

Namibia Elections and Conflict Management

by Kemi Ogunsanya¹



Introduction

In November 2004, Namibia conducted its third generation of elections at the presidential, parliamentary and regional levels, since it became independent from apartheid South Africa in 1990. After fourteen years of independence, Namibia has established tolerance for opposition politics. The South West African People's Organisation (SWAPO) led by President Sam Nujoma remains the dominant party, although there exist political tensions between SWAPO and

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the main opposition party, Democratic Turnhalle Alliance (DTA). The overwhelming victory of the ruling party in the presidential and parliamentary elections, amidst calls by opposition parties for a recount of votes cast, marked the end of Sam Nujoma's 14 years Presidency since independence. Mr. Hifikepunye Pohamba, the former Minister of Land Affairs and Resettlement, succeeded President Sam Nujoma following his inauguration on March 21, 2005.

Even though Namibia might not currently show any signs of open conflict, the symptoms are prevalent. In the run-up to the presidential and parliamentary elections, there was a political contestation on the verification of the voters' roll four days prior to the elections. By law political parties ought to receive the voters' roll 21 days before the election date, but political parties complained that such an act opens the possibility for electoral fraud. There were further allegations of political bias on the part of the Namibia Broadcasting Corporation (NBC) by affording the ruling SWAPO party a disproportionate amount of television time in contrast to other political parties. Opposition parties thus threatened to boycott the elections and took legal actions against NBC to compel equal coverage of all political parties in an attempt to level the playing field.

Although the Namibian elections received sparse reports of election-related violence, there are contributing factors adversely affecting the consolidation of democracy in Namibia. These include the ever-escalating HIV infection rate, unemployment, political intimidation, imposition of candidates on party lists, harassment of media personnel and journalists, allegations of persistent media bias in favour of the ruling party, and the land reform process. This paper intends to explore election-related conflicts in Namibia and the ongoing debate for electoral reform.

Election-related Conflicts in Namibia

Namibia has a liberal constitution, which contains tenets for a multi-party democracy, but gives wide powers to the President, who heads the government and is the Chief of State. Although the Constitution limited the President to two terms in office, in November 1998 the National Assembly amended it to permit President Nujoma to run for a third term. This was followed by a wave of 'Open

and Third Term Bills' presented to Parliaments in other southern African democracies such as Zambia and Malawi. Although these bills failed to be passed by the Parliaments of these countries, it caused internal party rivalry that split the ruling parties and led to independent candidates, increased opposition politics and reduced political violence.

Media coverage

There are a number of issues which are of concern to opposition parties and the international community as a whole, and this includes the alleged anti-media stance taken by President Nujoma. Allegations include placing pressure on journalists who criticise the government, imposing economic sanctions at several occasions on *The Namibian* newspaper, and banning the purchasing of advertising space in this newspaper and other print media which were deemed to be anti-government. There have been allegations of imposition of candidates on the electorate following the disturbing dismissal of the country's Minister of Foreign Affairs and his deputy, and the manner in which the new SWAPO presidential candidate was elected. Opposition parties are also concerned about the abuse of state resources, particularly the disproportionately high media coverage of the ruling party by the NBC.

Human rights

Government generally respects the rights of its citizens, but serious concerns have been raised by the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) on police brutality and members of the security forces committing extra-judicial killings while conducting extensive security operations in the Kavango and Caprivi regions along the country's northern border of Angola.

Such atrocities were clear examples of political intimidation against the electorate. The recent report by the UNOHCHR encouraged Namibia to consider establishing an independent body to monitor human rights abuses in prisons and places of detention and also urged the government to take appropriate steps to prevent threats against and the harassment of media personnel and journalists. The report also revealed a high prevalence of domestic violence, torture, and attack on minority groups - especially indigenous people, the white minority, foreigners and homosexuals.

Land reform process

The land reform programme instituted by government in an election year, has created fear among white farmers that President Nujoma might follow the same steps as President Mugabe regarding land seizures in Zimbabwe. More than 70 per cent of Namibia's population depends on agriculture and 85 per cent of commercial land is white-owned. In the interim, the government has completed the valuation of commercial farmland in the country, which is a key element of the land reform process. It has presented the first provisional valuation roll listing some 12 509 farms and plots to the Valuation Court, which will preside over these matters. A land tax has been introduced and imposed on Namibian-owned farmlands and foreign landowners, while church-owned land is exempted. The sole purpose of this tax is to acquire land for redistribution and resettling previously disadvantaged Namibians. The British and German governments have donated funds to implement the land reform programme. The government has a commendable record since 1990 of acquiring 134 farms and resettling 37 100 individuals out of an estimated 243 000 disadvantaged Namibians.

