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Published with the assistance
of NORAD and
OSISA



Pre-election Political and Policy Settings

Introduction

At independence in 1990, the Republic of Namibia, through its Constitution, embraced the principles of democracy based on electoral choice and multipartism. Hence, in line with these principles, the constitution as the formal source for the understanding of the political and governance processes in the country lays out the general framework for exercising electoral choice. For example, the term of office of the President is dealt with under Article 29, while Article 28

dictates that the election of the President should be by direct, universal and equal suffrage.

Moreover, the same Article stipulates that no person shall be elected as President unless he/she has received more than fifty per cent (50%) of the votes cast and the necessary number of ballots shall be cast until such result is reached. Article 46(1)(a) of the constitution deals with the elections of the members of the National Assembly. Any person who qualifies by virtue of the provisions of Article 17 (2) of the Namibian Constitution has the right to register, vote, or stand in an election.

Hence, in a few weeks time Namibians will be going to the polls to participate in the third presidential and general elections that are scheduled for November 15 and 16, 2004. these will be followed by the third Regional Council elections that will be taking place on November 29 and 30, 2004.

The *raison d'etre* of this briefing paper is to examine the political setting for the upcoming elections. This will entail the outlining of the various statutory and legislative instruments that were adopted to provide the institutional framework for the regulation

and administration of elections in the country. In addition, the paper will provide an analysis of the activities of the various stakeholders in this process and the extent to which they conform to the regulatory instruments and the effectiveness of the instruments in guaranteeing the electoral choice of citizens as required by the Constitution.

Some of the key statutory and legislative instruments for the regulation and administration of elections dealing with elections, which will be featured in this paper, are:

- Electoral Act (Act 24 of 1992)
- Electoral Amendment Act (Act 23 of 1994)
- Electoral Amendment Act (Act 30 of 1998)
- Electoral Amendment Act (Act 11 of 1999)
- Electoral Regulations (Gazetted 19 September 1992)
- Electoral Regulations (Gazetted 5 November 1992)

The Composition and Appointment of Electoral Commission of Namibia

The Electoral Commission of Namibia (ECN) was established and continues to function as the official electoral oversight body for elections of persons to be entrusted with the responsibility of performing various state functions on behalf and in the name of the Namibian nation as a whole. Therefore, the primary responsibilities of the ECN are to direct, supervise and control in a fair and impartial manner the various aspects of official elections held in Namibia.

These includes registration of voters; the preparation, publication, and maintenance of voters' registers; registration of political parties; as well as the conducting and certification of elections.¹

The ECN is composed of five members, whose term of office should not exceed five years, however they may become eligible for re-appointment upon the expiry of the term. The appointment of the commissioners to serve on the ECN is done in terms of the Electoral Amendment Act of 1998, which stipulates that prospective and aspiring election commissioners should apply through a Selection Committee. Upon receipt of the applications, applicants are screened by the committee, after which it recommends eight candidates to the President of the Republic of Namibia, who appoints five out of the eight recommended candidates.²

The 1992 Act also provided for the establishment of the Directorate of Elections, which is entrusted with the responsibility of rendering of administrative support to the Commission. The Director of Elections, who acts as Secretary of the Commission, heads the Directorate. He/She is appointed in terms of the provision of Article 5 of the 1998 Electoral Amendment Act. The Directorate of Elections is made up of a skeleton permanent staff

component of approximately 20 persons. Which at the time of preparing and conducting of elections are reinforced by additional staff on temporary secondment from the various government agencies, who render assistance in terms of undertaking various pre-election, election and post election functions. Such as training, media and party liaison, voter education, administration election and observation, election result management etc. This engagement of civil servants have in the past enabled ECN to cut cost in respect of exorbitant remuneration, as such officials are only entitled to claim subsistence, travel and over-time allowances, especially when they are assigned to the constituencies in which they reside. Another advantage from this deployment of civil servants is the fact that they have so far demonstrated a general level of high discipline, professionalism and reliability when dealing with sensitive election related issues.

