

CELEBRATING



YEARS OF

1989 - 2014

DEMOCRATIC ELECTIONS



FOREWORD

Just over 25 years ago, Namibians went to the polls for the country's first democratic elections which were held from 7 to 11 November 1989 in terms of United Nations Security Council Resolution 435. The Constituent Assembly held its first session a week after the United Nations Special Representative to Namibia, Martii Athisaari, declared the elections free and fair. The 72-member Constituent Assembly faced a seemingly impossible task – to draft a constitution for a young democracy within a very short time. However, within just 80 days the constitution was unanimously adopted by the Constituent Assembly and has been hailed internationally as a model constitution. Independence followed on 21 March 1990 and a quarter of a century later, on 28 November 2014, Namibians went to the polls for the 5th time since independence to exercise their democratic right – to elect the leaders of their choice.

Elections are an essential element of democracy, but do not guarantee democracy. In this commemorative publication, Celebrating 25 years of Democratic Elections, the focus is not only on the elections held in Namibia since 1989, but we also take an in-depth look at other democratic processes. Insightful analyses of essential elements of democracy are provided by analysts who are regarded as experts on Namibian politics.

We would like to express our sincere appreciation to the European Union (EU), Hanns Seidel Foundation, Konrad Adenauer Stiftung (KAS), MTC, Pupkewitz Foundation and United Nations Development Programme (UNDP) for their financial support which has made this publication possible.

We would also like to thank the contributing writers for their contributions to this publication. We appreciate the time and effort they have taken!

Willie Olivier

Project Coordinator

CONTENTS

2	Foreword, contents and imprint.
3	Resolution 435.
4 & 5	Milestones along the road to the 1989 elections.
6 & 7	Elections 2014 – A new beginning? Heribert Weiland
8 & 9	A brief overview of Namibia's elections 1989 – 2010. Graham Hopwood
10 & 11	Constituent Assembly & National Assembly results: 1989 – 2014.
12 & 13	Elections and democracy in Namibia: 1989 – 2014. Gerhard Töttemeyer
14 & 15	The Constitution at 25: Coming of age or regressing? Henning Melber
16 & 17	Flashback to Namibia's historic 1989 elections.
18	Results of presidential elections: 1994 – 2014.
19 & 20	Presidential power and performance in Namibia. Bill Lindeke
21 – 23	Civil society and democratic processes in Namibia. Phaniel Kaapama
24 – 26	2014 National Assembly election results.
27	Namibia at 24. UNDP
28	Namibia's democracy: 24 years on. Konrad Adenauer Stiftung Hanns Seidel Foundation – Promoting Namibia's efforts to consolidate democratic processes
30 & 31	Winners and losers. Multiparty democracy in Namibia. Willie Olivier
32	Back Page

I M P R I N T

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Namibia: Resolution 435



Security Council Resolution 435(1978) of 29 September 1978

The Security Council,

Recalling its resolutions 385(1976) of 30 January 1976 and 431(1978) and 432(1978) of 27 July 1978,

Having considered the report submitted by the Secretary-General pursuant to paragraph 2 of resolution 431(1978) (S/12827) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869),

Taking note of the relevant communications from the Government of South Africa addressed to the Secretary-General,

Taking note also of the letter dated 8 September 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12841),

Reaffirming the legal responsibility of the United Nations over Namibia,

1. *Approves* the report of the Secretary-General (S/12827) for the implementation of the proposal for a settlement of the Namibian situation (S/12636) and his explanatory statement (S/12869);
2. *Reiterates* that its objective is the withdrawal of South Africa's illegal administration of Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with resolution 385(1976);
3. *Decides* to establish under its authority a United Nations Transition Assistance Group (UNTAG) in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by paragraph 1 of Security Council resolution 431(1978), namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;
4. *Welcomes* SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from the President of SWAPO dated 8 September 1978 (S/12841);
5. *Calls on* South Africa forthwith to co-operate with the Secretary-General in the implementation of this resolution;
6. *Declares* that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of Security Council resolutions 385(1976), 431(1978) and this resolution, are null and void;
7. *Requests* the Secretary-General to report to the Security Council no later than 23 October 1978 on the implementation of this resolution.