Namibia Electoral Models and Systems

Namibia adopted three different types of electoral systems for each of the elections conducted at the national, regional and local levels. The different models were reached following discussions between political parties which participated during the first elections in 1990. All agreed on a mixed electoral system in the constitution. With such multiple electoral systems, there is a growing call for electoral reform in Namibia. An electoral system should add value to democracy and enhance the accountability of Members of Parliament to their constituencies, while at the same time ensuring broader representation of key political forces in parliament. As such a political system becomes more inclusive and participatory, accords the legitimacy to govern, and furthers peace and stability of political systems in the region.

To follow are brief explanations of each of the models adopted at the various elections held at national and local level in Namibia. The First-Past-the-Post (FPTP) and Proportional Representation (PR) list system are the dominant electoral

systems in the region. The PR list system is considered to be more conducive to stability and broad representation in the process of governance than FPTP, and to have a major impact on the representation of women in political leadership.

Presidential elections

The President is elected for a five-year term by popular vote. Each voter votes directly for one of the candidates running for President. The President appoints the Prime Minister and the Prime Minister appoints other members of the executive and the government. The majoritarian electoral model is applied, whereby the candidate who receives more than 50 per cent of the votes in the first round is elected. If a 50 per cent majority is not obtained in the first round, the election will be re-run until there is a clear 50 per cent majority for one of the candidates. This is contrary to other nation states practising this model, where in a re-run of elections, a winner is identified with a clear majority of votes cast. Since Mr. Pohamba received a clear majority of 77 per cent in the November elections, this proviso is yet to be observed.

Regional and national council elections

The legislative branch is a bicameral Parliament composed of the National Council and the National Assembly. The National Council has 26 seats, for which two members are chosen from each regional council for a six-year term. The Plurality electoral system or FPTP model is adopted during regional council elections. Following a constituency-based system, the electorate votes for candidates and not political parties, and choices are therefore based on candidates' delivery. However, a political party could win a majority of seats and not a majority of votes, which casts doubts on this electoral system. The Plurality electoral model is of colonial heritage and peculiar to the British electoral system. Moreover, with the creation of five additional constituencies to the existing 102 constituencies by the Delimitation Commission of Namibia, opposition parties maintained the same number of seats as in 1999, retaining DTA as the official opposition.

National assembly elections

The National Assembly has 78 seats and members are elected for a five-year term. 72 members are elected by popular vote and the President appoints six members.

The National Assembly election adopts a PR list system. In this system the different political parties each present a list of candidates to voters, and voters have to choose between the different political parties and their lists of candidates. The seats are thus allocated to each party in proportion to the percentage of votes received during the election. This accounts for the 27 per cent representation of women in the National Assembly in comparison to the 7 per cent representation of women in the National Council and 5 per cent representation of women in the Regional Council.

Local authority council elections

Namibia's third local government elections were held in May 2004 and reports pronounced the elections to have proceeded without major controversies in a free and fair atmosphere, with all political stakeholders accepting the outcome. However, there were reports of political wrangling and contestation in the law courts, by SWAPO Party candidates challenging the legality of the process by which the party leadership removed their names from the list and altered the composition and sequence of candidates ahead of the elections. Local elections observe the PR list system. In this electoral model votes are converted to seats, and as such the electorate votes for a political party and not for candidates. The model allows for smaller parties to have a voice and represent minorities, and advances the participation of women. However, the drawing up of the list requires a level of transparency. Late changes in the candidates list or the imposition of unelected candidates on the electorate, as was experienced in the May elections, should be avoided.

