – or other elected bodies – actually strengthens those political parties with proven support in the political system, and inhibits the growth or the chances of emerging parties to enter the contesting terrain.

5

Role of the Media



The constitution of Namibia provides for press freedom and on the whole this is respected by the government. The number of daily newspapers and about 20 private and community radio stations reflect this freedom. State-owned as well as private press gave coverage to all political parties and covered electoral campaigns extensively, nationwide. Stakeholders agreed about the degree of freedom for media coverage, but mentioned serious concern about the campaign coverage by the state-owned Namibia Broadcasting Corporation (NBC).

Section 89 of the Communications Commission Act¹⁹ motivates the creation of a broadcasting code which may, among other things:

- prescribe the duties relating to the coverage of news and current affairs;
- prescribe duties as may be required to comply with generally accepted journalistic ethics;
- regulate the broadcasts on promoting the interests of any political party; and
- prescribe duties for broadcasters while campaigns are being conducted for elections or referendums, as will promote democracy and the fair conduct of such elections or referendums.

However, this stimulation of a broadcasting code had no effect on the 2009 elections. According to the acting Director General of the NBC, Matthew

Gowaseb,²⁰ the public broadcaster, the NBC, was not obliged to provide free airtime to the parties contesting the 2009 elections. He explained the NBC's free airtime policy for the 2009 election as follows: 40 per cent of the time that was made available to parties for campaign broadcasts was divided equally among the 14 parties contesting. The other 60 per cent of free airtime was divided proportionally among the nine political parties that also contested the 2004 national elections, with the amount of time on air made available to these parties divided according to the share of the vote that they had received five years previously. The effect of this was that SWAPO received most of the free airtime at the expense of new parties on the political scene, and other parties that were beaten by the ruling party in the 2004 polls.

Analysis by the Institute for Public Policy Research (IPPR) showed that for the week of 30 October to 5 November 2009 for example, an overwhelming 82 per cent of the NBC's election campaign news coverage was devoted to SWAPO rallies, while the next highest party coverage was a mere four percent.²¹ The IPPR also found that during the same period the Rally for Democracy and Progress (RDP) and the Congress of Democrats (CoD) did not get any television coverage at all from the NBC.

Several electoral stakeholders in Namibia raised concerns about the access to state-owned media and the allocation of airtime. They were not only concerned about the coverage of the ruling party in respect of quantity, but also about the difficulty in differentiating between reporting on government events and the campaigning efforts of SWAPO. Tables 6 and 7 depict the timeframe allocated to the main parties in television news by the Namibian Broadcasting Corporation (NBC) and One Africa respectively.

An attempt by the Congress of Democrats and Rally for Democracy and Progress to get the High Court to order the Namibian Broadcasting Corporation to provide equal free airtime to political parties' campaign messages backfired on 30 October 2009 when the NBC instead decided to cancel the free election broadcasts. Political parties were required to buy all the airtime for their campaigning. This enabled the opposition parties to enjoy a higher access to media, in theory. The practice showed, however, that SWAPO, due to its strong financial background, continued to be highly dominant in the media.

Table 6: NBC television news coverage from 13 to 19 November 2009

NBC	Minutes	No. of Items	% of Total Election Coverage	% of Total Party Coverage
SWAPO	59	28	48	70
RDP	10	5	8	12
DTA	5	4	4	6
SWANU	4	2	3	5
NUDO	3	2	2	4
UDF	2	1	2	2
NDMC	1	1	1	1
General	39	11	32	–
Total	123	54	100	100

Source: Institute for Public Policy Research, 24 November 2009

Table 7: One Africa television news coverage from 13 to 19 November 2009

One Africa	Minutes	No. of Items	% of Total Election Coverage	% of Total Party Coverage
SWAPO	5	2	23	55
CoD	4	2	18	45
General	13	4	59	–
Total	22	8	100	100

Source: Institute for Public Policy Research, 24 November 2009

Independent and balanced reporting are essential criteria for a stable democracy and necessary for credible elections. On 3 May 1991, a manifesto was prepared at a United Nations conference in Windhoek, proclaiming the need for an independent, pluralistic and free press as an essential component in social, cultural, economic and democratic development.²²

Additionally, PEMMO recommends the following principles regarding the media and elections:

- All contesting parties and candidates should have equal access to public media;
- Media regulations should be issued by an independent media authority responsible for monitoring and regulating the media on a continuous basis; and
- Media coverage of the elections should be subject to a Code of Conduct designed to promote fair reporting.

The Media Institute of Southern Africa (MISA) Namibia published a code of ethics,²³ and the SADC and the African Union issued guidelines for the conduct of media, particularly during elections. The SADC principles and guidelines governing democratic elections state that there must be ‘equal opportunity for all political parties to access the state media’. The African Charter on democracy, elections and governance states that governments should ‘ensure fair and equitable access by contesting parties and candidates to state-controlled media during elections’. Namibia has signed both of the latter charters, but all the documents seem to have little influence on the conduct of state-owned media. Based on the above, the mission recommends that Namibia abide by the principles that ensure all contesting parties and candidates enjoy equitable access to the public media and that all journalists adhere to a national Code of Conduct for the media.

6

Election Observation Missions



6.1 International election observation



6.2 Domestic election observation



6.1 INTERNATIONAL ELECTION OBSERVATION

As is the norm in most countries, Namibia's electoral management body issued invitations to interested international organisations that wanted to observe the presidential and National Assembly elections. Apart from EISA, other international observer groups included: African Union (AU), Southern African Development Community (SADC), representatives of embassies and the representative of the European Union in Namibia, SADC-Parliamentary Forum (SADC-PF), the Pan African Parliament (PAP) and the SADC Electoral Commissions Forum (SADC-ECF).