United Nations Resolution 435 was adopted by the Security Council on 29 September 1978, but only implemented on 1 April 1989.

MILESTONES ALONG THE ROAD TO THE 1989 ELECTIONS

Namibians went to the polls to elect their first democratic government from 7 to 11 November 1989. But the struggle against colonialism and independence dates back more than a century and was fought on the battlefield, the political and the diplomatic front. Following is a chronology of some of the milestones along the long road to the 1989 elections.

12 March 1878 Britain annexes Walvis Bay enclave.

24 April 1884 German Chancellor Otto von Bismarck declares protectorate over Angra Pequena (Lüderitz) and surroundings.

12 April 1893 Curt von François attacks Witbooi Nama at Hornkranz.

25 October 1903 Bondelswarts revolt in Warmbad.

11 January 1904 Samuel Maharero orders OvaHerero chiefs to take up arms against the Germans.

28 January 1904 Fort Namutoni attacked by soldiers of Ondonga King Nehale IyaMpingana.

2 October 1904 General Lothar von Trotha issues extermination order.

3 October 1904 Captain Hendrik Witbooi rises against the Germans.

9 July 1915 German troops surrender to Union Defence Force at Kilometre 500 near Otavi.

17 December 1920 The Council of the League of Nations confers a “C” class Mandate on South Africa for the administration of South West Africa.

29 May 1922 Bondelswarts attacked by South African soldiers supported by the South African Air Force.

15 August 1932 Attack on royal seat of King Iipumbu ya Tshilongo by South African troops supported by the South African Air Force.

14 December 1946 United Nations General Assembly rejects petition by South Africa to incorporate South West Africa as a fifth province of that country.

2 August 1958 Ovamboland People’s Congress founded in Cape Town.

19 April 1959 Ovamboland People’s Organization (OPO) formed in Windhoek.

10 December 1959 Residents of the Old Location resist relocation to Katutura. Thirteen people are killed and 44 injured.

19 April 1960 The OPO reconstitutes as the South West African People’s Organization (SWAPO).

- 18 July 1966** The International Court of Justice (ICJ) rejects an application brought by Ethiopia and Liberia against South Africa on the grounds that they did not have any legal right or interest.
- 26 August 1966** The first clash between Swapo's armed wing and South African forces at Omugulugwombashe.
- 27 October 1966** United Nations terminates South Africa's Mandate over South West Africa (UNGA Resolution 2145).
- 19 May 1967** UN establishes the United Nations Council for South West Africa (UNGA Resolution 2248).
- 12 June 1968** UN adopts a resolution which states that "South West Africa shall henceforth be known as Namibia." UN Council for South West Africa is renamed to United Nations Council for Namibia (UNGA Resolution 2372).
- 21 June 1971** The ICJ in an advisory opinion declares the continued presence of South Africa in Namibia illegal.
- 12 December 1973** The United Nations recognises SWAPO as the "authentic representative of the Namibian people."
- 20 December 1976** SWAPO is granted permanent observer status at the United Nations.
- 29 September 1978** The UN Security Council adopts Resolution 435.
- 13 November 1978** The United Nations condemns planned internal elections in Namibia.
- 4 - 8 December 1978** Elections for a Constituent Assembly held in Namibia. SWAPO boycotts the elections. The DTA wins 82,1% of the seats.
- 17 June 1985** Five-party Transitional Government of National Unity is inaugurated.
- 22 December 1988** New York Tripartite Agreement signed. The agreement provides, amongst others, for the implementation of Resolution 435 on 1 April 1989.
- 1 April 1989** Implementation of Resolution 435.
- 7 - 11 November 1989** UN supervised elections held. SWAPO wins 41 of the 72 seats in the Constituent Assembly. The main opposition party, the DTA, wins 21 seats.
- 14 November 1989** UN Special Representative, Martii Ahtisaari, declares the elections free and fair.
- 21 November 1989** The Constituent Assembly holds its first meeting to draft Namibia's Constitution.

ELECTIONS 2014 – A NEW BEGINNING?

Heribert Weiland

Seen within the African context, the 2014 Namibian parliamentary and presidential elections are remarkable phenomena. They took place within a constitutional framework in compliance with recognized democratic rules and were internationally recognized as free and fair. Nonetheless, the organization, polling and results of the elections triggered widespread discussions about the country's political future.