The 1992 Local Authority Act proposes that local elections are to be held according to the PR system, with a party list in which parties are compelled to alternate men and women as candidates. Voters therefore have to cast their votes for a particular political party and not for a particular candidate. The Act also stipulates the introduction of a ward-based electoral framework for the 2004 local government elections, in terms of which the political parties would be required to field individual candidates in the various single-member local electoral wards. In a 2003 survey by the Institute for Public Policy Research (IPPR), it emerged that only 51 per cent of the total sample preferred the policy for a ward constituency-based system. This indifference partly paved the way for an amendment bill by

Parliament, which stipulated that the PR electoral system will continue to be used in all future local authority council elections. This decision indicates that the PR electoral system is regarded as effective for the inclusion of smaller parties and as guaranteeing a balanced gender representation. Another advantage is that voters are already familiar with the PR list system and it would be cheaper to run an election under the PR system. It is further argued that given the country's past legacy of apartheid, and the fact that the residential pattern in most municipal areas has not changed substantially since independence, candidates in a ward-based electoral system could end up representing particular racial and ethnic interests, at the expense of collective representation of residents in respective towns and cities.

SADC Declaration on Gender Equity in Namibia

In the Southern African Development Community (SADC) only two out of the 13 countries have so far adhered to the pledge made eight years ago to achieve a minimum of 30 per cent representation of women at all levels of decision making as prescribed in the 1997 SADC Declaration on Gender and Development. South Africa, with 45 per cent of its lawmakers are women, is followed by Mozambique with 30 per cent women members of parliament. Namibia has reached the 30 per cent quota in local government only. The declaration prescribes that all SADC parliaments must have at least 30 per cent women representation by 2005, but currently Namibia stands at 20 per cent of women at all levels of decision making. The outcome of the November 2004 elections shows a disturbing decrease in the representation of women in governance. There are only two women in the National Council, but in Local Government there has been a great advance to 45 per cent participation of women. It was hoped that the November elections would bring the representation of women closer to 50 per cent following 52 per cent registration of women as voters.

The number of women in decision-making positions in Namibia is minimal, and the main contributing factor is the various electoral models used in regional and national council elections. UNHCR also raised the issue of gender equity and noted that the number of women in decision-making positions in Namibia was still

very low, with only 27 per cent of women occupying senior management level positions in the public service, while 45 per cent of local councilors are women. This increase of women representation at the local government level can be attributed to the PR list model adopted at the local government elections, which accommodates the increased participation of women in governance. The Local Authority Act of 1992 compels political parties to alternate equal representation of men and women guaranteeing a fair gender representation. The facts below reveal that few Namibian women are mainstreamed into Cabinet, Parliament and Regional government.

Table 1: Namibia Women in Politics Fact Sheet

% of Women in Cabinet	% of Women in Parliament		% of Women in Regional Government	% of Women Councilors
	National Assembly	National Council		
14%	27.3%	7.7%	5%	45%

The table from which this section has been taken illustrates that Namibia is 4th in the SADC ranking of women in politics, and 20th in the global scale of women in politics maintained by the Inter Parliamentary Union.²

The SADC declaration prescribes that all SADC parliaments must put in place mechanisms to ensure that women make up at least 30 per cent representation in SADC legislatures by 2005. Although women account for 51 per cent of the population in Namibia, women still have minimal participation in governance and positions of leadership. This is despite amendments to existing Acts that discriminated against women, such as the setting up of a Women’s Ministry to cater for issues affecting women, and the incorporation of a National Gender Policy for

2. Gender Links: Namibia Women in Politics Fact Sheet, 2003 accessed from <http://www.genderlinks.org.za/governance.htm>

female participation at all levels of political leadership and decision making, and appointment of women into cabinet, parliament, local and national assemblies. The low representation of women in the November elections is a cause for concern and women need to develop new strategies to ensure that SADC member states uphold their declarations. The trend needs to be curbed by imposing strict sanctions on member states not meeting the 30 per cent target, and measures should be put in place such as the 'zebra style' candidates listing of women in political parties at all levels where elections are held. Although most political parties had more than 30 per cent women candidates, they were ranked low on the party lists.

Electoral Reform in Namibia

An electoral system reform process must be aimed at the combination of PR and FPTP as this could nurture and consolidate democratic governance for the SADC region. Moreover, regional organisations such as the SADC Parliamentary Forum need to emphasise and support electoral reforms in member states with weak electoral institutions. The overall assessment held the Namibia elections to be credible, although conditions existed in the voting procedures, which needs to be reviewed to make the counting process less cumbersome. There was also an increase to 89 per cent voter turnout in comparison with 62 per cent in 1999. The Electoral Commission for Namibia (ECN) needs to evolve effective ways to streamline the counting process and to ensure the voters' roll is publicly accessible to all electoral stakeholders on time according to the Electoral Act of Namibia.