6.2 DOMESTIC ELECTION OBSERVATION

The Namibia Institute for Democracy (NID) organised and trained 300 domestic observers and monitors countrywide. The German Embassy in Namibia provided funding to the Namibia Council of Churches (NCC) to deploy domestic observers. Under the slogan 'Churches United for a Free and Fair Election', the churches trained around 1,800 domestic observers. During EISA Technical Team's daily activities in the pre-election phase, there was a high visibility of both international and domestic observer groups.

One of the national observer groups, The Namibia Institute for Human Rights (NSHR) trained about 300 observers and started them working until its accreditation status was suspended by the ECN only some days before the first Election Day. NSHR brought its case to the High Court, which issued a

court order to the ECN to re-establish the observer status for the NSHR. This, however, based on technicalities claimed by the ECN, was not accomplished and the NSHR was then not in an official position to observe the elections.

7

Voter registration and voters' roll



7.1 Voter registration and voters' roll

7.2 Domestic election observation



7.1 VOTER REGISTRATION AND VOTERS' ROLL

Article 17 of the constitution of Namibia and Section 13 of the Electoral Act of 1992 lay down the conditions for voter registration. 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, with the exception of those who, subject to a court order, are declared to be mentally ill or unfit. Registration for the elections as well as voting is voluntary in Namibia.

According to electoral law, voter registration must take place every 10 years to allow for an update of the voters' roll. Additional supplementary voter registration exercises can be ordered by the president during those 10 years. In 2004 the ECN used an electronic voter register for the first time and has continued to update the register electronically since then. The ministry of Home Affairs is required to submit to returning officers, on a monthly basis, a list containing the names of deceased people, so that their names can be deleted from the voters' roll.

For the 2009 elections the supplementary registration of voters in all constituencies of the country, as well as for citizens living abroad, was undertaken from 17 to 30 September 2009. This was to ensure that all eligible people were registered and in possession of voter cards, in order to partake in the elections. To ensure a high percentage of participation, the registration

periods, times and localities had been advertised in newspaper inserts published by the ECN.

The ECN made arrangements for Namibian citizens living abroad to register and to vote. With the assistance of the Ministry of Foreign Affairs, the ECN registered voters and conducted elections in 23 Namibian diplomatic missions and embassies worldwide. In total, 992 Namibians living abroad registered for the 2009 elections, as presented in Table 8.

Table 8: Registered Namibian voters out of the country

Country	No.
Angola	13
Austria	28
Belgium	35
Botswana	23
Brazil	104
China	21
Cuba	60
Democratic Republic of Congo	7
Ethiopia	9
Egypt	5
France	12
Germany	24
India	20
Malaysia	5
Nigeria	5
Russia	26
South Africa	189
Sweden	16
United Kingdom	33
USA	73
Tanzania	13
Zimbabwe	257
Zambia	14
Total	992

Source: Electoral Commission of Namibia

The Electoral Act stipulates that the 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. The dates were set for the period between 12 and 16 October 2009. The ECN is empowered to register voters using their identity cards and /or a sworn statement. Namibians who register by sworn statement are issued with voter cards, which can be used on Election Day.

The transparent conduct of voter registration and the ability of the public to scrutinise the data is essential for a genuine election. In many SADC countries the transparency and legitimacy of the voter registration process has been disputed, resulting in a lack of acceptance of the election results.²⁴ Unfortunately, this situation also occurred in Namibia. From the time the voters' roll was first published, about six weeks before the elections, until the latest version distributed to the parties just days before the elections, the numbers on the voters' roll fluctuated between 1,181,835 entries at the time of publication, to 820,305.²⁵ The official explanation from ECN concerning this decrease of 30 per cent (361,530 of voters within such a short time period) did not satisfy the electoral stakeholders. The RDP party, for example, received two versions of the voters' roll: one printed consolidated version showing 96,000 voters, and the electronic version, with more than one million voters.²⁶

Some of the electoral stakeholders regarded the inability of the ECN to provide an accurate voters' register as deliberate, in order to change election results. At the time of the writing of this report, there were no official statistics or number breakdowns of the voters' roll available from the ECN.

The mission regards the registration of voters as an important process in the election. After registration, the voters' register has to be prepared and made public to both political parties and the general public to scrutinise for authenticity and accuracy. For the purpose of raising the level of trust in the process and increasing the transparency of the elections, it is imperative that the ECN strive to ensure that the voters' register is made publicly accessible in good time, in compliance with provisions of the Electoral Act.

8

Party Registration and Candidate Nomination



8.1 Terms of registration

8.2 Registration process

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 with which political parties or independent candidates must comply.

8.1 TERMS OF REGISTRATION

The ECN may direct that a party be registered (the actual register is maintained by the Director of Elections) if (Electoral Act 1992, 39(1)(a)):

- The main objective of the party is to participate in and promote elections; this includes aspects such as the nomination of candidates, canvassing for votes of undertakings of expenditure in support of a candidate or another political party.
- The aims of the party are not prejudicial to safety of the state, to public welfare or to good order.
- The party membership is open to all regardless of sex, race, colour, ethnicity, religion or social or economic status.

8.2 REGISTRATION PROCESS AND CHANGES

An application for registration must include (Electoral Act 1992, 39(3)):

- The name of the party and the abbreviation and party symbol to appear on ballot sheets.
- The full names and the signature of its authorised representative with the postal and physical address of the party's office from which the representative will operate.
- A list of office bearers with their full names and addresses.

For the 2009 elections, 12 political parties fielded candidates for the presidency, while 14 parties submitted lists for the election of members to the National Assembly. The registration process for political parties is clearly provided for in the Electoral Act and all its subsequent amendments. The mission was not made aware of any grievance in this regard.