Over the past years, the electoral laws have succeeded in instilling the necessary public confidence, not only in the electoral process, but also in the electoral, regulatory and administrative bodies to deliver a free and fair election. As noted in the table below, 67% of those interviewed for the Expert Panel of the study that was conducted by the Multidisciplinary Research and Consultancy Centre of the University of Namibia were of the view that the electoral laws provide for an autonomous and independent electoral system. This compares favourably to 29% who shared the same

¹ See sections 3 and 4 of the Electoral Act

² See the SADC Elections Commissions' Report, 1999, pp. 8, as well as the Electoral Amendment Act, 1998, article 2

view, although they noted that the regulations do not provide adequately for the resolution of conflict. While only a minority two percent (2%) were of the view that the electoral legal framework is insufficient in the provision of avenues for conflict resolution and equal participation; another two percent (2%) noted that the existing electoral legal framework totally fails to guarantee the 'freedom and fairness' of elections.

Table 1: Electoral Law Credibility

	Percent
Autonomous & independent electoral system	67.0
Autonomous, but no provision for conflict resolution system	29.0
No conflict resolution or equal participation for all	2.0
Fails to provide guarantees for free and fair elections	2.0
Total	100.0

Political Parties

Registration

The formation and registration of political parties is effected pursuant to the spirit of the Constitution, which recognises and protects the rights of citizens to participate in peaceful political activity, and form and/or join political parties.

Part IV of the 1992 Electoral Act provides the framework for the registration of political parties.³ The Electoral Commission is vested with the power to register political parties and associations or organisations intending to

³ Electoral Act, 1992 (Act 24 of 1992)

contest elections in Namibia. In terms of this Act, the principal object of such parties, associations or organisations should be to participate in and promote elections. This requires them to nominate persons as candidates to stand for election, as well as canvassing for votes at any such election, and the devotion of their resources to cover expenses incurred as a result of their respective electioneering activities.

The following requirements are demanded for the registration of prospective parties, associations, and organisations:

- The submission of an application detailing all their relevant co-ordinates, such as head-office location, postal address, and a copy of their constitution;
- Payment of the prescribed registration fee;
- Tendering a declaration signed by at least 500 members for a party and 250 for an association or organisation, whose names should appear on the relevant voter's registers.⁴

A prospective party shall be prohibited from registration if:

- Its name (full and/or abbreviated) or distinctive symbol is identical or resembles that of another registered party. This is a precautionary measure to preclude the misleading or confusion of voters. It was on the basis of this rule that the ECN turned down the application of Caprivi National Democratic Party for registration as a

⁴ See the Electoral Act sections 39 (1) and 42 (1)

political party, charging that the name could be interpreted as promoting tribalism.

- Its name (full and/or abbreviated) or distinctive symbols are deemed indecent, obscene, offensive, or harmful to public morale.⁵

Political Party Funding

Namibia is one of the fourteen African countries that provide public funding to political parties, in the quest to promote the sustainable survival of multi-party democracy. Moreover, through this gesture it is anticipated that dependence on foreign funding and the manipulation of the local political process by external funders will be reduced.

This contribution was judged by International IDEA⁶ to be too marginal to make a significant difference in the electoral process, however this becomes handy to the parties as it enables political parties to better shoulder their legislative, political and organisational roles in society. Moreover, in view of the vast size of the country and its dispersed population this contribution is deemed extremely helpful in supplementing the cost of transportation, which remains the biggest expenditure item at times of elections. Another expenditure item is the production of campaign material such as posters. The

⁵ Section 40 (a – b) op. cit

⁶ Boer M., *The Life of the Party: The Hidden Role of Money in Namibian Politics*, Occasional Paper No. 5/2004, Hanns Seidel Foundation (Namibia), pp. 8

printing of mock ballot papers is the second largest cost item.⁷

All political parties represented in the National Assembly receive public funding, which is calculated in proportion to the votes received by each such party in the most recent National Assembly election. This criterion means that four parties that will be contesting the upcoming general elections will do so without the benefit of public funding compared to others. This fact has continued to raise serious questions regarding electoral equity, in terms of the leveling of the political playing field for all contestants; with the non-benefiting parties claiming that they are being subjected to political exclusion, hence they are already trying to cast doubts on the fairness of the elections.

