

Pre-conditions for Elections Programme in Southern Africa (PEPSA)

Baseline Analysis Questionnaire

Country	Namibia	Researcher	Dr Khabele Matlosa
<i>Please enter your answers in the space below each question.</i>			
[I] Country Political Context (Introduction Section of the SADC Principles)			
General			
1. <i>Has the country undergone a democratic transition? If so, when and how?</i>			
Yes. Namibia underwent its democratic transition in the late 1980s. The UN mediated political settlement of the country's armed liberation struggle culminated in the 1989 democratic election which ushered a democratic dispensation.			
2. <i>Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?</i>			
Yes. Namibia has signed all the seven (7) major international human rights instruments listed in the UNDP Human Development Report (2004:240) as follows:			
<ul style="list-style-type: none"> • The 1965 International Convention on the Elimination of All Forms of Racial Discrimination; • The 1966 International Covenant on Civil and Political Rights; • The 1979 Convention on the Elimination of All forms of Discrimination against Women; • The 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and • The 1989 Convention on the Rights of the Child; • The 1948 International Convention on the Prevention and Punishment of the Crime of Genocide; and • The 1966 International Covenant on Economic, Social and Cultural Rights. 			
Political parties			
3. <i>Is the country a multi-party democracy?</i>			
Yes. Namibia is a multiparty democracy			
4. <i>How many political parties are registered and active?</i>			
The number of registered political parties in Namibia is eleven (11).			
5. <i>How many parties are represented in the legislature?</i>			
There are nine (9) political parties represented in parliament as follows:			
<ul style="list-style-type: none"> • Congress of Democrats (COD); • Democratic Turnhalle Alliance (DTA); • Monitor Action Group (MAG); • National Unity Democratic Organisation (NUDO); • Republican Party (RP); • South West Africa Peoples' Organisation (SWAPO Party); • United Democratic Front (UDF). 			

6. Do political parties have programmes?
Yes. Programmes of political parties are expressed and defined in their manifestos and the recent programmes being the ones related to the 2004 general elections.
7. Which party is the ruling party?
SWAPO Party.
8. What is the total number of elected parliamentary seats and share of seats for the ruling party?
Total number of elected seats is 72 and SWAPO Party has 55 (76.38% of the total).
9. Which one is the main opposition party?
The main opposition party is the Congress of Democrats (CoD).
10. What is its share of the elected parliamentary seats?
Twelve (12) seats: about 16.66% of the total.
11. How is the participation of parties in elections regulated and legislated?
It is regulated by the Electoral Act, 1999.
12. Are political parties generally aware of the SADC principles governing democratic elections?
Yes. Political parties in Namibia are generally aware of the SADC Principles. The government has signed the protocol as a sign of commitment to the principles. Besides, the 2004 election was held after the adoption of the protocol in Mauritius so all parties are perfectly aware of the principles. They are also aware that the SADC Observer mission was in the country observing elections and assessing its adherence to the principles.
13. If so, what is their attitude towards the principles?
Political parties embrace the significance of the principles.
14. How have political parties promoted the implementation of the SADC principles?
Political parties have not organised or developed specific initiatives to promote the SADC Principles.
Civil society
15. What is state of civil society organisations?
Civil society in Namibia is quite active and engages with governance processes. CSOs are organised through the Namibian Non-Governmental Organisations Forum (NANGOF)
16. Is the general legal and political environment conducive for civil society organisations to operate?
Yes. There are no legal restrictions inhibiting CSO activity. However, political influences of various actors tends to inhibit CSO lobby and advocacy work
17. What specific roles do CSOs play in the electoral process?
Civic & voter education; voter information; conflict management; election monitoring.
18. What legal/political constraints restrain the CSOs before and during elections?
NGO role in monitoring 2004 election was restricted by government
19. Are CSOs aware of the SADC Principles governing democratic elections?
Yes. Generally CSOs are aware of the SADC Principles
20. If so, what is their attitude towards the principles?
Although, they may not have a common position on them, CSOs embrace the democratic essence of the SADC principles
21. How have CSOs promoted the implementation of the SADC principles?
CSOs have not organised or developed specific initiatives aimed at promoting SADC Principles
22. Are CSOs engaged in civic and voters education?
Yes. CSOs complement the electoral commission in voter education

