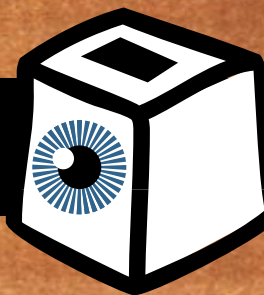


ELECTIONS



EYE

Elections Eye is a monthly electronic newsletter covering the upcoming elections as part of Namibian civil society elections observation programme. It is implemented by the Civil Society Elections Coalition (CSEC).



AIRING THEIR VIEWS

Media houses in Namibia are gearing themselves up for Namibia's fourth general and presidential elections since the country's independence in 1990.

This is necessary considering that no political party in a democracy can do without the media. It is even more so in a vast geographical country like Namibia with communities living far apart and thus making it more difficult to pass on information to large groups of people. The role of the media is therefore not to be under-estimated and that is why the allocation of airtime on radio, television and space in the newspapers is always a contentious issue. Even in countries where communication is made easy by good infrastructure, the function of media to provide the platform for political campaigning is taken for granted as a public service.

Namibia subscribes to or has signed different instruments, conventions and protocols to level the playing field in airtime allocation. Yet the country seems to fall behind in putting in practice several measures in this area. Every time elections take place complaints about air-time allocation go unresolved and each media organisation appears to follow its own policies, some of which are publicly known, while others are less so. The main complaint is particularly against the state-owned media that often has to fend of accusations that it was biased towards bigger parties, especially those that are represented in parliament.

Under the African Charter on Democracy, Elections and Governance the state must "ensure fair and equitable access by contesting parties and candidates to state controlled media during elections". The

SADC (Southern African Development Community) elections 'norms and standards' as well as the SADC Principles and Guidelines both call for the equal sharing of the cake by all parties contesting elections. But Namibia's Electoral Act is silent on the issue, and it looks like this trend will continue as there is no mention of airtime allocation in the changes being proposed to the law, which is expected to be passed before the next voting takes place. The manner in which airtime is allocated, especially in state-owned media, means that bigger parties remain entrenched and will continue enjoying more coverage and access.

JULY HIGHLIGHTS

Notices & Announcements

Namibian Presidential and National Assembly Elections 2009

- **Electoral Commission of Namibia**

Voter Education launch, (part 1)

9 July 2009, Thursday from 10h30 to 17h25, at the Parliament Gardens

Voter Education Music show, (part 2)

10 July 2009, Friday from 18h00 to 24h00, at the Katutura Multipurpose Youth Resource sports field

- **Namibian Democratic Movement for Change**

Official launch of election manifesto

31 July 2009, Friday, Rehoboth

Please inform us of your events and announcements.

ELECTIONS FACTS

✓ 2009 will be the fourth time Namibia holds National Assembly and Presidential elections.

✓ The first multi-racial democratic elections were held in 1989 under the supervision of the United Nations electing members of the Constituent Assembly to write the Namibian constitution. The Constituent Assembly was converted into the first National Assembly which then elected one of its members, Sam Nujoma, as Namibia's first President.

✓ Swapo has not lost any general or presidential election since 1989

✓ There are 13 registered political parties, which are all expected to contest the upcoming elections.

Elections Eye asked different media houses how they go about covering political parties for the elections:

The Namibian Broadcasting Corporation

(NBC) (*state-owned radio and television*)

Namibia's biggest broadcaster, which is funded by taxpayers, operates radio stations that cover most of the country as well as a television channels reaching all the main towns. Newly appointed senior manager for current affairs Mushitu Mukwame says they allocate airtime and coverage to political parties using guidelines and rules on the coverage based on NBC's elections policy. According to the policy, time is divided as follows:

- > 60 percent of the overall coverage is divided among parties on a proportional basis. This is done according to their seats in the National Assembly.
- > The remaining 40 percent is shared equally among all the parties in the National Assembly
- > All parties get free "billboard" announcement service from the state broadcaster, provided they are registered with the Electoral Commission of Namibia (ECN). This involve announcing events.
- > Any party event or activity will be covered regardless of whether the party has parliament seats or not.