One of the conditions for access to public funding by political parties is that they should account for the usage of the resources so received by submitting audited annual financial reports to Parliament through the Office of the Auditor General. However, thus far none of the recipient parties has ever opened their books to public scrutiny. This non-adherence to this proposed guideline is attributed to the fear that this will expose the sources to opponents.⁸ This has led to a formal complaint by the Auditor General in June 2004. In response Parliament resolved that new rules requiring

political parties to publicly account for how the money that is received from the fiscus is spent, will only be unveiled after the 2004 Presidential and General Elections.⁹

Table 2: Approximate Allocation of Funding to Political Party (2000 – 2005) in millions of N\$

Parties in the National Assembly	% of Votes	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	2004 to 2005
Congress of Democrats	10.0	1.3	1.4	1.8	1.9	1.6
DTA-UDF Coalition	12.5	1.6	1.8	2.3	2.4	2.0
Monitor Action Group	0.7	0.09	0.1	0.1	0.1	0.1
SWAPO party	76.8	9.6	10.8	13.8	14.7	12.2
Total	100	12.5	14.1	18.0	19.1	15.9

Source: Boer, 2004: 10

In the process leading to the series of elections scheduled for 2004, opposition parties have been crying foul over the 'disproportionate advantage' of incumbency that is being enjoyed by the ruling SWAPO Party. This is claimed to be true not only in terms of its access to state resources, but also in terms of being provided with a disproportionate amount of air time in the public electronic media. This is in addition to the fact that, the proportional formula for the allocation of public funding to political parties is based on performance in the previous election. For instance, SWAPO Party receives more than 70 per cent of the N\$15 million allocated by the State for the funding of those political parties that are represented in the current National Assembly.

Another avenue for funding political parties is by way of

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

Although parties are required to disclose all donations in excess of N\$500, Namibia does not have an elaborate legal framework for regulation of private contributions to political parties. Hence there are concerns regarding not only the safeguarding of the right of the public to know, but also for guarding against moneyed interests playing too large a role in the democratic process.¹⁰

Also related to these concerns is the extent to which this policy vacuum could be exploited to grease the wheels of corruption and feather the nests of a few elite families and their cronies. For instance, the Namibian Newspaper¹¹ reported a case involving the Alliance Media (one of the foremost outdoor advertising agencies in Namibia), which has confirmed that it made an exclusive offer to the Swapo Party to make free use of its billboard facilities. It was further reported that in return the company asked for better business opportunities, in the form of new billboard sites, including those belonging to Government.

⁷ Derived from interviews by a reporter of the Namibian Newspaper with spoke persons of some of the political parties. October 13, 2004

⁸ Namibian Newspaper, October 11, 2004

⁹ Boer, op. cit, 10

¹⁰ Boer, op. cit, pp. 11

¹¹ Friday, October 15, 2004

Media Coverage of the Election

Over the years the media in Namibia has continued to operate in an environment free of excessive government or ruling party interference, hence enhancing the role of the media at times of election. However, there is a skewed distribution of access to various forms of media, for instance while the number of radios per 1 000 people is estimated at 760, close to one third of Namibian households have access to both radio and television.¹² The publicly owned Namibia Broadcasting Corporation (NBC) dominates the radio broadcasting terrain. Hence access to radio becomes essential to parties contesting elections to reach the voters in all the corners of the country.

The NBC allocates 60 percent proportional coverage to all parties currently represented in the National Assembly, and 40 percent is shared by participating political parties. This translates into 150 minutes being given to Swapo, 31 minutes to the CoD, 30 minutes to the DTA, 19 to the UDF, with smaller parties – the RP, N-MDC and Nudo – all receiving 13 minutes of airtime on the television service.¹³ The NBC initially claimed that this formula was dictated through the provision of the Namibia Communications Commission Act. However, when it later transpired that these provisions were not applicable in its

context, it attributed it to the discretion of its own editorial policy. Another related bone of contention is the fact that there is an apparent agreement with all political parties for the allocation of air time on both television and radio in an alphabetical order, the implications of which mean that for ten days from 5 November only the ruling party will be enjoying coverage up until the actual election dates. This is despite the fact that it should be UDF and not SWAPO that be accorded the last chance if airtime was allocated alphabetically. The NBC have justified this on the basis of the reasoning that as “the UDF is smaller than Swapo it would not have as many rallies as Swapo”.¹⁴