Table 9: Presidential candidates for the 2009 elections

Candidate	Party
Hifikepunye Pohamba	SWAPO Party of Namibia (SWAPO)
Hidipo Livius Hamutenya	Rally for Democracy and Progress (RDP)
Katuutire Kaura	Democratic Turnhalle Alliance (DTA)
Chief Kuaima Riruako	National Unity Democratic Organisation (NUDO)
Chief Justus Garoëb	United Democratic Front of Namibia (UDF)
Ignatius Nkotongo Shixwameni	All People's Party (APP)
Henry Ferdinand Mudge	Republican Party (RP)
Benjamin Ulenga	Congress of Democrats (CoD)
Usutuaije Maamberua	South West African National Union (SWANU)
Dawid Salmon Isaack	Democratic Party of Namibia (DPN)
Frans Mikub / Goagoseb	Namibia Democratic Movement for Change (NDMC)
Attie Beukes	Communist Party

Source: Electoral Commission of Namibia 2009²⁷

Table 10: Registered political parties for the 2009 National Assembly Elections

Registered Party
SWAPO Party of Namibia
Rally for Democracy and Progress (RDP)
Democratic Turnhalle Alliance (DTA)
National Unity Democratic Organisation (NUDO)
United Democratic Front of Namibia (UDF)
All People's Party (APP)
Republican Party (RP)
Congress of Democrats (CoD)
South West African National Union (SWANU)
Monitor Action Group (MAG)
Democratic Party of Namibia (DPN)
Namibia Democratic Movement for Change (NDMC)
National Democratic Party of Namibia (NDPN)
Communist Party

Source: Electoral Commission of Namibia 2009²⁸

9

Civic and Voter Education



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. Beside this, the centre had to raise public awareness of new and existing laws pertaining to gender and the underlying issues they address.

For the 2009 presidential and National Assembly elections, NID continued with its civic and voter education initiatives. Through the Civic Education Programme (CEP) the NID designed and developed civic education and training programmes based on principles of multiparty democracy as enshrined in the Namibian constitution.²⁹ However, some stakeholders were not satisfied with the management of the civic and voter education initiatives by the ECN.³⁰

One part of the awareness-raising campaign was the usage of NBC radio, which was tasked to broadcast jingles in 11 different languages to mobilise voters to cast their votes at the 2009 elections. The jingle was played twice every hour for the last four weeks before Election Day. According to Mr Hehner from NBC radio,³¹ this initiative was very useful in activating voters. However, he elaborated further, clear information on certain aspects of the conduct of the elections, for example information on procedures for tendered ballots, counting and tabulation, was not available to the public before the elections.

The mission noticed that CSOs and the media played an important role with regard to voter education and encourages both to continue this necessary and important activity for Namibia.



Among other informative material, NDI also produced a small disc especially addressing the youth, containing posters, the election jingle, information about Namibia and interactive games for Civic and Voter Education.

10

Election Management



- 10.1 Polling staff
- 10.2 Election materials

10.1 POLLING STAFF

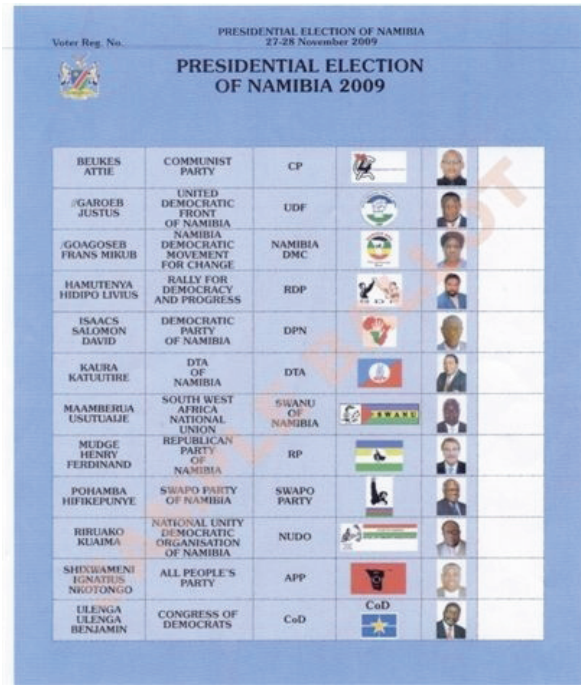
The mission observed training by the ECN for presiding officers and polling staff in Windhoek. The training of over 600 trainees took place in the main hall of a school.

Recommendations by the mission for the training of polling staff refer to group size and training methodology: training should be conducted in small groups, using the cascade method to ensure a more participatory training style.

10.2 ELECTION MATERIALS

The ECN's DoE played a crucial role in the design, preparation and dissemination of election materials.³² The DoE was tasked with providing the returning officer with polling booths, ballot papers, ballot boxes, stationery, seals, and stamps with the official mark of the ECN. For the 2009 presidential and National Assembly elections, the ECN also produced Braille ballot papers for visually impaired voters.

The mission noticed that generally, electoral material was present at the polling stations one day beforehand and that those electoral operations were run according to the set procedures.



Sample of the ballot paper for the presidential election of Namibia, 2009.



Sample of the Braille ballot paper for visually impaired people used with the presidential ballot paper, 2009.

11

Electoral Campaign



11.1 Principles governing party campaigns

11.1 PRINCIPLES GOVERNING PARTY CAMPAIGNS

The period between the conclusion of candidate nomination and Election Day is used by political parties to mount their political campaigns. Political parties used flags and printed material to decorate vehicles, houses, electricity poles, bridges, street light poles and buildings with their messages. Many candidates from various parties could be seen on posters all over Windhoek and around the country. However, an overwhelming amount of posters from SWAPO could be observed, especially in Windhoek's city centre.

Electoral campaigning in Namibia is regulated by a Code of Conduct agreed upon by political parties. However, it is not regulated by any law, and therefore cannot be legally enforced. 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 day.
- Parties shall refrain from utilising a public address system, either fixed or mobile, between 21:00 and 07:00 hours, 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 material 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 with one another in order to constantly deal with problems that may arise;
- The DoE 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; and
- Parties to take care in their advertising and propaganda efforts and try to be environmentally friendly.

