



**ECF-SADC OBSERVER MISSION REPORT  
PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS**

**27<sup>th</sup> & 28<sup>th</sup> NOVEMBER 2009**

**NAMIBIA**

**TABLE OF CONTENTS**

**ACKNOWLEDGEMENT..... 1- 3**

**CHAPTER ONE**

**INTRODUCTION..... 4 - 6**

**CHAPTER TWO**

**THE CONSTITUTION AND LEGAL FRAMEWORK ..... 7 - 8**

**CHAPTER THREE**

**PRE-ELECTION BRIEFINGS..... 9 - 11**

**CHAPTER FOUR**

**ELECTION PHASE..... 12**

**CHAPTER FIVE**

**CONCLUSION..... 13**

**APPENDICES..... 14 - 22**

- **PRELIMINARY STATEMENT**
- **LIST OF DELEGATES**
- **DEPLOYMENT PLAN**
- **ELECTION RESULTS**

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## ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES

Ref: ECF

23<sup>rd</sup> April 2010

The Chairperson,  
Electoral Commission of Namibia  
Windhoek  
Namibia

Dear Dr V. Tonchi,

The Electoral Commissions Forum of SADC Countries (ECF-SADC) accepted the invitation to observe the Presidential and National Assembly Elections in Namibia held on the 27<sup>th</sup> and 28<sup>th</sup> November 2009.

The Observer Mission hereby forwards its Report to the host Commission, the Electoral Commission of Namibia. The Mission believes that this Report will assist your Commission in addressing areas that have been identified as requiring improvement or attention. The Mission also believes that sister Commissions in the SADC region will also learn something from this report.

Thank you.

Yours faithfully,

Ditlhogo Nelson Mokgethi

*(Mission Leader)*

*ECF-SADC Observer Mission to Namibia Presidential and National Assembly Elections, November 2009*

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## **CHAPTER ONE**

### **INTRODUCTION**

The Electoral Commissions Forum (ECF), comprising all 14 SADC member states' Electoral Commissions, was launched in July 1998 and is governed by a Constitution which spells out its mandate and functions. Among its various functions and activities, the ECF's mandate includes the following:

- To strengthen co-operation amongst Electoral Commissions in the SADC region;
- To promote conditions conducive to free, fair and transparent elections in the SADC region;

The ECF views election observation as an important component of promoting democratic elections and consolidating democracy in the Region. The rationale for the Forum observing elections is, therefore, to assist fellow Election Management Bodies identify areas needing improvement in elections administration.

The ECF received an invitation letter dated 29<sup>th</sup> September 2009 from the Electoral Commission of Namibia to observe the Presidential and National Assembly Elections to be held on the 27<sup>th</sup> and 28<sup>th</sup> November 2009 in the Republic of Namibia. Elections in the Republic of Namibia are governed by the Constitution and subsidiary legislation in the form of the Electoral Consolidated Act No. 24 of 1992 as amended.

In response to this invitation, the ECF duly deployed to Namibia a 22 Member Observer Mission represented by Electoral Commissions from Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe, with the first delegates arriving in Windhoek on the 20<sup>th</sup> November 2009. The Mission was led by Mr Dithlogo Nelson Mokgethi, a Commissioner of the Independent Electoral Commission of Botswana.

## **Pre-Poll Mission activities**

The Mission met with the Electoral Commission of Namibia (ECN) on the 21<sup>st</sup> November 2009 which provided it with a comprehensive brief on their preparedness and readiness to conduct the elections. A briefing session for all international observers organized by the ECN was conducted on the 23<sup>rd</sup> November 2009. This session addressed matters which, inter alia, included security and health issues and an overview on the political background of Namibia. On the 24<sup>th</sup> November 2009, the Mission together with Namibia Non-governmental Organisations Forum (NANGOF), organized a seminar with presenters coming from the media fraternity, the academia, women organization and political parties. The Mission also met with the SADC Mission leader to discuss issues of mutual interest pertaining to election observation.

The Mission arranged the following visits:

- to the ECN offices where they were taken through the organizational structure of the ECN and toured the various departments of the organisation
- to the ICT Consultants offices who were engaged to manage the ECN results centre.
- Attended three political rallies in Windhoek.

The Mission was provided with the following briefing as part of pre poll activities:

- A lot of emphasis was placed on the “BORN FREE” voters, both in terms of ECN voter education and political party campaigns.
- As empowered by law, the ECN had issued a code of conduct with which contesting parties had to comply during campaign period and during elections.
- Funding of political parties was based on representation of the political party in the National Assembly. .
- The airtime that the parties would be entitled to from the national broadcaster was informed by the principle of equity based on the proportion of the party’s representation.
- Political parties campaigned freely without intimidation or fear of violence.
- In rallies that the mission was able to attend, party supporters wore their party regalia and symbols.
- Observers were free to travel and to attend political rallies.
- The mission did not witness or receive any report of vandalism of party posters or election material.