Media
23. <i>What three (3) major challenges face the media in general?</i>
<ul style="list-style-type: none"> • Government control and abuse of state media; • Limited coverage of opposition parties in public media; • Lack of code of conduct for the media.
24. <i>Is there an independent media council?</i>
Yes.
25. <i>Are the state media independent?</i>
Government directed, hence biased towards the ruling party.
26. <i>Do the state media perform the role of a public service broadcaster?</i>
Yes.
27. <i>Is there a self-regulatory body of the media?</i>
None.
28. <i>Is there a media monitoring project?</i>
Yes. In fact, MISA itself is based in Windhoek, Namibia.
29. <i>Do the media have a general code of conduct and ethics?</i>
No.
30. <i>How is this enforced?</i>
N/A.
31. <i>What specific role do the media play in the electoral process?</i>
The media role around elections rotates around information dissemination and public awareness.
32. <i>Is there a specific code of conduct for election reporting?</i>
No
33. <i>How is this enforced?</i>
N/A.
34. <i>What legal/or political constraints restrain the media during elections?</i>
<ul style="list-style-type: none"> • Lack of code of conduct; • Political influence.
35. <i>Is the media generally aware of the SADC principles governing democratic elections?</i>
Yes. The media is generally aware of the SADC Principles.
36. <i>If so, what has been/is its role in promoting the principles?</i>
The media has played an important role in promoting public debate and information sharing around the SADC Principles.
[II] Principles for Conducting Democratic Elections (Section 2 of the SADC Principles)
37. <i>What legislation provides for citizen participation in the political process, especially in elections?</i>
Constitution 1990 (as amended) & the Electoral Act, 1999 (as amended).
38. <i>In what concrete ways does citizen participation in the political process (especially before and during elections) take place?</i>
Before elections, participation takes the form of party related campaign activities and during elections it takes the form of voting.
39. <i>What legislation provide for political freedoms including freedom of association, political movement and freedom of speech?</i>
The Constitution, 1990 (as amended) provides for a bill of rights. According to Freedom House, Namibia is doing well in terms of promoting and protecting civil liberties and it has a good rating of '3'. (1-Most Free; 7-Least Free)

40. <i>Are these freedoms and political tolerance allowed by political actors during electioneering?</i>
Yes. Political parties did not complain of any violent conflicts, for instance, during the last election.
41. <i>What is the frequency and regularity of elections in the country (consider both national and local government elections please)?</i>
National Assembly and Local Government elections take place every five (5) years.
42. <i>Are election dates specifically predetermined by a relevant constitutional or legislative provision?</i>
No. The proclamation of the date of election is the prerogative of the State President and this practice tends to put opposition parties in an awkward predicament when preparing for an election race.
43. <i>To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?</i>
State funding of political parties is regulated while private funding is not. Public funding is provided to parties represented in parliament in proportion to their share of parliamentary seats.
44. <i>What is the exact role of the judiciary in the electoral process?</i>
The Judiciary interprets the electoral law and adjudicates election-related disputes.
45. <i>Does the judiciary exhibit impartiality in handling electoral matters?</i>
Yes. The political parties have not complaint about the judiciary lacking in impartiality when dealing with electoral disputes. A good example of the impartiality of the judiciary relates to a recent ruling for a recount of the votes after the 2004 election which was done.
46. <i>Which Electoral Management Bodies (EMBs) have the responsibility to run elections?</i>
Electoral Commission of Namibia (ECN).
47. <i>What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?</i>
The ECN manages and administers all elections (General & local government) and referenda.
48. <i>How independent and impartial are these EMBs in discharging their electoral mandates?</i>
The ECN is independent and impartial.
49. <i>Which institutions are responsible for conducting voter education?</i>
<ul style="list-style-type: none"> • Political parties; • ECN; • NGOs.
50. <i>In what ways do these institutions coordinate their efforts in undertaking voter education?</i>
Voter education is coordinated by the ECN.
51. <i>Is there a political culture of acceptance and respect of election results by political parties? What explains this trend?</i>
No. Opposition parties have often expressed reservation and at times out-right rejection of election results including the results of the 2004 general elections.
52. <i>If not, why do political parties contest election results?</i>
This trend is, in part, a result of mutual political mistrust among parties.
53. <i>What legal provisions exist for the management of election-related disputes?</i>
Electoral Act, 1999.
54. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
<ul style="list-style-type: none"> • ECN; • Code of Conduct for political parties.
[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)

55. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
Constitution, 1990 (as amended).
56. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
Yes. Namibia's political culture and practice does promote citizens' freedom.
57. <i>What possibilities do citizens have to complain (independent human rights commission/ombudsman?)</i>
Although, there is no independent human rights commission, Namibia has an active Ombudsman office that handles complaints regarding abuse of state power etc.
58. <i>To what extent is the election environment free, fair and peaceful?</i>
Election observers have declared all elections in Namibia, since the 1989 transition, generally free, fair and peaceful.
59. <i>How is voter registration conducted and by whom?</i>
ECN (investigate method). The Electoral Act (Act 24 of 1992) makes provision for two separate voters' register: one for local authority elections and one umbrella register for Regional Council, National Assembly and Presidential Elections.
60. <i>Is voter registration conducted periodically around elections or continuously?</i>
Voter registration is conducted continuously.
61. <i>Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
Generally yes, although opposition parties raised concerns around voter registration in advance of 2004 general elections.
62. <i>How is the voters' roll prepared and by whom?</i>
ECN prepares the voters' roll on the basis of the voter registration data.
63. <i>How is the voters' roll maintained and regularly updated and by whom?</i>
ECN maintains and updates the roll on a regular basis. All voters' application forms, as well as copies of voter registration cards, are stored in the offices of the Directorate of Elections. All data is computerised and made available to interested parties. Voters' registers are constantly updated and a list of new registrations is published monthly.
64. <i>To what extent is the voter's roll easily accessible and non-discriminatory?</i>
Easily accessible, although some stakeholders complained that the roll was made publicly accessible rather late during the 2004 election.
65. <i>Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
No. Opposition parties and civil society organisations raised concerns around voter registration and maintenance of the voters roll in 2004.
66. <i>Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
Yes.
67. <i>What legal provisions regulate private and public funding for political parties?</i>
Public funding is regulated by a specific Act of Parliament; Private funding is not regulated at all.
68. <i>How transparent are the mechanisms for private and public funding of political parties?</i>
Mechanisms for public funding of parties are adequately transparent. Mechanisms for private funding of parties are not transparent at all.
69. <i>To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
Mechanisms for public funding of parties are generally acceptable to all stakeholders. There are specific mechanisms governing private funding.