One Africa Television (*private*)

In preparation for the 2009 presidential and National Assembly elections, Namibia's only private television broadcaster is in consultation with the Legal Assistance Centre, the Namibian Communications Commission, the Electoral Commission of Namibia and other stakeholders in drafting their first ever election coverage policy, Willem Snyman, Editor-in-Chief of the "News on One" at *One Africa Television* said.

New Era (*state-owned newspaper*)

New Era recently adopted elections coverage guidelines. On 15 May 2009, the team responsible for news met at Harmony Centre, a conference venue about 20km south of Windhoek, to discuss the matter. The team, composed of the Editor, News Editor and staff members, resolved the following:

- > Equal coverage for all registered political parties.

- > Parties will not be favoured based on size or proportional scale.

News Editor Chrispin Inambao said, however, that the issue of elections coverage had been handled on an ad hoc basis as most parties do not make use of the space offered to them and always associate the newspaper with the ruling party, perhaps because government funds it.

The Namibian (*private newspaper*)

Although *the Namibian* newspaper is one of the oldest news publications in Namibia it does not have an elections coverage policy. But Assistant News Editor Christof Maletsky says that they cover political rallies mainly by invitation. Political parties can also buy space in the newspaper to advertise themselves or their events. Maletsky says that during the elections his publication will be publishing articles that may help readers to compare manifestoes of different political parties.

Die Republikein (*private newspaper*)

Events will be covered based on the usual-editorial policies with regard to and the newsworthiness of subject, says Assistant Editor Christo Retief. Otherwise political parties can buy space to advertise their events and stories. When the debate flairs up again it will continue to attract, perhaps legitimately, complaints that the elections are not fully free and fair. Meanwhile, it will remain a difficult role for the media to satisfy everyone when deciding how to allocate time and space.

Some remedies or cure for this controversial issue may be:

- > Every registered political party should have equal access to state-owned media.
- > There should be legal consequences to those who violate the principles of fairness and transparency.
- > State media should point out when a national event is used for party political purposes, especially during elections times.
- > Private media too should be required to provide fair coverage to all parties.
- > The electoral commission should work hand in hand with the media in making sure that guidelines are observed and obeyed.

Word on the Street

Elections Eye was on the streets of Katutura, Windhoek, to canvas views from the voters.

Questions asked:

- > What in your opinion is a free, fair and transparent election?
- > Do you think the upcoming Namibian General elections are going to be free, fair and transparent?
- > Why do you say so?
- > Do you think Namibia's past elections were free, fair and transparent?

David Kaiko (31)

Father of three, Wanaheda

"There should be enough time for people to register. People have to campaign without being intimidated and the election body has to treat all parties equally. The upcoming elections are not going to be free, fair and transparent because Swapo does not allow other parties to campaign in some areas. It's such a shame. In the past elections were free, fair and transparent because there were no cases of intimidation, at least not that I know of and the elections were declared as such by observers."

Schirleane Phiri (22) *Civil servant, Nama 10*

"Past elections were free, fair and transparent because all the parties got the chance to campaign and to be voted for even though Swapo won with a great majority. These coming elections are going to be free, fair and transparent because there is a new party that's challenging the powers that be."



D W Kandetu (36) *Entrepreneur, Havana*



"There should be cooperation between parties, the ECN must put safety and security measures in place and the counting of ballot papers must be done in a transparent manner. This year's elections are not going to be free, fair and transparent because some parties are violating the rights of others. Namibia did have free, fair and transparent elections in the past as there was peace amongst political parties and no party reported any incident of any elections not being transparent."

Maggy Nanus (38) *Gospel artist, Damara Location*

"Voters should be free to vote for the parties of their choice without being threatened by anybody. Tolerance is very important. And the counting of ballot papers should be given an extra eye. Past elections were free because voters voted for who they wanted to without being threatened or intimidated. They are fair only up to where we could see; who knows what happened behind the scenes. I hope the upcoming elections are going to be free, fair and transparent."