Constitutional amendments and the Electoral Commission of Namibia

An important feature of Namibia's democracy has been the commitment to good governance, sound public administration and transparent accountability, ranking Namibia 30th out of 90 countries in the Transparency International Corruption Index, thus making it the second best performing country in Africa after Botswana. However, corruption has been on the increase and an anti-corruption committee was formed to develop measures to combat corruption. Namibia can boast of a

liberal and gender-balanced constitution, incorporating fundamental human rights, the rule of law, the principles of democracy, independence of the judiciary, establishment of an independent elections management body, electoral reform, as well as constitutional procedures for the appointment of the executive presidency, parliament and the conduct of elections entrenched in the Electoral Act No. 24 of 1992 and the Electoral Amendment Act of 1999. The statute governing the conduct of elections is very comprehensive and contains all essential elements of a sound electoral legislation.

Against this positive background, there were certain developments, which have raised some concerns on the democratic novelty in Namibia. The constitution was open for amendment in 1998, allowing Namibia's first elected president to be given a third term in office. Constitutional amendments in the creation of a more autonomous electoral management body only came into effect on April 01, 2000 and also provide for the re-structuring of the ECN to be a statutory agency under the Ministry of Government, of which the Directorate of Elections is a division in the Office of the Prime Minister, subject to the public service and treasury rules and regulations. As such the ECN would operate like any other government ministry, but without a Minister of its own it would report directly to Parliament and receive its budget directly from Parliament.

It is pertinent for the ECN to become more autonomous and independent, and measures have already been taken by the ECN to ensure its independence. This process must however be carried out meticulously, with minimal cost implications, and must impact on the effectiveness of the ECN. In preparation for the November elections, the ECN made a request to Parliament to establish an inter-party parliamentary standing committee on electoral matters, with the mandate to initiate electoral amendments, plan the election table and defend the ECN's budget. Thus, the primary objective of the inter-party parliamentary committee falls within the scope of maintaining the political machinery of government by consistently probing its operations with a view to detecting flaws for early amendments.

Training

As in the case of the 1999 elections, many of the senior management personnel were attached to the Commission on a temporary basis for the 2004 elections.

These officers were drawn from various government ministries and agencies seconded to the Electoral Commission for the duration of the election period. Such an arrangement was meant to minimise costs during the non-election period, but it does not promote professionalism within the ranks of the Commission nor does it prepare the Commission for efficient delivery of future elections. In order to achieve a standard of efficiency and professionalism, ECN must employ and train its own cadre of specialised personnel. The Directorate of Elections must be staffed by highly motivated and well-trained persons who are permanently attached to the Commission, and are career election managers familiar with the electoral laws and procedures. Such an arrangement would advance the independence of the Commission in the conduct of free and fair elections.

The importance of training for staff of the Electoral Commission cannot be over-emphasised, and one of the most serious threats to a sustainable democracy in Namibia is the obvious low priority given to election staff training. The Commission must continue a massive and vigorous staff development programme during the non-election period, and this entails attachment to other Electoral Management Bodies (EMBs) in the region during elections and related activities to improve the capacity of electoral officials in the conduct of elections. International organisations like IDEA will not hesitate to assist the Commission in the implementation of training programmes.

Voter education

Ideally voter education should be a continuous process, but there is a tendency to de-emphasise voter education when an election is not imminent. The media played a crucial role during the elections to convey information on voter education to polling staff and the electorate. Civic education bodies can play a greater role in voter education to prevent apathy amongst voters, particularly in an environment of dominant party politics.

Voter registration process

Other areas of electoral reform include the voter registration process. Registration of voters is an important yet delicate process in an election. The electoral laws of Namibia provide for a general voter registration every 10 years, with a supplementary registration before every election and by-election. A continuous

voter registration was introduced in 1994 to enable citizens turning 18 years and those wanting to change their addresses to register within their constituencies. This process opened the voter registration process to fraud on the part of some registration officials. Some voters were registered twice, while others were registered in wrong constituencies, and the detection of these errors was sometimes too late to rectify. Doubt was therefore cast on the efficacy of the process.