This has caused outrage among the opposition parties, which dismissed this formula on the basis that it pre-judges. These concerns were raised through the NBC Elections Forum at its various sessions, however an amicable solution could not be found. In protest, five opposition parties contesting the upcoming series of elections (CoD, DTA, NUDO, NDMC and SWANU) staged a walkout of a session that was held on Tuesday November 2, 2004. In the meantime, SWANU, one of the parties without representation in the current National Assembly also threatened to lodge a legal complaint against the formula for the allocation of airtime to political parties.

In his response to these complaints Prime Minister Theo-Ben Gurirab refuted

claims that the NBC acts as a tool of the ruling party, by pointing to the fact that the principles of proportional representation in terms of which the majority party would necessarily get more coverage - and money than other smaller parties is a “general principle of democracy” that is not unique to Namibia.¹⁵

The Presidential Elections

The scope for the election of the President of the Republic of Namibia is provided under Article 28 of the Constitution. It states that the President shall be elected by direct, universal and equal suffrage; and that no person shall be elected as President unless he/she has received more than fifty per cent (50%) of the votes cast and the necessary number of ballots shall be conducted until such result is reached.

Every citizen of Namibia by birth or descent, over the age of thirty five (35) years, and who is eligible to be elected to office as a member of the National Assembly shall be eligible as President.

Past Presidential Elections

The 2004 Presidential elections will be the third to be held in Namibia since independence. The founding and incumbent President Nujoma, who will not be contesting this election, since he will be going into retirement, has dominated the previous two polls. In 1994 he defeated the only other candidate, Mishake Mujongo who contested the election on the ticket of the DTA, the

¹² United Nations, Common Country Assessment of Namibia, Windhoek: Namib Graphic, 1999) pp. 79

¹³ New Era Newspaper, Wednesday November 3, 2004

¹⁴ New Era Newspaper, Wednesday November 3, 2004

¹⁵ New Era Newspaper, Friday November 5, 2004

official opposition then. Mujongo now lives in exile in Denmark, following his expulsion from the DTA on the basis of his alleged involvement in the planning and staging of the secessionist activities in the Caprivi region in 1998.

In the 1999 Presidential elections the number of candidates doubled. President Nujoma cruised to easy victory, after the promulgation of the First Constitutional Amendment of 1999, which paved the way for him to serve an extra term. The other candidates were Ben Ulenga for the Congress of Democrats (CoD) who came in second, followed by Katuutire Kaura of the DTA in third place and Justus Garoeb of UDF in the fourth place.

Table 3: Result of Past Presidential Elections

Parties	Results in Percentage	
	1994	1999
Congress of Democrats (CoD)	-	10.49
Democratic Turnhall Alliance (DTA)	23.08	9.64
SWAPO Party of Namibia	74.46	76.85
United Democratic Front	-	3.02

Source: ECN

Candidates for the 2004 Presidential Elections

The number of candidates in the 2004 Presidential elections has almost doubled compared to that of a similar contest in 1999. Currently there are seven candidates who have registered to contest the 2004 Presidential elections. Only two of these

have previously contested similar elections in the past. The candidates are:

- **Garoeb, Justus (UDF)**
- **Kaura, Katuutire (DTA)** - with 52 752 ballots in his favour or 10 per cent of the total
- **Mudge, Henk (RP)**
- **Pohamba, Hifikepunye (Swapo)**
- **Pretorius, Kosie (MAG)**
- **Riruako, Kuaima (Nudo)**
- **Ulenga, Ben (CoD)** – who came in second with 56 541 votes or 11 per cent of the vote, behind Sam Nujoma who collected 414 096 votes, or some 77 per cent of the total poll.

General Elections

In terms of the provisions of Article 46 of the Namibian Constitution, registered voters through a general, direct and secret ballot electoral process, elect the seventy-two (72) members of the National Assembly, which is the main chamber.