## **Deployment**

The Mission divided itself into seven teams which covered the following seven constituencies:

Hardap; Otjivarongo; Gobabis; Khomas West; Okahanja; Rehoboth and Khomas East. All the teams managed to make pre-poll visits on the 25<sup>th</sup> and 26<sup>th</sup> November 2009 in their assigned constituencies to familiarize themselves with the location of the Polling Stations and meet with electoral staff.

## **CHAPTER TWO**

### **THE CONSTITUTION AND LEGAL FRAMEWORK**

#### **1. The Constitution**

The Constitution of Namibia grants all persons who have attained the age of eighteen (18) years and above the right to vote and those above the age of twenty one (21) years the right to be elected to public office. The Constitution further grants every citizen of Namibia who is a citizen by birth or descent, and is over the age of thirty five (35) years, and is eligible to be elected to the National Assembly, the right to be eligible for election as President, and to serve as such for a period of five (5) years.

#### **2. The Electoral System in Namibia**

Concurrent National Assembly and Presidential elections are held at intervals of 5 years. For Presidential elections, the president is elected by popular vote for a five-year term, and is eligible for a second and final term of five years. The last national election was held on 15 November 2004. Mr. Hifikepunye Pohamba was elected president; with 76.4% of the vote.

#### **3. The Electoral Consolidated Act**

The Electoral Commission of Namibia (ECN) is established by the Electoral Act 24 of 1999. The ECN consists of a Chairperson and 4 Commissioners, appointed by the President from a shortlist compiled by a Selection Committee which consists of a judge nominated by the Chief Justice, a lawyer nominated by the law Society and a nominee of the Ombudsman. Commissioners are appointed for 5 years, but may be reappointed for a further 5-year term. The Secretariat of the ECN is headed by a Director of Elections, appointed by the President on the recommendation of the ECN.

##### Functions of the Commission:

- (i) To exclusively direct, supervise and control in a fair and impartial manner any elections conducted under the Electoral Act. The Commission supervises and controls the registration of voters for purposes of any election under the Electoral Act.
- (ii) Supervise and control the registration of voters for the purpose of any election under the Act;

- (iii) Supervise the preparation , publication and maintenance of the National Voters' Register and local authority voters' register;
- (iv) Supervises and controls the registration of political parties under the Act;
- (v) Supervises, directs and controls the conduct of elections under the Act
- (vi) Perform any other functions conferred upon it by or under the provisions of the Act or any other law or are necessary or expedient for purposes of achieving the objects of the Act.



## CHAPTER THREE

### Briefings by the ECN

The Mission noted the following from the briefing provided by the ECN

1. For purposes of the Presidential and National Assembly, the country is considered to be a single constituency. There was no delimitation of constituency boundaries in the period leading up to the election in 2009 but it was however established that the ECN in collaboration with the Office of the Surveyor General and the National Planning Commission attended to boundary clarification requests from constituencies. Currently, Namibia consists of 13 regions and 107 constituencies.
2. Amongst some of the aspects that received attention was voter education. In this regard, the ECN caused amendments to the Electoral Act in order to make provision for voter education. Section 12 of Act 7 of 2009 now makes legal provision for voter education.

Consequently, 22 permanent regional voter education officers were appointed. The voter education officers are supported by 107 assistant voter education officers based in the constituencies. The ECN described the primary objective of voter education as follows: *“to encourage public awareness about the essence of democracy in general and voting in particular”*

Consistent with this objective, the ECN undertook a number of voter education initiatives to prepare the electorate for participation in the elections in 2009. Various methods targeted at a wide audience were implemented. This included among others the use of both electronic and print media, road shows and campaigns specifically targeted at education institutions.

3. Registration is a requirement for participation in elections in Namibia. For one to register, he/she must be a Namibian Citizen, 18 years or older and in possession of official identity document. Upon registration, a voter is provided with a voter registration card which entitles him/her to cast a vote.

The Electoral Act makes provision for three (3) types of voter registrations as follows:

- General voter registration, which takes place at intervals of 10 years.
- Continuous voter registration, which takes place on a continuous basis except those periods excluded by law. Such periods are typically after an election is proclaimed to the period after an election.

- Supplementary voter registration, which takes place for a limited period before any proclamation of an election. The period for supplementary registration was 17-30 September 2009.

For the 2009 elections, a 1.180 million Namibians were registered to vote out an estimated population of 2.2million people.

