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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 2019 GENERAL
ELECTIONS IN THE REPUBLIC OF NAMIBIA**

PRELIMINARY STATEMENT

29 NOVEMBER 2019

I. INTRODUCTION

1. At the invitation of the Government of the Republic of Namibia and the Electoral Commission of Namibia (ECN), the Chairperson of the African Union Commission (AUC), H.E. Moussa Faki Mahamat deployed the African Union Election Observation Mission (AUEOM) to the country's General Election held on 27 November 2019. The AUEOM is headed by H.E. Ernest Bai Koroma, former President of the Republic of Sierra Leone.
2. The AUEOM comprised 40 observers drawn from the Pan-African Parliament (PAP), African Ambassadors accredited to the African Union (AU), Election Management Bodies (EMBs), independent electoral and governance experts and Civil Society Organizations (CSOs) drawn from 23 AU Member States.¹
3. The AUEOM has the mandate to observe the 2019 General Elections in line with relevant AU instruments, especially (a) the African Charter on Human and Peoples Rights (1981) (b) the African Union Guidelines for Elections Observation and Monitoring Missions (2002); (c) the OAU/AU Declaration on Principles Governing Democratic Elections in Africa (2002); and (d) the African Charter on Democracy, Elections and Governance (2007), among others. This is also in line with Aspiration 3 of Agenda 2063, which envisions an "Africa of good governance, democracy, and respect for human rights, justice and the rule of law".
4. The deployment of the AUEOM in Namibia demonstrates the AU's commitment to supporting democratic, credible, inclusive and peaceful electoral processes in its Member States by providing an objective assessment of the process and the political environment within which the elections were conducted.
5. In order to achieve its objectives, the AUEOM undertook the following activities:
 - a. The deployment of the Short-Term Observers (STOs) was preceded by a two-day briefing and orientation sessions during which the observers received briefings from various electoral stakeholders;
 - b. The leadership of the AUEOM also held meetings with electoral stakeholders, including the ECN, political parties and candidates, security agencies and Government officials and other international election observer groups; and
 - c. On Election Day, the AUEOM observed polling processes at 107 polling stations in 7 out of 14 regions.

¹ Cameroon, Congo- Brazzaville, Ethiopia, Eswatini, Ghana, Guinea, Kenya, Liberia, Lesotho, Malawi, Mauritius, Nigeria, Rwanda, Saharawi Republic, Seychelles, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, The Gambia, Uganda, Zambia and Zimbabwe.

6. This Preliminary Statement reflects the AUEOM's assessment of the 2019 General Elections up to the close of polling on 27 November 2019 and the immediate post-election period. A final report will be released within two months after the Elections including recommendations for improvement in electoral processes in Namibia.

II. GENERAL POLITICAL CONTEXT

7. The 27 November 2019 General Elections were the 6th consecutive elections since Namibia's independence in 1990 and considered the most competitive in the history of the country.¹

8. The ruling SWAPO Party of Namibia (SWAPO) has won every election since 1989. SWAPO's performance in previous National Assembly elections ranged from 60% in 1989 to 80% in 2014. In the 2014 Presidential Election, the incumbent, President Hage G. Geingob, garnered 86.73% of the total votes cast. In this Presidential Elections, President Geingob runs for his second and last term.

9. The political context of the 2019 Elections was dominated by the emergence of an independent candidate, Dr. Panduleni Itula, who continued to remain a member of SWAPO. It is also significant to note that the presidential candidates included a woman.

10. Like previous elections, the 2019 General Elections took place in a peaceful and calm political environment.

III. PRE-ELECTIONS FINDINGS

a. Legal and Regulatory Framework

11. The legal framework for the 2019 elections include the Constitution of 1990 (as amended), Electoral Act of 2014 (as amended), Regional Council Act of 1992 and the Local Authority Act of 1992. Other regulatory frameworks include the Code of Conduct for election agents and counting agents, the Guidelines for the conduct of political activities by political parties in respect of elections, the Code of Conduct governing persons accredited to provide voter education for or in respect of elections, and the Code of Conduct governing accredited observers and persons appointed by accredited observers. The Constitution of Namibia provides for fundamental rights and guarantees freedom of expression, association, assembly and movement. It also provides for the holding of periodic elections under universal adult suffrage and the establishment of an independent electoral body to manage elections.²

12. The AUEOM noted that the constitutional and legal frameworks are generally in line with international, continental and regional norms and standards for the conduct of

¹ The first elections, which were UN assisted, were held in 1989. Other elections were held in 1994, 1999, 2004, 2009, 2014.

² Articles 21, 28, 49 and 94b.

democratic elections. There are however some gaps such as the lack of regulations in relation to members of political parties who would like to participate in an election as independent candidates.