Article 49 prescribes the application of the proportional representation system in the election of members of the National Assembly, hence each contesting party nominates a list of its candidates. A quota system is applied in the allocation of the preliminary shares of seats based on the number of votes received. The remaining seats are allocated according to the highest remainder method. The highest remainder method is sanctioned under Schedule 4/4 of the Namibian Constitution, and works as follows: should a party receive 36 of the 72 elected parliamentary seats, by virtue of having secured 50.7%

of the votes in a National Election, under the highest remainder method it will have to compete for any left over seats with any other party with a surplus percentages of votes. If no other party has a surplus percentage larger than 0.7%, then the party with 36 seats receives the first of the remaining seats. The next remaining seats would also be allocated to the party with the next highest surplus percentage. This method enables very small parties who may not obtain the minimum percentage to qualify for a single seat or one or a few more additional seat(s).

Once elected, the duration of the tenure of the members of the National Assembly is five years.

Past General Elections

Table 4: Result of Past General Elections

PARTIES	RESULTS					
	1989		1994		1999	
	%	Seats	%	Seats	%	Seats
ACN	3.53	3	-	-	-	-
CoD	-	-	-	-	9.94	7
DTA	28.55	21	20.45	15	9.48	7
FCN	1.65	1	-	-	-	-
MAG	-	-	0.81	1	0.67	1
NNF	1.65	1	-	-	-	-
NPF	1.65	1	-	1	-	-
SWAPO	57.33	41	72.72	53	76.85	55
UDF	5.65	4	2.68	2	2.93	2

Source: ECN

Manifesto of the Parties and Candidates Contesting the 2004 General Election

Congress of Democrats, received a backing of 53 289 voters – 10 per cent of the electorate – in 1999. manifesto under the theme “Towards Equal Opportunities, Welfare

and Prosperity for all Namibians” in which it laments the prevailing conditions of poverty, inequality and unemployment, the deteriorating quality of healthcare, increasing cost of education, growing trend towards corruption and self-enrichment by political and bureaucratic elites, trend towards ethnic and tribal favouritism and nepotism that are becoming hallmarks of state institutions.

In order to deal with these anomalies, it promises to restructure the ownership and management of the country’s natural endowments, by working towards ensuring that communities work as trusts and cooperatives to obtain a shareholding in those companies allocated licenses to exploit these resources. To eradicate poverty the party promises to introduce basic income grants for the unemployed and all those in low-income categories. Other social welfare issues addressed in the manifesto include education, health, housing, access to water and electricity. It believes in a fast track, yet integrated, sustainable land reform programme, in terms of which un- and under-utilised state and absentee and local owned land will be allocated to those in need of land, for productive use. This will be done on the basis of ancestral land claims as well as the prioritisation of current farm workers. Also, it promises to ensure that budgetary allocations for land acquisitions will be significantly increased

DTA of Namibia, - its manifesto was released under the title “You Deserve Better”,

among other issues it addresses peace and social tranquillity as a precondition for substantial economic growth. The DTA identified poverty is the major threat to peace and social tranquillity. Economic growth is proposed as a remedy to this situation. The manifesto argues that since independence, the country has not experienced any significant rate of economic growth and this is attributed to state interference in the economy and unwise and uncontrolled spending of tax payer’s money. As alternatives, the DTA proposes to raise the capital required for development through communal agricultural land reform, economic and trade liberalisation, despite the fact that the party also proposes to tighten immigration laws and procedures. The creation of an environment conducive to collaboration between the various social partners in the economy is also identified as being a pre-requisite for achieving growth. The party further reasons, through its manifesto, that the maintenance and consolidation of freedom and democracy are essential ingredients for achieving economic growth and reduction of poverty. The DTA also acknowledges the impact of HIV/AIDS on Namibian society. However, although the manifesto described the pandemic as a humanitarian crisis of frightening proportions, it has not sufficiently addressed the options that the party will pursue should the voters put it in the driving seat of government.

Monitor Action Group – the party has shied away from going on a traditional campaign

trail, therefore, it has not adopted a manifesto. It will not be planning any star rallies or other types of public meetings, neither does it have any intention of going into the field to recruit members. Instead, it opted for what is termed knock-and-drop mail in every mailbox as the means of disseminating pamphlets, the only tangible campaign material the party is using. Since the majority of the voters do not have access to private post office boxes, this “cost effective” strategy provides direct access to only 5.6 per cent of voters.