Campaigning was generally peaceful and calm throughout the country; the political parties adhered basically to their Code of Conduct and showed a degree of political tolerance. The EISA Technical Team observed campaign events of various political parties in the Windhoek area. Parties and candidates had the liberty to assemble their supporters, speak freely and campaign for the upcoming elections. Police presence was obvious but no violence was observed in Windhoek. Despite the general good culture of political tolerance, there were a couple of serious allegations of disturbances

of rallies especially, but not exclusively, in the northern part of the country. As a general pattern but not only, the SWAPO supporters tried to break up or disturb campaigns of other parties, mainly RDP and the Congress of Democrats (CoD). A table listing incidences of election-related violence can be found in Annexure 6. The Code of Conduct for Political Parties does not have a legal status, but many of its prohibitions cover violations of electoral or ordinary law and are enforceable as such.

12

Voting and Counting Process



- 12.1 Voting for Namibians overseas
- 12.2 Voting days in Namibia
- 12.3 Counting procedures
- 12.4 Voter turnout
- 12.5 Transmission of results

12.1 VOTING FOR NAMIBIANS LIVING ABROAD

Namibians living abroad were afforded the opportunity to partake in the 2009 presidential and National Assembly elections. Namibians living in Angola, Austria, Belgium, Botswana, Brazil, Britain, China, DR Congo, Cuba, Egypt, Ethiopia, France, Germany, India, Malaysia, Nigeria, Russia, South Africa, Sweden, Tanzania, USA, Zambia and Zimbabwe cast their votes in Namibia's missions or embassies on 13 November 2009, between 7.00-21.00. The counting and the announcement of the results were done immediately after the closing, according to the law which determines that the results have to be posted at the polling station level. However, the fact that results were published before the elections in Namibia itself raised questions among electoral stakeholders.

12.2 VOTING DAYS IN NAMIBIA

For the 2009 presidential and parliamentary elections in Namibia, the voting took place on two consecutive days, namely 19 and the 20 November 2009, from 6:00 to 21:00. On the second day the polling stations opened from 7:00 and closed at 21:00.

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 the voter's 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 fingers for indelible ink. Only after the presiding officer is satisfied is the voter issued one ballot for the presidential elections. After casting his/her vote the voter will be handed a second ballot for the National Assembly elections.



Voters IDs were checked against the electronic voters' register. Where the voter did not appear on the electronic register, a hard copy of the voters' register was used.



The finger of a voter being marked with ink.

For the 2009 elections a provision was included to enable voters to cast their ballot at a polling station outside the constituency where the voter was originally registered, the so-called 'tendered vote'. For this, the voter was issued an envelope marked with his/her constituency. The tendered vote system, while enhancing participation, was criticised for slowing the process with increased numbers of voters at some polling stations, as well as creating potential for abuse by allowing double-voting, amid allegations that the indelible ink could easily be washed off.

The procedures for the opening of polling stations 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 ballot boxes 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. These procedures were followed as prescribed by the law.

At all polling stations the Team visited in the two days of voting, all required polling staff and party agents were present. The polling officers, generally an equal amount of females and males, were well trained and helpful to the voters. The presiding officers supervised the elections in a professional and skilled manner.



Ballot boxes and material were transported under security protection to another mobile station.



Party representatives and observers followed the procedure of unsealing the ballot boxes in order for them to be opened at a mobile voting station.



Long queues in the morning reflected the interest of the Namibian voters in casting their vote.

In total there were 997 fixed polling stations and 2,213 mobile polling stations, bringing the total number of polling stations countrywide to 3,210. At the polling stations that the EISA Election Technical Team visited, long queues were observed on both the two days of voting. Security forces were in place at polling locations the day before the first Election Day and their presence was continual until the counting in the polling station was completed.

As the voting took place on two consecutive days all sensitive material had to be stored overnight in the polling locations; the security and safety of all sensitive material had to be maintained. In all polling stations observed, the closing at the end of the first day was conducted according to the regulations.

To avoid attempts of tampering with the ballot boxes, the presiding officer sealed all used ballot boxes and recorded the seal numbers in the presence of observers and party agents. Political party agents were allowed to attach their own party seals to the ballot boxes after voting had ended on the first

day. Further, many party agents stayed overnight at the polling locations to safeguard the ballot boxes and sensitive material. The electoral material of the mobile polling stations was stored in police stations to ensure its security overnight.



Seals of the ECN and Political Parties ensuring the security of cast ballots until next day voting proceeded.

12.3 COUNTING PROCEDURES

Unlike the 2004 elections, the counting of the ballot papers took place directly at the polling stations immediately after the close of voting. In polling stations that the EISA Technical Team visited to observe counting, presidential ballots were counted first. The counting staff was appropriately trained, worked professionally and adhered to the law concerning procedures. Party agents and observers were present and freely observed the procedure. After the National Assembly ballots were counted, polling staff then proceeded to count the tendered ballots. The tendered ballots proved to be cumbersome, as polling staff had difficulty in reconciling the figures.

Critics of the tendered vote system say that in the absence of an accurate and reliable voters' roll (ideally digital and encompassing voters across all 107 constituencies) the tendered ballot could become a means of manipulating electoral outcomes.³³ Supporters of the tendered vote system point to the fact that in highly mobile societies such as Namibia's, expecting people to return to their home constituencies to vote for one or two days once every five years is unrealistic.³⁴



Counting started after Election Day and proceeded for several days because of the procedure to count the tendered ballots

12.4 VOTER TURNOUT

One of the challenges of the 2009 elections was the disputed voters' roll. The ECN did not produce a final voters' roll and had not declared a final number of Namibia's total eligible voters. As a result, there was no official number available indicating voter turnout. Figures were only available for the total number of voters casting their ballots and the valid and invalid numbers of the ballots, as shown in Table 11.