13. Stakeholders the AUEOM consulted raised concerns about the suspension of the clause of the law that requires the provision of the Voter Verification Paper Audit Trail (VVPAT) during counting.¹

b. Election Dispute Resolution

14. The AUEOM noted that the ECN had put in place conflict prevention mechanisms to address election related dispute including the use of legal processes. For example, the AUEOM noted that a case challenging the use of EVMs was brought before the electoral tribunal. The case was dismissed on the basis of technicalities. The AUEOM thus commends the people of Namibia and electoral stakeholders for using the existing legal avenue to peacefully resolve election related disputes.

c. Electoral Administration and Preparation

15. The ECN is established under Electoral Act 24 of 1992 to prepare, conduct and supervise elections and register voters. Other functions are to conduct and supervise voter education and undertake boundary delimitation.

16. For the 2019 General Elections, the ECN recruited 13,638 officials and 2,273 presiding officers; established 2,277 polling teams and 4,241 polling stations countrywide. Of the 4,241 polling stations, 1,410 were fixed and 2,831 were mobile stations.

17. The verification of the ballot paper for the Electronic Voting Machine (EVM) was finalized on the 1st of November in the presence of the representatives of political parties. All voting materials and equipment to be used were dispatched to the regions from the 1st of November 2019.

18. The training of all electoral staff was done in accordance with Section 65 (2A) of the Electoral Act of 2014.

19. The AEUEOM commends the ECN for recruiting unemployed people as polling staff as well as taking into consideration gender mainstreaming and People with Disabilities (PWDs) in the recruitment of polling staff.

20. It was brought to the attention of the AUEOM that in the run up to the Elections, four (4) control units and two ballot units went missing. The ECN confirmed the incident and explained that the lost machines were serialized and would not find their way back into the electoral process.

¹ Article 97 (3) of the Electoral Act, 2014.

d. Voter Registration

21. In accordance with Section 38(1) of the Electoral Act, 2014, ECN conducted Supplementary Registration of Voters (SRV) from 8th to 27th July 2019 resulting in 271,193 new registrants. The provisional voters' register was displayed for inspection from the 2nd - 6th November 2019 and no objections were lodged with the Commission. The final voters register was published in the Government gazette of the 6th November 2019 and copies shared with political parties and the independent candidate.

22. In total, 1,358,468 voters were registered, of which 717,809 were female (52.83%) and 640,659 were male (47.1%). This figure is a significant increase compared to the past elections which recorded 1,241,194 registered voters. The AUEOM commends the ECN for these efforts to ensure that eligible voters had the opportunity to register.

e. Nomination of Candidates

23. In accordance with Section 72, 73 and 77 of the Electoral Act, nomination of candidates contesting on the ticket of political parties took place from 1 -8 October 2019 while the nomination of independent candidates took place on the 16th October 2019.

24. Overall, 11 candidates contested the Presidential Elections and 15 political parties contested the National Assembly Elections. The AUEOM noted the enforcement of Article 47 (1)(e)(f) of the Constitution which disqualifies public officials from becoming members of the National Assembly by the ECN.

f. Campaigns and Campaign Finance

25. The electoral laws in Namibia do not provide specific period for the starting and ending of campaigns except that on Election Day no campaigning can take place within a 500 meter radius of a polling station.

26. The AUEOM noted that campaigns proceeded in a peaceful atmosphere and that parties and candidates were able to campaign freely in all constituencies without restrictions. The campaign was highly competitive with several rallies and meetings across the country. The AUEOM commends the holding of peaceful campaigns by political stakeholders.

27. The AUEOM received concerns from stakeholders regarding the allocation of funds to political parties based on the principal of proportional representation based on Article 155 of the Electoral Act.

g. Media

28. Namibia enjoys a diverse media landscape regulated by the Office of the Media Ombudsman. The AUEOM noted that the law provides for allocation of equal airtime to all candidates and political parties contesting elections.

29. The AUEOM noted the introduction of austerity measures which cut back on broadcast time at the national broadcaster, the Namibian Broadcasting Corporation (NBC). Broadcast time was reduced from 24 hours to 12 hours and may have impacted on the role of the media to undertake civic and voter education.

30. The AUEOM received concerns about misinformation circulating through the media particularly the social media platforms.

h. Women and Minority Participation

31. The AUEOM noted that there are no legal provisions regarding the representation of special interest groups, including women, youth and PWDs in the National Assembly. The AUEOM however note that women representation in the National Assembly has been advanced through implementation of voluntary quotas by political parties. Consequently, Namibia enjoys high representation of women in National Assembly. For instance, following the 2014 elections, women constituted 41.3% of Members of National Assembly. Of these, 40 were from the party lists while three were appointed by the President.

IV. ELECTION DAY FINDINGS

32. The AUEOM noted the fact that special voting for ECN staff, sea going personnel, security agencies and Namibians abroad took place on the 13th November 2019, prior to the Election Day.

33. Overall, the AUEOM visited a total of 107 polling stations where they observed opening, voting, closing and counting procedures. Seventy-Five percent (75%) of stations visited were in urban areas whilst 25% were in rural areas. Seventy-Five percent (75%) of the voting stations visited were fixed and 25% were mobile.

34. The AUEOM observed that the polling environment was peaceful and calm throughout the day. Security agents were present throughout the day and their conduct was described as professional and discreet.

35. There were long queues in most of the polling stations visited. The queues were well controlled, and priority was given to the elderly, Persons with Disabilities (PWDs), pregnant and nursing mothers. The AUEOM commends the voters for their high level of tolerance as they waited to cast their votes.