Namibia Movement for Democratic Change, no manifesto could be found, therefore no analysis could be provided.

National Unity Democratic Organisation, was founded in 1964 and became part of the DTA in 1978. NUDO has contested both the 1989 transitional elections, as well as all previous subsequent elections under the umbrella of the DTA. Some members broke away from the DTA and registered as an independent party in 2004. NUDO officially launched its election manifesto for the 2004 parliamentary and presidential polls on October 11, 2004. Among the key issues addressed in the manifesto are advocacy for a government of national unity, job creation, rural water supply problems and the scourge of HIV/AIDS that is wreaking havoc across the country. The document also addresses matters pertaining to land reform and resettlement by pledging to expedite the process of land re-distribution and resettlement. This, it states, will be achieved by accelerating the process of

repossession of land owned by absentee landlords through available legal channels, as well as the development of underdeveloped and underutilised virgin land in communal areas into new farming units of between 2 500 and 3500 hectares to be used for resettlement purposes. On the same issue, the party also pledges to use the N\$ 100 million allocated the Lands Ministry to buy commercial farms that have been a problem in the past several years because of the present government's willing seller, willing buyer principle.

Republican Party was part of the DTA in the last Presidential and National Assembly elections but left the alliance to contest on their own. The RP believe that the Namibian nation must be led in such a way as to ensure that every citizen lives in such a manner that it will be evident that he or she acknowledges Almighty God by loving, respecting and supporting each other. Therefore, it sees its mission as being one of raising a new generation of God-fearing leaders of integrity, dedicated to serving the nation. If elected to power the RP promises to address the wave of crime by ensuring that there is appropriate legislation in place and that members of the police force must be properly trained, receive better salaries and be taught to treat the population with respect. Perhaps the RP has realised that its chance to take over government is slim, hence it pledges to do everything in its power, to convince the government: firstly, to urgently work towards the establishment of an autonomous anti-corruption

unit with full powers, in order to eradicate corruption completely; secondly to ensure corrupt government leaders, political office-bearers and business people pay for their actions. The RP declared the Land Reform Plan of the present government as being a total failure, and has fuelled uncertainty, however instead of stating in clear terms what it will do if elected, it rather opted to urge government to devise a final and sustainable Land Reform Plan, which will benefit all of Namibia's inhabitants, in terms of which the principle of "willing buyer, willing seller" should be upheld, and that land should be purchased at market value, while the expropriation of farms must be based on clear criteria and be subjected to a fair compensation. The RP further proposes the proper selection of candidates for resettlement, and that such upcoming farmers must be accorded every assistance possible from government to ensure their success.

Swanu, said to be Namibia's oldest political party, launched its manifesto for the 2004 elections on Wednesday October 20, 2004, in which it provided a detailed historical outline; as well as overview of its guiding political and ideological principles, which include democracy, socialism and revolution. It strives to foster unity of nationalist and leftist political forces of society in its crusade to confront what it termed "the evils and legacy left behind by colonial apartheid and the post-independence decade of greed and corruption". In terms of its vision for Namibia, it express its commitment towards the

devolution of power to regional and local structures of government, as well as to redress the confusion that characterises the administration, management and recognition of traditional authorities. Furthermore, it pledges to provide affordable and adequate social amenities such as water, electricity, and sewerage. The party voiced concern about the erosion of the demarcation of responsibilities between the Legislature and the Executive, due to the encroachment resulting from the overcrowding of the latter within the operational jurisdiction of the former. Hence, the SWANU cabinet will be comprised of a limited number of ministries with a maximum of 15. With regard to land, SWANU advocates the repossession of what was illegally taken from the people through a holistic approach that will ensure that all beneficiaries will be provided with proper and sufficient land, as well as the necessary services, institutions, equipment and implements. The foreign policy under a SWANU government will be informed by the principles of Pan Africanism, African Nationalism and international solidarity against capitalism and imperialism, yet it expresses support for the neo-liberal ideals of NEPAD.