August "AJ" Joseph (27) *Producer/musician, Soweto*

"All political parties should see Namibia as a loving and peaceful country. All people have the right to belong to any political party of their choice, and then we can have free and fair elections. Young people should go vote without any interference from older people to make us vote for parties that they vote for. We can have free, fair and transparent elections this year if there is good monitoring and all Namibian people work together, unless political leaders start with the violence and then the followers will do the same. The elections were free and transparent in the past. There were less strong political parties and little threat to the ruling party. With new political parties trouble starts."



Parties Speak

Elections Eye will publish responses received from parties in the following editions.



Namibian Democratic Movement for Change

South West African National Union

The Rally for Democracy and Progress

1. What does your party see as obstacles to free and fair elections in Namibia?

Firstly there cannot be any guarantee of free and fair elections in the absence of an enabling and water tight legal framework that can facilitate a process where all parties are given equal chance to win or lose any elections. Currently this is the state of affairs as far as our Electoral Act is concerned.

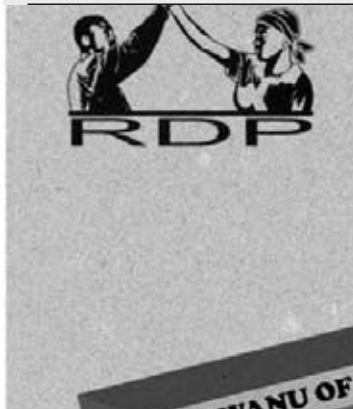
In terms of freeness, Namibians must be congratulated for having realised that elections must be held in an atmosphere that is violence-free and at all cost avoided engaging themselves in political violence over the last four elections (1990-2004). This situation is not necessarily synonymous with political maturity on the side of electorates, but can mainly be ascribed or attributed to the fact that the hegemony of dominant ruling party was not at stake to warrant any violence. The election of 1999 and the pre-election period of 2009 are testimonies that freeness of election cannot be taken for granted but should rather be nursed and nurtured 24 hours seven days a week. The obstacles to fairness of election is compounded by the ambiguous constitutional entrenchment that gives advantage on proportional basis to the parties that are represented in the National Assembly. The advantage is in the form of greater airtime allocation on state broadcasting

Very often in Africa, people vote for a particular candidate out of fear and intimidation, which can take multiple forms. The ruling party has an advantage as it equates itself with the government and uses scare tactics such as threatening to terminate pensions or social grants, cut off water and electricity supplies to those who dare to vote for the opposition party or candidate. Namibia has totally failed to educate the electorate regarding their basic human rights. SWAPO therefore has flourished due to this widespread ignorance. The RDP also sees a flaw in obtaining of voter cards by the simple process of an oath by someone known to you. This system is open to abuse and could see some political parties bringing in foreigners and passing them off as Namibians.





2. What measures should be taken to ensure that the process is reasonably free and transparent?



3. What in the past will you say hindered free and fair elections?



Namibian Democratic Movement for Change (Continued)

1. All parties should have equal access to any public broadcasting network in order to be able to reach all potential voters.
2. The printing of ballot papers by NAMPRINT a company with close ties to the ruling party should be done away with, as this will bring into question the transparency of the whole process.

1. Again the aspect of equal access to the media, this include the print and electronic ones clearly favour the bigger parties at the expense of the smaller ones. This also refers to the time allocated to various political parties during the election process.

South West African National Union (Continued)

facilities to political parties on the basis of their political representation in the dissolved National Assembly. The fairness of an election is compromised by the donation from private sector providing billboards during election (such as in 2004) to one contesting political party for the purpose of getting a tender. This is purely political corruption that should not be tolerated.

Political violence which of late has been rearing its ugly face must be fought tooth and nail. The transparency can be enhanced by allowing ALL the stakeholders to be represented at all material stages of the elections; ballot papers to be counted at the same polling stations where voting took place.