4. The Mission noted the preparedness of the ECN with respect to the procurement, warehousing, sorting and distribution of voting material. The material was procured and received centrally by the ECN and was transported to the various constituencies on 22 November 2009.
5. The ECN recruited suitable qualified persons to serve as poll/electoral staff. The recruitment was done through advertisement of positions and also by requesting government ministries to second staff to the ECN. 10 000 staff were recruited and successfully trained. Of significance to the training of the electoral officers was the new results management system which required the use of laptops by Presiding and Returning officers.
6. The ECN pointed to a very close working relationship between the Commission and the various stakeholders. The ECN issued an “Election Calendar 2009” in which the various milestones were listed to enable the stakeholders to participate in the electoral process. Also noteworthy was the level of access granted by the ECN g to political parties in the logistical arrangements as evidenced by the following
  - Political parties were allowed to observe the printing and packaging of the voters roll.
  - Political parties observed the receipt of material and its dispatch to the constituency centers and also the packaging of the same and distribution to the polling stations
7. The operation of the media is guided by the stipulation in the Namibian constitution and in particular article 18 which stipulates that the media shall cover all political parties fairly.

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- Article 18 of the Namibian Constitution states that the media shall cover political parties fairly, lawfully and reasonably
- As The media landscape in Namibia is dominated by the state-owned broadcaster, the *Namibian Broadcasting Corporation* (NBC), and the *New Era*, a daily newspaper. the private media dominates the newspaper industry and these include *The Namibian*, *The Republikein*, *The Namibian Sun*, *Windhoek Observer*, *The Economist* and *Informante*.
- There are no laws that prohibit the media from operating just as there are no restrictions on the registration of newspapers and magazines.
- Namibia as a SADC member state party to the SADC Guidelines of the Conduct of Free and Fair elections, which provides that there should be equal opportunity for all political parties to access state-owned media.
- The Electoral Commission of Namibia subscribes to the Principles of Election Management and Monitoring (PEMMO) provides for equal access to public media and the promotion of fair reporting.
- According to a study by MISA - on the whole, coverage of the media was heavily tilted towards the ruling party. Research by *the Namibian* of the 17/11/09 has shown that SWAPO Party had 83% of NBC's election coverage, RDP had 8%, AAP had 6%, DTA and NUDO 1.5% each
- The government-owned *New Era* newspaper was credited for its efforts to give fair and balanced coverage to both the opposition and the ruling party.

## CHAPTER FOUR

### THE ELECTION PHASE

*As mentioned earlier in the document, the Mission observed elections in seven constituencies and the following were points of noteworthy:*

- Polling took place over two days in 3198 polling stations 2201 of which are mobile while 997 are fixed.
- Most polling stations opened and closed on time. The poll staff assisted the sick, disabled and aged.
- The use of transparent ballot boxes reinforced the voters' confidence and trust in the electoral process. The presence of party agents, monitor and observers (local and international) at the polling stations assured all stakeholders of the transparency of the electoral process.
- The voters were able to express their franchise peacefully, freely and unhindered.
- The Mission's overall conclusion was that the voting was conducted in an open and peaceful manner.
- For the 2009 election, amendments were passed to make it obligatory for the counting to commence immediately after polling. This took place in the presence of counting officers, party agents, accredited observers, polling officers and police officers. Previously counting took place a central venue a day after polling.
- Although the counting the process was rather lengthy, the Mission noted that the counting procedures were adhered to at each and every polling station.
- The announcement of constituency results from the 'Results Centre' was very sporadic but the people of Namibia remained cool and calm and no political disturbances were reported despite this slow process
- The Mission witnessed the opportunity given to prisoners to vote. The hospitalized were equally accorded the right to vote. Though the brail ballot paper was introduced, the polling staff seemed not trained to administer the usage of the brail ballot paper.

## **CHAPTER SIX**

### **CONCLUSION**

The ECF-SADC observer mission submits that the Electoral Commission of Namibia had adequately prepared to deliver credible and transparent Presidential and National Assembly elections. The logistical challenges pointed out in the preliminary observation report had no material effect in the conduct of the elections. However, the ECF Mission wishes to submit the following recommendations for consideration by ECN.

1. The selection of polling stations should be done taking into account the area requirements of the polling staff and the voters.
2. Training and competence of poll staff, in particular presiding officers, should be enhanced.
3. The procedure for handling tendered ballots should be reviewed
4. The taking of oath by agents should be done a day before the polling to obviate delay in starting the voting process.
5. Relocation of polling stations should be adequately publicized.
6. Polling stations should be signaged for ease of location by the voters.

The ECF congratulates the ECN for the job well done. In addition, the Mission commends the people of Namibia for exercising their democratic right in a dignified and peaceful manner.