Table 11: Voter turnout statistics

	Presidential Vote	National Assembly
Registered	No Data	No Data
% Turnout	No Data	No Data
Votes Cast	812,233	811,143
Valid Votes	799,870	800,567
Invalid Votes	12,363	10,576
% Invalid	1.52	1.30

Source: Electoral Commission of Namibia 2009

Should one calculate turnout based on the highest number of voters on the voters' roll (1,181,835) voter turnout would have been around 68 per cent, while using the lowest named number (820,305) turnout would have been at around 99 per cent.

12.5 TRANSMISSION OF RESULTS

After the counting was completed at polling station level, the results were forwarded to the returning officers. At this level, the first verification and tabulation took place. Only after all polling station results were finalised by the returning officer, were the results transmitted to the Election Results Centre in Windhoek. As soon as the final verification had taken place, the results were released electronically and publicised for each constituency. The very long counting process caused a delay in the announcement of results. However, the election results were finalised and released on 5 December 2009.

13

Post-Election Developments



In March 2010, opposition parties brought cases to court in an attempt to have the election results nullified based on the discrepancies on the voters' roll. Nine political parties and their presidential candidates who lost in the elections were asking the court to set aside the polls and in effect, order a re-run of the voting, or order a re-count of votes cast in the elections.³⁵ The complainants also argued that certain sections of the Electoral Act were violated by the ECN. Among the dissatisfactions against the ECN were:

- Post-election results were not posted at various polling stations after vote counting;
- Voter registration numbers of some of the ballot papers counterfoils were recorded; and
- The conflicting numbers of the ballot papers that were issued and used at several polling stations.

However, the Namibia High Court and also the Supreme Court dismissed the cases.

14

Conclusion and Recommendations



In the preceding sections, this report has provided a detailed account of the mission's observation regarding the critical areas of conduct of the 2009 Namibian presidential and National Assembly elections. The overall conclusion of the EISA election observation mission was that the 2009 Namibian presidential and National Assembly electoral process met the principles enshrined in PEMMO, but with room for improvement.

The mission concluded that there were no major legal, political or other impediments to the free exercise of the constitutional right of people to participate in the electoral process. It 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, bearing all these observations in mind, the mission would like to make recommendations in the areas where it felt that some improvement could be made:

- ❑ **Voters' Roll:** The accuracy, accessibility and credibility of the voters' roll are critical for the success of an electoral process. 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 it, it is imperative that the ECN strive to ensure that the roll is made publicly accessible in good time and 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 during elections tended to be skewed in favour of the incumbent party and that this situation inevitably raised concerns from other electoral stakeholders about the fairness of the electoral process. Media regulations should be issued and enforced by an independent media authority and media coverage of the elections should be subject to a Code of Conduct designed to promote fair reporting. In line with PEMMO guidelines, it is proposed that Namibia abide 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 part of the national budget and resources of political parties. Namibia is one of the SADC countries that provide public funding for political parties. Since 1997 political parties represented in the National Assembly have received funds from the state on an annual basis, in proportion to the votes they garnered in the previous legislative election. Although the funding of the parties is useful for strengthening parties as key institutions of democracy, various issues need to be addressed in order to improve this mechanism. These include the need to re-examine the formula for public funding, revise the required threshold and the concept of strict proportionality, earmark state support for special activities, for example campaign support for newly formed parties depending on the number of candidates, and to institutionalise a mechanism of effective accountability of political parties for their finances.

- ❑ **Code of Conduct for Parties:** The campaign period is the time for parties and candidates to inform the public on their programmes. According

to PEMMO and the existing Code of Conduct for political parties in Namibia, this should be done in a free environment, in absence of violence. The mission encourages the political parties to adhere to the Code of Conduct.

- ❑ **Counting and Announcement of Results:** The change to the counting procedure from central stations to counting on polling station level, with the immediate posting of the results, positively addressed previous concerns around the security and integrity of the ballot. However, to address the long procedure of counting and the delay of the announcement of the results, the ECN should establish mechanisms to audit the results, and establish procedures to govern tendered ballots.

APPENDIX I
Members of the EISA Technical Observer Team

Name	Organisation	Country	Gender
Ms Astrid Evrensel	EISA	Austria	Female
Mr Sydney Letsholo	EISA	South Africa	Male
Ms Khotso Lehloka	LCN Lesotho Council of NGOs	Lesotho	Male

APPENDIX 2
List of stakeholders interviewed during the mission

Name	Organisation
Mr Stefan Fischer	<i>Allgemeine Zeitung</i> (German Newspaper)
Ms Carola Engelbrecht	Citizens for an Accountable and Transparent Society (CATS)
Ms Erika von Wietersheim	Independent/ Author
Mr Rolf Ackermann	Journalist and Author
Mr Paul Graham	Institute for Public Policy Research (IPPR)
Mr Wilfried Hehner	Namibian Broadcasting Corporation (NBC) Radio Station
Mr Usiel Tjijenda	National Unity Democratic Organisation of Namibia (NUDO)
Mr Libolly Houfiku	Rally for Democracy and Progress (RDP)
Mr H. Hambyuka	SWAPO Party of Namibia (SWAPO)
Mr Theunis Keulder	The Namibia Institute for Democracy (NID)
Ms Brigitte Weidlich	<i>The Namibian</i> - Newspaper

APPENDIX 3
Presidential results 2009

Candidate	Party	Votes	% votes
Hifikepunye Pohamba	SWAPO Party of Namibia (SWAPO)	611,241	76.42
Hidipo Livius Hamutenya	Rally for Democracy and Progress (RDP)	88,640	11.08
Katuutire Kaura	Democratic Turnhalle Alliance (DTA)	24,186	3.02
Chief Kuaima Riruako	National Unity Democratic Organisation (NUDO)	23,735	2.97
Chief Justus Garoëb	United Democratic Front of Namibia (UDF)	19,258	2.41
Ignatius Nkotongo Shixwameni	All People's Party (APP)	9,981	1.25
Henry Ferdinand Mudge	Republican Party (RP)	9,425	1.18
Benjamin Ulenga	Congress of Democrats (CoD)	5,812	0.73
Usutuaije Maamberua	South West African National Union (SWANU)	2,968	0.37
Dawid Salmon Isaack	Democratic Party of Namibia (DPN)	1,859	0.23
Frans Mikub /Goagoseb	Namibia Democratic Movement for Change (NDMC)	1,760	0.22
Attie Beukes	Communist Party	1,005	0.13
Total		799,870	100.01