Swapo Party – having collected 408 174 – accounting for 76 per cent of the total in the last general election, SWAPO seem to be the only party that is approaching these elections with confidence. It has unveiled the most extensive manifesto, not only from the perspective that it is 75 pages in length, but from the variety of issues covered and the depth of

coverage in terms of systematic presentation. President Sam Nujoma provided the prelude of almost seven pages, in which he summarises the key achievements of his party and its government. The body of the document outlines the current programmes of government (their successes and challenges), before charting the vision and commitments of the party for the next five years. The first issues dealt with are peace, democracy and good governance as pre-requisites for guaranteeing the right of choice for all Namibian people, as well as their access to opportunities. In this regard the policy of decentralisation and the programme for the development of regional and local areas is accorded prominence. The manifesto furthermore deals with the building of a socially just society, through the acceleration of the acquisition of land for the resettlement of landless communities, as well as the broadening of the scale and scope of the programmes designed to provide them with the necessary productive and environmental management skills. Also discussed under the building of a socially just society, are the advancement of gender equality and equity, and addressing the plight of orphans and other vulnerable children through the establishment of a fund, provision of housing, building a healthy nation, and the promotion of quality education for all. The manifesto also deliberates on the capital infrastructural rehabilitation and development that is necessary for the facilitation of the provision of water and electricity, as well as for transportation and communication.

Finally the document deals with the building of a vibrant economy as well as promotion of prudent fiscal management and strengthening of productive sectors. In this regard, SWAPO argues that the framework for promoting economic growth and job creation over the next five years is already in place. Among the listed sectors and programmes are the development and diversification of agronomic production, the green scheme for the development of irrigation projects along the Zambezi, Kavango, Kunene and Orange rivers, aquaculture and maricultural development, as well as the consolidation of gains accruing from the policy of black economic empowerment in the fisheries sector. The party also pledges to reduce the budget deficit from the current average of 5% to 3% over the next five years, without reducing investment in the social sector, as well as the achievement of a debt ratio reduction from 30% to below 25 % of the GDP.

UDF –three weeks before the elections the UDF launched its election manifesto under the theme: Society back to the people – people back to the society. The document starts by highlighting what it termed unpleasant facts about Namibia, ranging from inequality, death, unemployment, youth in crisis, HIV/AIDS: message not understood, women under threat and the persistence of colonialism. This is followed by an expression of readiness to make national reconciliation a reality, and a pledge of war for family values by fighting against alcohol and drug abuse, sexual misbehaviour and

HIV/AIDS. On land reform, the manifesto promises a plan under which contractual agreements will be entered into between white farmers and their farm workers in terms of which parts of farms will be redistributed to a generational farm worker. Under this sharecropping arrangement the UDF envisages conditions under which commercial farmers will utilise labour from the affirmative action farmer while the latter will use the other's equipment at a cost. Under this plan the UDF government will pledge to assist employers by paying 50 per cent of the salaries for their workers for two years. In return, the employer will be obliged to guarantee at least five years of employment to the workers. The UDF manifesto also promises to use about N\$1,2 billion to be raised through income tax for the rich, increased alcohol tax, heavy tax for environmentally unfriendly industries and payment of dividends from parastatals, to bank-roll a four-year plan to create 100 000 jobs.

Regional Elections

For some time, uncertainty prevailed regarding the actual timing of the Regional Council elections. This was partly due to a proposal for the simultaneous holding of the local and regional elections, in an attempt to save costs and counter voter apathy. Hence a constitutional amendment bill was introduced in the National Assembly in June 2003 to shorten the term of office of the Regional Councillors from six to five years. However, the National Council, which is the house of review and whose members would have been

directly affected by this change, unanimously resolved to withhold its support of the bill. This lack of agreement cast a temporary shadow of uncertainty on the scheduling of Regional Council elections. The path was cleared when in November 2003, a second attempt was made when the Deputy Prime Minister proposed, in the National Assembly, the holding of these elections towards the end of 2004 or early in 2005.

There are 13 regions, each made up of between six and twelve constituencies. There are 107 constituencies in total.

Past Regional elections

Representation at the regional level of government has been shared between three parties, which are SWAPO, the DTA and UDF.