In the past most people did not make a distinction between the government and the ruling party to such an extent that the line of function become blurred. Some of the members of the law enforcement agencies had more allegiance to the party

The Rally for Democracy and Progress (Continued)

The Electoral Commission of Namibia has been part of the problem. Instead of being truly independent, it has been a quisling of the ruling party. NGOs and church-based institutions can help create greater awareness among the electorate. The political parties too, should emphasise the heightening of the level of voters from a state of emotion to that of rationale.

Low level of awareness (ignorance) of the voting population has been compounded by obvious electoral fraud. The finding of ballot boxes in the Okahandja river bed in 2004 is a case in point. The printing of the ballot papers, which are printed



4. What is your party doing to ensure that the process is indeed free and fair?



Namibian Democratic Movement for Change (Continued)

That we detest and see as being highly unfair to parties not represented in parliament.

2. Lack of proper information dissemination by the Electoral Commission also contribute greatly towards apathy in the whole electoral process.

1. We have petitioned both the Office of the Prime Minister and the Electoral Commission to speed up the tabling of the amendments to the Electoral Act.
2. We equally petitioned the NBC to review its time allocation policy during election campaign to make sure that all parties have equal access.

South West African National Union (Continued)

instead of the government and the jobs for comrades has also worsened the matter.

Namibia must invoke electoral instruments such as SADC Principles on Electoral Monitoring to which it has acceded as a member. The allocation of air time to contesting political parties must be done on the basis of SADC framework.

The election can also be fair if it is under the supervision and control of a neutral, impartial and independent body that is only subject to Namibian Constitution.

The Rally for Democracy and Progress (Continued)

by a facility owned and controlled by one of the parties contesting the elections, Swapo of Namibia and end up with the exchange of ballot boxes. This change of boxes happens during the transportation of materials from one point to another. The election officials, if not truly neutral, can distort the outcome of the election from the registration of voters to the counting of ballot papers.

The RDP is taking measures to exert pressure on the Namibian authorities to review the electoral laws, which are both flawed and outdated. Namibia is the only country in the SADC region which has not incorporated the SADC Principles on Free and Fair Elections. The question is: why is the government dragging its feet on this issue?

5. What is your organisation doing actively to promote harmonious atmosphere towards elections 2009?



Namibian Democratic Movement for Change (Continued)

We are actively involved with our branches urging them to co-exist with other parties' members and not to provoke them when campaigning.

South West African National Union (Continued)

By virtue of being a Political Liaison Committee (PLC) member of the Directorate of Elections and the NBC Election Forum, we try our level best to contribute to those platforms for the purpose of reaching amicable solutions to the problems confronting us as contesting parties, but unfortunately we are receiving a raw deal from these institutions. Swanu will promote a harmonious atmosphere by promoting debate on issues instead of personality-cult.

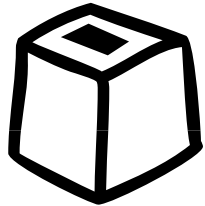
The Rally for Democracy and Progress (Continued)

As stated earlier, we are calling for changes in the law. In particular we are demanding that all votes be counted at the point of voting and results declared at the same venue. As a responsible party, we have called on all our members and supporters not to respond to the increasing acts of provocation levelled against them. Our members are therefore under strict instructions to treat opposition parties, including Swapo, as political opponents, not enemies. The RDP has, on several occasions, called on the Head of State and Swapo President, President [Hifikepunye] Pohamba, to rein in his unruly supporters in the interest of democracy and peace.

CASE STUDIES

Every month Elections Eye compiles reports of cases, events and incidents that have an effect on the freedom, fairness and transparency of elections. These are compiled from a range of sources.