36. Besides the AUEOM, other international observers were present in the polling stations visited. They were mainly from SADC and SADC-ECF observer groups. The presence of citizen observers was reported in a few of the polling stations visited.

37. The AUEOM noted with concern the low presence of citizen observers. Concerns about their capacity to deploy, due to lack of funds, were previously shared during the stakeholder consultations. Participation of citizen observers is crucial to the reinforcement of the credibility and legitimacy of the electoral process and should therefore be encouraged and supported.

38. Political party agents were present in all the polling stations visited. There was an average of seven (7) party agents per station, four (4) of whom were female. With SWAPO, the independent candidate, LPM, and PDM having most representation.

39. A full complement of polling staff (6) was present in all visited polling stations. They were generally competent in carrying out their duties. Out of the (6) polling staff present an average of four (4) were female.

40. The AUEOM commends the ECN and political parties for deploying large numbers of women and youth as polling officials and party agents.

j. Opening

41. The AUEOM noted that majority (78%) of the polling stations visited opened on time. In cases where they opened late, it was due to the pre-poll test which took longer than the anticipated one hour before polls opened. In a number of polling stations, presiding officers reported that opening delayed because of late arrival of party agents.

42. The AUEOM noted the uneven application of admission procedures for the pre-poll test. AU observers initially faced access challenges in some polling stations where Presiding Officers requested for accreditation letters. It appears that there was confusion regarding the requirement for party agents versus observers. This was however resolved through contact with the National ECN, and access was granted throughout the day.

k. Voting

43. The AUEOM observed that application of procedures for voting proceeded according to prescribed guidelines.

44. Secrecy of the vote was guaranteed in the majority (89%) of polling stations visited. The remaining 11% indicated that secrecy of the vote could have been compromised because of inadequate space.

45. Election materials were available in adequate quantities in the majority (93%) of the polling stations visited.

46. The AUEOM noted the following challenges regarding the use of technology on Election Day. The voter verification process took more time and impacted on the average time to process a voter. The delays were attributed to failure of the Voter Verification Device (VVD) to automatically scan the voter's card. Polling staff had to resort to manual search of the names on the device, thus contributing to the long queues observed during the voting. The polling process was further delayed in cases where polling staff had to search for the voter's name on the hard copy of the voters' register, which was constituency based.

47. In 13% of the polling stations visited, observers noted that voting stopped as a result of EVM malfunctioning or incidents of voters tripping on the machine's cables. In 4% of the polling stations visited, the EVMs were unlocked because the buttons had been pressed too hard. The AUEOM also observed that in all these cases, the EVMs maintained their memory of total votes cast after rebooting and no discrepancies arose.

48. AUEOM observed voters being turned away in 16% of the polling stations visited because their voters' cards were invalid.

49. There was a reported incident of few voters being assisted voters, in mobile station 307 Ninette Farm, as voters were not familiar with the process.

I. Closing

50. The AUEOM observed that 55.6% of the polling stations visited did not close on time because there were voters on the queue at closing time. The AUEOM observed that the voters that were in the queue by 21:00, were allowed to cast their votes. The lack of printers in most polling stations visited resulted in delays in the closing of polls.

51. Counting of the ballots took place at the polling station. Most polling stations visited had adequate lighting during counting.

52. The AUEOM noted that ballot reconciliation was done in all polling stations visited and that there was no discrepancy in reconciliation of total votes issued and total votes cast.

53. The AUEOM noted in polling stations visited that results were released according to procedures. Party agents were provided with the results form to sign and copies of the results were posted at the polling station.

V. CONCLUSION AND RECOMMENDATIONS

a. Conclusion

54. The AUEOM congratulates the Government and people of Namibia for the conduct of a peaceful General Elections. Based on its observations and the findings, the AUEOM concludes that the 27 November 2019 General Elections were conducted in compliance with the national laws of the country and in accordance with international standards. The elections afforded Namibians the opportunity to freely express their will.

55. The AUEOM commends the Namibian Government for ratifying the African Charter on Democracy, Elections and Governance as recommended by the AUEOM following the 2014 General Elections.

b. Recommendations

56. Based on its observations and findings, AUEOM offers the following recommendations for improvement in future elections.

The Parliament:

- Allocate sufficient budget to the public broadcaster to ensure full coverage of electoral activities; and
- Consider amending the law with the aim of enhancing representation of special interest groups, including women, youth and PWDs in the National Assembly.

The Electoral Commission of Namibia:

- Provide for continuous update of the voters register in order to ensure that voters have valid voters' cards;
- Ensure transparency in the nomination process through regular and timely interface with political parties whenever the conduct of the process deviates from previously established processes;
- Consider political party funding modalities with the aim of ensuring a level playing field;
- Limit the number of voters per polling station through considering the use of polling station segmented voters register;
- Consider introducing the Voter Verifiable Paper Audit Trail (VVPAT) component to the EVMs with the aim of improving transparency and building trust in the voting process; and
- Familiarize voters with the EVMs through increased voter education that allows for regular interface with the voting machines.