70. <i>To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
<i>The location of polling stations has never raised eye-brows of the stakeholders. The main problem has tended to be with the mobility, location and time-schedules of the mobile stations.</i>
71. <i>Where does counting of votes take place?</i>
<i>Counting takes place at designated central counting stations.</i>
72. <i>In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
<i>Location of the central counting stations has never posed a major problem, but a problem has been raised with regard to the security of the ballot papers/boxes when they are transported from polling stations to counting stations.</i>
73. <i>What legal provisions regulate election monitoring and observation?</i>
<i>Electoral Act, 1999.</i>
74. <i>Which institutions are responsible for facilitating election monitoring and observation?</i>
<i>ECN.</i>
75. <i>Who is allowed to monitor and observe elections? Why?</i>
<i>Local NGOs monitor elections; international organisations observe elections.</i>
76. <i>Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?</i>
<i>Yes.</i>
77. <i>Do observers get deployed two (2) weeks before the voting day?</i>
<i>Generally yes, although often they arrive a week before polling day. Be that as it may, there are no specific legal impediments for deployment of observers.</i>
[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)
78. <i>What are the legislated qualifications for voting?</i>
<ul style="list-style-type: none"> • <i>A voter must be a Namibian either by birth, descent, marriage or naturalisation;</i> • <i>He or she must have reached the age 18 years;</i> • <i>When registering for local authority elections, a voter must provide proof of one year's continuous residence prior to registration in the local authority area in which he or she wishes to be registered; and</i> • <i>All prospective voters are required to identify themselves by means of an official document carrying the photo of the owner, such as the officially-issued identity document, a driver's licence, or any official permit.</i>
79. <i>What are the legislated disqualifications from voting?</i>
<ul style="list-style-type: none"> • <i>He or she is subject to an order of a court declaring him or her to be of unsound mind or mentally disordered or defective; or</i> • <i>He or she is detained as a mentally ill person under the provisions of any law.</i>
80. <i>Are these legal provisions for qualification and disqualification applied fairly during elections?</i>
<i>Yes. No major complaints around these were received in the last elections.</i>
81. <i>Is the practical application of the qualifications and disqualifications satisfactory and acceptable to all stakeholders?</i>
<i>Yes. Parties seem satisfied on the law and practice around qualifications and disqualifications of voters.</i>
82. <i>Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?</i>
<i>Yes. According to Freedom House, Namibia's emerging democracy has a sound political foundation and due to the scale of political freedom, Namibia is given an excellent ranking of</i>

'2'. (1-Most Free; 7-Least Free)
83. <i>Is there a code of conduct for political parties and to what extent do parties adhere to it?</i>
Yes. Parties generally adhere to the Code.
84. <i>To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?</i>
The ECN is competent and effective in carrying its mandate, although still require adequate resources.
85. <i>To what extent are the courts competent, effective and well resourced in dealing with electoral matters?</i>
The courts of law are competent, effective and relatively well resourced.
86. <i>What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-rigging and other illegal election practices?</i>
The ECN.
87. <i>What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?</i>
The opposition parties lodged a case of election rigging and fraud following the 2004 election which led to a recount of the ballot papers in March 2005. The recount still confirmed the initial result overall. So this did not change the final result.
88. <i>What common irregularities tend to become characteristic feature of elections and how have these been dealt with?</i>
Time for opening of pooling stations; transfer ballot; mobile stations; supply of election material.
89. <i>Are there measures which restrict the freedom of movement of the citizenry or election observer missions?</i>
No.
90. <i>Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?</i>
Yes.
91. <i>What is the nature of the participation of women, youth and people with disabilities in the electoral process? Is it high or is it low and why?</i>
Participation of women in elections high and their representation in parliament satisfactory. Namibia is one of a few SADC countries that have achieved the target of 30% representation of women in parliament by 2005 in line with the 1997 SADC Declaration on Gender and Development. Youth participation in elections is low and manifests in the form of voter apathy. Participation of people with disabilities is also quite low.
92. <i>Do observers get invited ninety (90) days before the voting day?</i>
Yes. Observers were invited well in time by the ECN in 2004.
93. <i>Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue hindrance?</i>
Yes.
94. <i>Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
Yes.
95. <i>Are observers allowed access to all relevant national laws and regulations?</i>
Yes. In the previous election, the ECN prepared a dossier of information provided to all observers upon accreditation. Additional information is received upon request.
96. <i>Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
Yes.

97. *Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?*

Yes.