The big small issue of boxes



Just a couple of months away from the general and presidential elections, ballot boxes were found at a place where they were not expected to be and not in the possession of the ECN (Electoral Commission of Namibia). The National Society for Human Rights (NSHR) told the media that the ballot boxes were at the Windhoek Central Police station. Even the law enforcers were caught off-guard. A police spokesperson, Deputy Commissioner Hophni Hamufungu, initially said he did not know anything about the boxes. "I have no idea that ballot boxes are kept at that police station." They were used by the Swapo Youth League in 2007. Theophilus Mujoro, the ECN's Deputy Director: Electoral Operations said that the commission kept records and lists of all its ballot boxes, which are usually numbered. "We are checking our records now and also the correspondence on who borrowed what (boxes)," said Mujoro. The NSHR said finding the boxes at the police stations raised suspicions about the safekeeping of other ballot boxes and how closely the inventory is monitored by the ECN.

> *The Namibian online 27 May 2009, NSHR*

Citizenship and voting

In order to vote in any Namibian election one has to be a Namibian citizen. Parliament recently passed a law that makes foreigners who marry Namibians wait longer. Citizenship through naturalisation "will increase from a five-year waiting period to 10 years", Prime Minister Nahas Angula, told the National Assembly on 26 February 2009. This means that if you marry a foreigner this year your spouse would only be eligible to vote in 2019.

> *The Namibian online 27 May 2009*

Voters register at private houses

The National Society for Human Rights (NSHR) Executive Director, Phil ya Nangoloh, claimed that the Electoral Commission of Namibia (ECN) officials have registered voters at people's "private houses", calling the move fraudulent. According to Ya Nangoloh the ECN was using two shacks belonging to a certain Teopolina Kangulu (37) and Lazarus Gideon (34). The shacks are allegedly in the Soviet Union section of the Ombili settlement in Katutura. Kangulu allegedly confirmed she is an active member of Swapo at branch level. Ya Nangoloh claimed that there was a secret cooperation between the ECN and the ruling party Swapo. "The term electoral fraud is also used to describe acts which, although legal, are considered to be morally unacceptable, because they violate the spirit of electoral laws or are in violation of the principles of democracy." The ECN has yet to respond.

> *The Namibian online 27 Mar 2009, own sources*



Swapo versus RDP in Havana informal settlement and a village



Incidents of violation of the code of conduct for political parties were reported as having being instigated by supporters of the ruling Swapo Party against the newly formed Rally for Democracy and Progress party. These incidents, according to the media, were reported to the police and dockets have been opened against the perpetrators.

At the Havana settlement in Katutura, a shack belonging to an RDP member, John Jonas, came under siege while he was conducting a meeting with fellow RDP members. Swapo supporters allegedly surrounded the house and were singing Swapo songs. The police had to be called in to maintain law and order, but the Swapo group was later seen harassing RDP members who were leaving.

In a similar incident, RDP member Sam Hamunyela at Onyaanya village in the Oshikoto Region was allegedly attacked and held at gunpoint by a Swapo supporter. Hamunyela has laid criminal charges.

> *The Namibian online 10 Feb 2009*



At a glance:

Laws and guidelines

Namibians will be in voting booths at the end of this year to choose the President and National Assembly parliamentarians and now may be the right time to take a look at the grounds for free, fair and transparent elections.

Apart from the Namibian constitution and the Electoral Act, Namibia has signed up to regional (mainly Southern African Development Community, SADC), continental (African Union, AU) and international agreements governing elections. We consider the Namibian Constitution and Electoral Act 24 of 1992, the African Charter on Democracy, Elections and Governance, the SADC Principles and Guidelines for Governing Democratic Elections as well as the Norms and Standards for Elections in the SADC region.



Political activity

Namibia's status as a democratic society stems from a fundamental right entrenched in a part of the constitution that cannot be legally changed. Every person from 18 years old has the right to vote and at 21 years can be elected to public office.

The Namibian Constitution states: All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of government. All citizens shall have the right to form and join political parties and, subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs, whether directly or through freely chosen representatives. These rights may only be taken away by parliament "in respect of specified categories of persons on such grounds of infirmity or public interest or morality as are necessary in a democratic society".