Source: Electoral Commission of Namibia 2009

APPENDIX 4
National Assembly results 2009

Party	Votes	% votes	Seats	% seats
SWAPO Party of Namibia (SWAPO)	602,580	75.27	54	75.00
Rally for Democracy and Progress (RDP)	90,556	11.31	8	11.11
Democratic Turnhalle Alliance (DTA)	25,393	3.17	2	2.78
National Unity Democratic Organisation (NUDO)	24,422	3.05	2	2.78
United Democratic Front of Namibia (UDF)	19,489	2.43	2	2.78
All People's Party (APP)	10,795	1.35	1	1.39
Republican Party (RP)	6,541	0.82	1	1.39
Congress of Democrats (CoD)	5,375	0.67	1	1.39
South West African National Union (SWANU)	4,989	0.62	1	1.39
Monitor Action Group (MAG)	4,718	0.59	0	0
Democratic Party of Namibia (DPN)	1,942	0.24	0	0
Namibia Democratic Movement for Change (NDMC)	1,770	0.22	0	0
National Democratic Party of Namibia (NDPN)	1,187	0.15	0	0
Communist Party	810	0.1	0	0
Total	800,567	99.99	72	100.01

Source: Electoral Commission of Namibia 2009

APPENDIX 5**Women's representation in the 2009 National Assembly by party**

Party	Total seats	Women	% women
SWAPO Party of Namibia (SWAPO)	54	15	27.8
Rally for Democracy and Progress (RDP)	8	1	12.5
Democratic Turnhalle Alliance (DTA)	2	0	0.0
National Unity Democratic Organisation (NUDO)	2	0	0.0
United Democratic Front of Namibia (UDF)	2	0	0.0
All People's Party (APP)	1	0	0.0
Republican Party (RP)	1	0	0.0
Congress of Democrats (CoD)	1	0	0.0
South West African National Union (SWANU)	1	0	0.0
Total	72	16	40.3

Source: EISA webpage 2009³⁶

APPENDIX 6

Political violence and intimidation before 2009 elections

Appendix 6 shows the events and dates related to political violence and intimidation in the run-up to the 2009 elections compiled by Namibia elections watchdog, the Election Watch, brainchild of the IPPR:

22 November 2009 – SWAPO and RDP supporters clashed in Walvis Bay following an RDP rally in the township of Kuisebmond. Rival supporters threw stones and beer bottles at each other but were dispersed by the police.

16 November 2009 – The Congress of Democrats (CoD) complained that their campaign activities at Aussenkehr (in the Karas region) had been broken up by SWAPO supporters, while their campaign materials had been defaced and destroyed in Oshakati.

13 November 2009 – There was a tense stand-off between SWAPO and RDP supporters in the Orwetoveni suburb at Otjiwarongo which was diffused by the police, according to NBC radio.

8 November 2009 – The police confiscated eight pistols, a shotgun, nine knives, four machetes, a hammer, and an axe among other weapons, from people going to the RDP rally at Outapi. The police arrested three people during the clashes at the town.

8 November 2009 – RDP and SWAPO supporters threw stones at each other at Outapi after SWAPO supporters confronted RDP activists who had arrived at the town to attend a rally.

6 November 2009 – The RDP said its members had been physically attacked and intimidated during recent mobilisation campaigns in Windhoek, Mix Camp, Okahao and Grootfontein.

28 October 2009 – The police confirmed that a group of SWAPO supporters blocked RDP mobilisers from campaigning at Onesi village in the Omusati region.

27 October 2009 – About 300 SWAPO supporters blocked RDP mobilisers from campaigning in Outapi, Omusati region, according to a report in *The Namibian*. SWAPO activists claimed the RDP members had used provocative language while seeking to recruit supporters.

26 September 2009 – Stones were thrown at RDP supporters attending a rally in Oshakati by youths dressed in SWAPO tee-shirts.

19 September 2009 – Speaking at an election rally at Ongwediva, founding president, Sam Nujoma, urged SWAPO supporters to attack British citizens with hammers in a clear violation of the code of conduct for political parties.

APPENDIX 7

Code of Ethics for Namibian media

Preamble

All members of the media have a duty to maintain the highest professional and ethical standards. This code sets the benchmark for those standards. It both protects the rights of the individual and upholds the public's right to know. The code is the cornerstone of the system of self-regulation to which the industry has made a binding commitment. Editors, publishers and broadcasters must ensure that the code is observed rigorously, not only by their staff but also by anyone who contributes to their publications or broadcasts.

It is essential for the workings of an agreed code that it be honoured not only to the letter but also in the full spirit. The code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it prevents publication or broadcasting in the public interest.

It is the responsibility of editors, publishers and broadcasters to co-operate with the Media Ombudsman as swiftly as possible in the resolution of complaints.

Any publication or broadcaster which is found guilty by the Media Ombudsman under one of the following clauses must print or broadcast the adjudication which follows in full, and with due prominence.

Sections

1. **Accurate Reporting** 1.1 The media is expected to report news accurately without distorting the facts. 1.2 Every journalist is encouraged to engage in investigative journalism for the public good. 1.3 Every journalist shall use all reasonable means within his/her power to ascertain prior to publication or broadcast, the reliability of the contents of any article written or recorded by him/her for publication or broadcast. Due regard should be given to the possible negative effect to the subject of the article or broadcast. 1.4 A newspaper or broadcaster

must report fairly, accurately and with due prominence the outcome of an action for defamation to which it has been a party.