Table 5: Result of Past Regional Elections

Parties	Percentage Constituencies Controlled	
	1992	1998
DTA	22.11	15.69
SWAPO	74.74	80.39
UDF	3.16	3.02

Source: ECN

2004 Regional Elections

Swapo is the only party that registered to contest these elections in all of the 107 Regional Council constituencies. Since it is the only party that registered to contest elections in the Oranjemund, Anamulenge, Otamanzi and Eengodi constituencies by the registration deadline of October 22, 2004, it has automatically won these constituencies.

Other parties that have registered candidates

- The Congress of Democrats (CoD) in 88 constituencies;
- The DTA of Namibia in 67 constituencies;
- Despite the fact that it was reported that four National Unity Democratic Organisation (Nudo) members were denied registration due to their late arrival at the registration points, the party has managed to register in 35 constituencies; The Republican Party (RP) in 33 constituencies;
- the United Democratic Front (UDF) in 21;
- The Namibia Democratic Movement for Change (NDMC) in 19; and
- The South West Africa National Union (Swanu) will contest elections only in 9 constituencies.¹⁶

Two independent candidates have registered for the Regional Council elections. Ernst Jacobus de Waal will stand as independent candidate for the Rehoboth Rural constituency, and Gad Zeamburura Kamapunga will run for the Okakarara Urban Constituency.

Civil Society Participation

Since the 1999 Presidential and General elections, Namibian civil society has not only been taking a keen interest in elections, but has also gone out of its way to contribute towards ensuring that elections in Namibia are equitable, free and fair. During the 1999 elections a civil society coalition under the joint leadership of the Council of Churches Namibia

(CCN) and the Non Governmental Organisation Forum (NANGOF) paved the way in the Southern African region by mobilising a team of volunteers from local communities to monitor these elections.

Two years earlier, in preparation for the 2004 elections, individual civil society actors, in collaboration with the ECN, launched a broad-based civic and voter education programme. This was followed by the unveiling of the Namibia Election Observation Coalition by members of NANGOF who are working in the Human Rights and Governance sector. Although a number of foreign development partners such as HIVOS, US Embassy, EISA and the Finnish Embassy have been forthcoming in making contributions in cash and kind to this initiative, the lack of resources has forced civil society actors to scale down on the number of observers to be trained and deployed in the upcoming election from 900 to 270.

Other factors that are likely to undermine the impact of this initiative are: the actual work of sensitising, mobilising and training observers at community level commenced late; the initiative has taken on a low profile due to an inadequate publicity campaign and insufficient media coverage. Moreover, the Coalition hoped that it would be given the status of domestic monitors in order for it to actively contribute towards the success of the elections. However, the ECN feared that this could lead to interference that would be detrimental to the

¹⁶ The Namibian Newspaper, Thursday October 25 and 28, 2004

credibility of the electoral process.

Other contributions are those of the National Society for Human Rights (NSHR), that started monitoring the electoral process by dispatching its human rights monitors to supplementary voter registration points, as well as to campaign rallies of political parties to monitor the extent to which parties are shouldering their responsibility towards ensuring an atmosphere for the free expression of political conviction, without threat or fear of intimidation.

Framework for Election Conflict Prevention and Management

In terms of section 43 of the 1992 Electoral Act the ECN initiated a process of negotiation that culminated in the signing, by all registered political parties, of a Code of Conduct. The Code of Conduct for Political Parties recognises the fact that free and fair elections hinge on the freedom of political campaigning. This is interpreted not only as implying the right of expression of political conviction, without threat or fear of intimidation, but equally as carrying responsibility for the freedom of others to express their own and independent opinion. A key obligation bestowed by the Code of Conduct on parties contesting elections, is for them to issue directives to their members and supporters to observe the provisions of this Code. The parties must also take other proactive, necessary measures to ensure the wider publication and acceptance of the spirit of the free political

activities as enshrined in the Namibian constitution.

Despite not being legally enforceable, the Code signifies a moral commitment to the prevention and management of electoral conflict that may arise from time to time. Since 1994, avenues were created for dealing with concerns arising from breaches of this code at weekly meetings of the ECN with political party representatives.

However, as noted earlier a study by MRCC reported that close to forty percent (40%) of those interviewed for the Expert Panel Survey showed that these measures have provided reasonably good, rather than full, security to all parties.

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