Namibia's electoral law then backs up the constitutional guarantees with the Electoral Commission of Namibia appointed to manage processes. For instance the ECN shall approve applications for registration of parties as long as

the membership of that political party is not exclusive or restricted on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status".

This is not far from the **SADC Norms and Standards for Elections** which state that the "right to vote and be voted for should be accepted as a birth right... the concepts of pluralism, multi-party democracy and politics should be enshrined in the constitution as a preferred form of political development and a basis for good governance".

SADC norms go further in calling for "the complete impartiality of the electoral commissions" to be realigned with in the constitutions of member states.



Political tolerance and co-existence

Namibia's (ECN) Code of Conduct for Political Parties says: parties shall avoid holding rallies, meetings, marches or demonstrations physically close to one another during the same time of the day; speakers at political rallies may not use language which incites violence against any other person or a group of people; parties will not issue pamphlets, newsletters or posters which contain materials which incite people to violence; party members and supporters should not obstruct people from attending the political rallies of other parties; party members and supporters should not disfigure or destroy political or campaign materials of other parties.

SADC principles and guidelines state: SADC member states shall adhere to certain principles in the conduct of democratic elections such as political tolerance and freedom of association.



Voter registration

SADC Norms and Standards: eligible individuals should have the right to non-discriminatory voter registration; registration of voters should therefore be a continuous

exercise and not just wait for an election; there should be provisions and practical arrangements for continuous voter registration and an updated voters' register must be made available to all stakeholders in the elections.

Electoral Act: Establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters and compilation of voters' registers, would be addressed.

The national voters' register and the local authority voters' register shall be kept for inspection by the public at the offices of the Commission.

Any person desiring to inspect or make copies or take extracts from any such register shall be entitled to do so during the normal office hours of the Commission.

The electoral law gives the ECN discretion to undertake supplementary and continuous voter registration.



Political Parties funding

SADC Norms and Standards: The electoral law should prohibit the government to aid or to abet any party gaining unfair advantage.

Where a policy decision is taken to financially support political parties with taxpayers' money, which is necessitated by the poor resource background of most political parties, an agreed upon formula must be used and adhered to in allocating funds to the contesting parties.

A commonly used formula is according to the number of seats each party holds in Parliament.

There must be accountability in the use of public funds.

Electoral Act: For Namibian political parties or individuals to receive funding or donations they must be "disclosed to the public within such period after having received it and in such manner and subject to such conditions as may be prescribed." The situation remains vague with no clear conditions. Only parties represented in the National Assembly receive funding, which is not based on seats but on votes; there is no public accountability or scrutiny in the use of the state funds by political parties.

SADC Guidelines and Principles: where applicable, funding

of political parties must be transparent and based on agreed threshold in accordance with the laws of the land.



Holding Elections

Namibian Constitution and Electoral Act: general elections for the President and the National Assembly are held every five years.

The AU charter and SADC guidelines call for democratic elections at regular intervals to be provided for in national constitutions.



Polling stations

SADC Norms. and Standards: Polling stations should be public places such as schools, tents, mobile vehicles that are neutral.

Namibian law: The Commission shall establish polling stations at convenient places for a constituency or a local authority area taking into account issues such as the distribution of voters and any other relevant factor.



Counting of ballot papers

SADC Norms and Standards: Verification and reconciliation of ballots should be done before counting begins and this should be done in the presence of candidates and all their agents.

The counting of votes should be done at the polling station where the candidates and/or their election agents are present. Such candidates and agents should be allowed to remain with the boxes from closure of polling station to counting of the votes.

There should be immediate release of official election results on completion of counting, signed by returning officers and confirmed by party agents.

Namibian law: Counting takes place at central designated places in constituencies and regions after material had been transported from polling stations.

Results are dispatched to the Electoral Commission's head office in Windhoek before they are announced.



This newsletter is produced by the Namibia Institute for Democracy (NID) as part of a domestic civil society elections observation programme conducted by the Civil Society Elections Coalition.

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