2. **Corrections** Where it subsequently appears to the editor that a report was incorrect in a material respect, it shall be rectified without reservation or delay. The rectification should be presented with such a degree of prominence and timing as may be adequate and fair so as to readily attract attention.
3. **Right of Reply** 3.1 Provisions should be made for the right of reply to an aggrieved party, to protect an individual against verified factually incorrect statements that tarnish their reputation, dignity, honour, feelings and privacy and their office. 3.2 Newspapers, broadcasters or journalists are entitled to respond to a Right of Reply in so far as to apologise and/or express regret for the error or stand by the story, provided however that the aggrieved party be given sufficient opportunity to counter the response of the newspaper, broadcaster or journalist.
4. **Conflict of Interest** The personal gain motive should not override media freedom, social responsibility and editorial freedom.
5. **Sources** Every journalist shall observe confidentiality regarding any source of information and has a moral obligation to protect sources unless the person who gave him/her such information authorises the disclosure of his/her identity.
6. **General Reporting** 6.1 The media should strive to represent social reality in all its diversity, complexity and plurality, and shall strive to redress imbalances when reporting on women, children, minorities, the underprivileged and disabled persons. 6.2 The media should not without due care and sensitivity, present facts, opinions, photographs, graphics or scenes that depict or relate to brutality, sadism, salacity, violence, atrocity, drug abuse and obscenity except in the public interest. 6.3 In reporting or causing to be printed or broadcasted accounts of crimes or criminal cases, a journalist shall not i. Identify underage victims of sex crimes (this shall not apply when an adult victim gives consent to be identified); ii. identify any young person accused of a criminal offence who to his/her knowledge is underage; or iii. identify any person as being a relative of a person accused or convicted of a crime for the sole purpose of informing the reader or viewer of the relationship between the person so named, and the person charged, unless the public interest

would be served by the publication or broadcast of such information. 6.4 A journalist shall not commit plagiarism. 6.5 A journalist shall not promote ethnic or religious discord or violence. 6.6 Journalists must avoid publishing or broadcasting details of a person's race, caste, religion, sexual orientation, physical or mental illness or disability, unless these are directly relevant to the story. 6.7 Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication or broadcast, nor should they pass such information for the profit of others. 6.8 While a journalist is entitled to have his own political and other opinions, the newspaper or broadcaster must recognise and give due consideration to the opinions of others in the community.

PUBLIC INTEREST

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest. 1. The public interest includes: i) Exposing crime or a serious misdemeanour, ii) Protecting public health and safety and iii) Preventing the public from being misled by some statement or action of an individual or organisation.

2. In each case where the public interest is invoked, the Media Ombudsman will require a full explanation by the editor demonstrating how the public interest was served. 3. In cases involving children editors must demonstrate an exceptional public interest to override the normally paramount interest of the child.
7. **Privacy*** Insofar as both news and comment are concerned, the media shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that the right to privacy may be overridden by a legitimate case of public interest.
8. **Harassment*** Journalists including photo-journalists must neither obtain nor seek to obtain information or pictures through intimidation or harassment.
9. **Intrusion into Grief or Shock** In cases involving personal grief or shock, enquiries should be carried out and approaches made with sympathy and discretion. Publication or broadcast must be

handled sensitively at such times. But this should not be interpreted as restricting the right to report judicial proceedings.

10. **Listening Devices*** Journalists must not obtain and publish or broadcast material obtained by using clandestine listening devices, secret filming or by intercepting private telephone conversations, correspondence (including electronic) and documents.
11. **Misrepresentation*** Journalists, photographers and cameramen must not generally obtain or seek to obtain information through misrepresentation or deception. ii) Documents, photographs or video material should be removed only with the consent of the owner. iii) Misrepresentation or deception can be justified only in the public interest and only when material cannot be obtained by any other means.
12. **Dignity** Every journalist shall safeguard the dignity of his profession.
13. **Payment for Articles*** Payment or offers of payment for stories or information must not be made directly or through agents to witnesses or potential witnesses in current criminal proceedings, except where the material concerned ought to be published or broadcast in the public interest and there is an overriding need to make or promise to make a payment for this to be done. (ii) Payment or offers of payment for video material, stories, pictures or information, must not be made directly or through agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues - except where the material concerned ought to be published in the public interest and payment is necessary for this to be done. iii) Journalists should not accept excessive gifts or freebies where it could compromise professional accountability.

NOTES

- 1 The draft constitution was ratified 9 February 1990; effective 12 March 1990 <http://www.faqs.org/docs/factbook/fields/2063.html>.
- 2 EISA Webpage <http://www.eisa.org.za/WEP/nam2009results1.htm>.
- 3 EISA Webpage <http://www.eisa.org.za/WEP/nam2009results1.htm>.
- 4 Saunders 'Namibia: Presidency of Hifikepunye Pohamba (2005-2009)'; 2008, [www] <http://www.eisa.org.za/WEP/namoverview11.htm> (accessed 14th May 2010).
- 5 Ibid.
- 6 Ibid.
- 7 The Constitution of Namibia [www] <http://www.orusovo.com/namcon/constitution.pdf>, including the first Amendment Act 1998 (accessed 14th May 2010).
- 8 The Electoral Act 1992 [www] <http://www.scribd.com/doc/16633875/Electoral-Act-24-of-1992> (accessed 14th May 2010) Note: The above edition does not include the amendments made in 2006 and 2009.
- 9 Government Gazette of the Republic of Namibia, 14 August 2009, Windhoek.
- 10 The Regional Council Act 1992 [www] http://209.88.21.55/opencms/export/sites/default/grnnet/GRNOverview/Laws_legislation/Regional_Council_Act.pdf including the Amendment Acts 1997, 2000 and 2002 (accessed 14 May 2010).
- 11 The Local Authority Act 1992 [1992] http://www.decentralisation.gov.na/elibrary/namibian/acts_and_policies/local_auth_act.html (accessed 14th May 2010) Note: this edition does not include the amendment made in 2003.
- 12 Among other interviewees, NUDO's Party Chief Administrator in Windhoek, Mr Usiel Tjijenda, was very strong on the point that there is very low trust in the impartiality of the ECN.
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- 15 Political Party Funding In Namibia. A Presentation to the Civil Society, Workshop 'The Legal Framework For Free And Fair Elections In Namibia', by Graham Hopwood, 26 February 2009.
- 16 Boer, M. 2004b. *The Life of the Party: The Hidden Role of Money in Namibian Politics*, IPPR Briefing Paper No. 33, IPPR, Windhoek.
- 17 *The Namibian*, [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=40341&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=40341&no_cache=1), accessed August 2010.
- 18 Election Watch, [www]<http://www.ippr.org.na/Election%20Watch/Election%20watch%20Mar%2009.pdf>, (accessed September 2010).
- 19 Communications Act 2009, Government Gazette of Namibia, 16 November 2009, Article 89 [www] <http://www.ncc.org.na/admin/data/Publications/Communications-Act-8-of-2009.pdf> (accessed 20 May 2010).
- 20 Interview at *The Namibian* [www] <http://allafrica.com/stories/200911020961.html> (accessed 20 May 2010).
- 21 MISA: NAMIBIA: Ruling party gets preferential election campaign coverage on NBC,