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**ELECTORAL COMMISSIONS FORUM OF  
SADC COUNTRIES**

**THE OBSERVATION STATEMENT SUBMITTED TO THE  
ELECTORAL COMMISSION OF NAMIBIA**

**INTRODUCTION**

The Electoral Commissions Forum (ECF) of the SADC countries received an invitation letter dated 29<sup>th</sup> September 2009 from the Electoral Commission of Namibia to observe the Presidential and National Assembly Elections to be held on the 27<sup>th</sup> and 28<sup>th</sup> November 2009 in the Republic of Namibia.

In response to this invitation, the ECF duly deployed to Namibia a 22 Member Observer Mission represented by Electoral Commissions from Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe, with the first delegates arriving in Windhoek on the 20<sup>th</sup> November 2009. The Mission was led by Mr Dithlogo Nelson Mokgethi, a Commissioner of the Independent Electoral Commission of Botswana.

**The ECF Mandate**

The ECF, comprising all 14 SADC member states' Electoral Commissions, was launched in July 1998 and is governed by a Constitution. Among its various functions and activities, the ECF's mandate includes the following:

- To strengthen co-operation amongst Electoral Commissions in the SADC region;
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The ECF views election observation as an important component of promoting democratic elections and consolidating democracy in the SADC region. The rationale for the Forum's elections observation, therefore, is to assist fellow Election Management Bodies identify areas needing improvement in elections administration.

## **Pre-Poll Mission activities**

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The Mission arranged the following visits:

- to the ECN where they were shown the various departments of the Commission.
- to the ICT Consultants who managed the ECN results centre.
- Attended four political rallies in Windhoek.

## **Deployment**

The Mission divided itself into seven teams which covered the following seven constituencies:

Mariental, Otjiwarongo; Gobabis; Khomas West; Okahanja; Rehoboth and Khomas East. All the teams managed to make pre-poll visits on the 25<sup>th</sup> and 26<sup>th</sup> November 2009 in their assigned constituencies to familiarize themselves with the location of the Polling Stations and meet with electoral staff.

## **Overview on the Poll**

The Mission observed the following on the polling day:

- Generally, polling stations opened on time. However, some polling stations started the voting process late due to some logistical challenges which included the administration of oath.
- Polling stations opening and closing procedures were adhered to.
- The processing of tendered votes tended to slow down the voting process.
- Generally, the polling staff was adequately trained. However, there were isolated cases where some presiding officers were indecisive and lacked the confidence that would be expected of them in the running of the polling stations.
- Some polling stations used manual voters roll whilst others used computerized ones to verify the voters.
- The voting process was peaceful, orderly and free of intimidation and the voters cast their ballots without any visible difficulties.
- The secrecy of the ballot was safe guarded at most of the polling stations. However, some polling stations were too small to provide adequate accommodation for polling staff, observers and the voters.
- Election observers, including party agents, were present when voting started at 07h00.
- The signage to some polling stations was inadequate.
- The police were present at the polling stations to provide the needed security.
- The counting process went well with observers and party agents overseeing the process.
- Some polling stations appeared to have been relocated at the last minute without giving adequate notice to the voters.



## **Recommendations**

1. Against the foregoing observations, the Mission recommends the following to the National Electoral Commission of Namibia:
2. The selection of polling stations should be done taking into account the area requirements of the polling staff and the voters.
3. Training and competence of poll staff, in particular Presiding Officers, should be enhanced.
4. The procedure for handling tendered ballots should be reviewed
5. The taking of oath by agents should be done a day before the polling to obviate delay in starting the voting process.
6. Relocation of polling stations should be adequately publicized.
7. Polling stations should be signaged for ease of location by the voters.

## **Conclusion**

The ECF-SADC observer mission submits that the Electoral Commission of Namibia had adequately prepared to deliver credible and transparent Presidential and National Assembly elections. The logistical challenges pointed out in this preliminary observation report had no material effect in the conduct of the elections. In this regard, the ECF wishes to congratulate the ECN for the job well done. In addition, the Mission commends the people of Namibia for exercising their democratic right in a dignified and peaceful manner.

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**D.N Mokgethi**  
**Mission Leader**  
**Electoral Commissions Forum of SADC countries**

**1<sup>st</sup> December 2009, Windhoek, Namibia**

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**Forum Presidency:** Rev A. Malumalu - President (DRC), Justice A. Msosa -Vice President (Malawi)  
**EXCO: Chairperson:** Justice F. Mumba (Zambia), - **Vice Chairperson:** Chief S.G Dlamini (Swaziland), Justice A.C P C. de Sousa (Angola) Justice S. Gaongalelwe (Botswana) Mr A Rahman (Mauritius) M.K. Mwinyichande ( Zanzibar) Justice G. Chiweshe ( Zimbabwe)

## Annex 2



**Electoral Commissions Forum of SADC Countries Observer Mission to Namibia– 2009**

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*Annex 3*

*Deployment plan*

*Annex 4*

*Election Results*