Following consultation with political parties, the ECN recommended that the continuous registration be abolished all together, and that only supplementary registration before every election be retained, as well as general registration every 10 years. Such general registration was already implemented in 2002 when a new voter registration was put in place. The ECN was able to prevent fraud by doing away with double registrations and ghost voters, which had been caused by voter ignorance and poor death registration in the rural areas. Part of the recommendations by the SADC Parliamentary Forum after the 1999 elections was implemented in the 2004 elections, when voters were required to have a valid identification document and voters' card in order to vote. With this new voter registration process, polling districts were introduced to enable voters to register and vote where they lived, and passport-sized photographs of voters were required. Voters had to identify themselves during registration and had to hold a separate voter identity card on voting day. These arrangements help to overcome the burden of the high rate of loss of voter cards and the problem of many Namibian voters who are not in possession of any means of identification, such as passports and national identity cards.

Counting of votes

A fast and efficient counting procedure is one of the best vehicles for building voter confidence in the electoral process. Working closely with the South African Independent Electoral Commission, the ECN established the Central Elections Result Centre for the 2004 elections. A technology-driven facility was set up where all results were verified before any public announcements were made on Internet and through national and international public broadcasters. Concern was raised as to the security of the ballot boxes in the two days of voting, especially when counting does not take place at the polling stations. The numbers of tendered

votes were higher in some polling stations than ordinary votes, leading to prolonged delay in the transmission of results from the counting centres to the result and verification centre. This in turn caused a delay in the announcement of results, creating anxiety and frustration on the part of the electorate, and leading to calls by opposition parties for recounting the votes. Observer groups therefore propose that the counting procedures should be streamlined, that mechanisms governing tendered voting should be reviewed, and that consideration should be given to counting of votes in the polling stations rather than transporting the ballot boxes to central counting centres. This method would involve a more careful selection of Presiding Officers and thorough training of the election personnel.

Tendered voting

The new electoral system introduced the administration of tendered votes, which affords voters the opportunity to vote anywhere in the country or abroad, without being restricted to their constituencies of registration (or domicile). Special or tendered votes in general elections require formal requests to the ECN well in advance of polling day so that deletions could be made from the voters' register and insertions in the register of the alternate constituency. In the past all tendered votes were counted in the capital after the closing of polls throughout the country. This has been amended to introduce a decentralised system, namely a constituency-based counting system, where tendered votes are counted in each constituency. Although this new system boosted efficacy in the administration of tendered votes, it has proven to be cumbersome and tedious for some officials and party agents in the regions whose level of election literacy is low. To overcome this dilemma, electoral officials and party agents need to be empowered by undergoing election training in order to understand the new electoral system and to improve their performance in election matters.

Conclusion

The Proportional Representation List system is well favoured as the preferred electoral system in the SADC region, but Namibia has only adopted a PR list system at the local level. At both the regional and national levels Namibia still adheres to

a constituency-based electoral system. There are strong arguments for the constituency-based system, but SWAPO representatives have insisted that the PR list system be maintained at the local levels to ensure that the interests of all racial groups are addressed. However, the constituency-based system does not increase the participation of women as is the case with the PR list system. The fifty-fifty campaign by Sister Namibia, in favour of a 'one man and one woman' system, needs to be advocated at all levels in spite of the electoral system already adopted. Legislation should be passed requiring all political parties to have a 'zebra' list system, which will pave the way for a gender quota in all elections conducted in Namibia.

The regular evaluation of electoral practices is prerequisite for the effective functioning of every electoral system. Namibia is not excluded from election-related conflicts and thus, to guarantee electoral efficacy, it is imperative to constantly compare systems and share best practices and lessons learned. In this way a sustainable, viable and competent electoral system may be fostered. It is encouraging that administrative measures have already been introduced in order to enhance effective electoral management. Several amendments are currently being discussed with electoral stakeholders. One of these options is to merge the delimitation commission with the electoral commission, particularly since the creation of 5 new constituencies by the delimitation commission will require more voting districts to be managed by the ECN. The ECN needs to build upon the successes of the 2004 elections and improve in the light of lessons learned to develop the capacity of the Commission during the non-election period.

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