- [www] <http://www.misa.org/cgi-bin/viewnews.cgi?category=2&id=1257857024> (accessed 20 May 2010).
- 22 Hodzi, Kumbirai. An Analysis of the Information Provisions in the SADC Protocol on Culture, Information and Sport [www] [http://www.google.com/search?ie=UTF-8&oe=UTF-8&sourceid=navclient&gfns=1&q=An+Analysis+of+the+Information+Provisions+in+the+SADC+Protocol+on+ Culture%2C+Information+and+Sport](http://www.google.com/search?ie=UTF-8&oe=UTF-8&sourceid=navclient&gfns=1&q=An+Analysis+of+the+Information+Provisions+in+the+SADC+Protocol+on+Culture%2C+Information+and+Sport) (accessed 14th May 2010).
- 23 Media Institute of Southern Africa (MISA) Code of Ethics for the Namibian Media.
- 24 EISA/ECF: Principles for Election Management, Monitoring and Observation in the SADC Region, PEMMO, 2003 [www] <http://www.eisa.org.za/EISA/publications/pemmo.htm>
- 25 *The Namibian* 'Parties File Election Case' [www] <http://www.namibian.com.na/news/full-story/archive/2009/december/article/parties-file-election-case/> (accessed 14 May 2010).
- 26 Mr Libolly Houfiku, RDP party, Interview 24 November 2009, Windhoek
- 27 IEC webpage [www] <http://www.ecn.na/Pages/home.aspx> (accessed 20 May 2010).
- 28 IEC webpage [www] <http://www.ecn.na/Pages/home.aspx> (accessed 20 May 2010).
- 29 NID, Civic and Voter Education Programme (CEP) [www] <http://www.nid.org.na/CEP.htm> (accessed 14 May 2010).
- 30 In a statement MISA Namibia said its preliminary investigation into the matter revealed that 'One Africa Television' and community radio stations, namely Base FM, UNAM Radio, Live FM, and Karas Community Radio, had not received any paid electoral information, despite the fact that they were approached by the ECN to provide quotations for their paid information campaigns, and/or had discussions about how they could contribute to the electoral process.
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- 32 Kadima, D and Booysen, S. *Compendium of Elections in Southern Africa*, Chapter 'Namibia' p 365, 2009
- 33 Election Watch. The tendered vote controversy, again [www] <http://www.electionwatch.org.na/node/368> (accessed 14 May 2010)
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- 35 *The Namibian*, Poll Battle Kicks [www] [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=65278&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=65278&no_cache=1) (accessed 14 May 2010).
- 36 Women's representation in Namibia, EISA webpage {<http://www.eisa.org.za/WEP/nam2009results3.htm> (accessed 20 May 2010).

ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance fields throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

MISSION

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the sector

CORE ACTIVITIES

- Research
- Policy Dialogue
- Publications and Documentation
- Capacity Building
- Election Observation
- Technical Assistance
- Balloting

OBSERVER MISSION REPORTS

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report, Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report, South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report, Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report, Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report, Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report, Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report, Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report, The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005

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- EOR 22 EISA Observer Mission Report, Zanzibar Presidential, House of Representatives and Local Government Elections 30 October 2005
- EOR 23 EISA Observer Mission Report, Zambia Presidential, Parliamentary and Local Government Elections 28 September 2006
- EOR 24 EISA Observer Mission Report, Madagascar Presidential Elections 3 December 2006
- EOR 25 EISA Observer Mission Report, DRC Presidential, Parliamentary and Provincial Elections/Elections Presidentielles, Parlementaires et Provinciales 30 July and 29 October 2006
- EOR 26 EISA Election Observer Mission Report, Lesotho National Assembly Elections 17 February 2007
- EOR 27 EISA Election Observer Mission Report, Madagascar National Assembly Elections 23 September 2007
- EOR 28 EISA Election Observer Mission Report, The Zimbabwe Harmonised Elections of 29 March 2008 Presidential, Parliamentary and Local Government Elections with Postscript on The Presidential Run-off of 27 June 2008 and the Multi-Party Agreement of 15 September 2008
- EOR 29 EISA Election Observer Mission Report, Swaziland House of Assembly Election 19 September 2008
- EOR 30 EISA Election Observer Mission Report, Malawi Presidential and Parliamentary Elections 19 May 2009
- EOR 31 EISA Election Observer Mission Report, Zambia Presidential By-Election 30 October 2008 EOR 31
- EOR 32 EISA Election Observer Mission Report, The Mozambique Presidential, Parliamentary and Provincial Elections of 28 October 2009
- EOR 33 EISA Technical Assessment Team Report, Mauritius National Assembly Elections 5 May 2010