The elections were held on Friday, 28 November 2014: 893 643 eligible voters cast their ballots at 1,200 polling stations and 2,700 mobile polling stations. A total of 16 parties contested the 96 parliamentary seats. In the presidential election, voters had a choice of nine presidential candidates.

In contrast to previous elections, voting took place on a single day this time. This was due to the decision to introduce electronic voting machines (EVMs), a novelty on the African continent. The EVMs enabled voters to cast their ballots by pressing a button and the results to be forwarded to the Electoral Commission of Namibia (ECN) in Windhoek soon after the polls closed. In previous elections it took several days to count the votes, which gave rise to accusations of manipulation. This time it was hoped that everything would take place more quickly and there would be fewer problems. The intention was, as far as possible, to complete counting and to announce results on the day after the elections. In practice, this did not materialise.

The polling stations were scheduled to be open from 07:00 to 21:00. Although voting went generally smooth at most polling stations, delays soon arose. Owing to unexpected technical difficulties, voters took two to three times longer on average to cast their votes than foreseen. The main problem was not caused because voters did not know how to use the EVMs. After many weeks of voter education most people did quite well, despite some hesitancy. As reports from across the country confirm, the crucial bottleneck was in establishing voters' identity prior to the actual act of voting. Each individual voter's identity was established by fingerprint, which had to be compared biometrically with each voter's registered ballot paper. This was time-consuming.

As a result, long queues formed at polling stations already in the morning hours and most people had to wait several hours to cast their vote. Although polling stations were supposed to close at 21:00, voting continued into the early hours of the morning in

many places to ensure that all the voters in the queues got the opportunity to cast their ballots. Particular mention must be made of the incredible patience of all voters who queued for so many hours. This is a significant indication of the will of the electorate and attests to the seriousness that people attach to democratic participation. Given the length of the queues, it is not surprising that some potential voters were unable to stay the course. Compared to earlier elections, however, the turnout of 72 % was quite satisfactory.

Several hundred Namibian and international election observers (from the African Union, the SADC and the EU), observers from political parties and Namibian civil society representatives monitored the elections. The observers' reports broadly concur that despite organisational and logistical shortcomings, the elections were deemed to be peaceful, free and fair. However, given the decision to introduce a new electronic voting format, the lead time was criticized as too short and the testing of the technical apparatuses as inadequate. It was recommended that the number of polling stations be increased.

What were the advantages of electronic voting machines? They are supposed to guarantee quick and accurate results. However, in this case these objectives were not achieved. Apart from the aforementioned delays in casting ballots on election day, the cumbersome verification process involved comparing the results sent directly to the Electoral Commission with the manually recorded voting card numbers and voters' signatures. Despite these – widely criticised – delays, one notable success of the electronic tabulation of results is the general absence of accusations of electoral fraud. Hence, the elections are widely regarded as credible. For the first time the results were not challenged, unlike in the aftermath of previous elections. This creates hope for the future.

No one in Namibia expected that the elections would bring about fundamental political change. The primary interest was whether 25 years after the country's first democratic elections there would be signs that voters were moving away from the existing dominant party system, under which SWAPO has always had an enormous majority. There were reasons enough for such a development: growing social disparities, poverty, unemployment and in particular the huge increase in the cost of land and property in urban centres. Moreover, people are very aware of corruption in government circles. Shortly before the elections there were spontaneous demonstrations and protests against the allocation of municipal land and property. But obviously, bread-and-butter issues have not resulted in a

political rejection of the government. On the contrary, compared to previous elections, SWAPO was able to strengthen its dominant position: it won 80% of the vote and will have a solid three-quarters majority of 77 seats in the next parliament. The result for Dr Hage Geingob, the party's presidential candidate, was even stronger: with 86.7% of the vote he exceeded all of his predecessors' electoral results. These results underscore the ambiguity in the electorate. On the one hand the myth of SWAPO as the liberation movement that led the country to independence continues to have an impact. This is particularly true in respect of older voters, the rural population and the inhabitants of the so-called O-Regions that bore the brunt of the liberation struggle, all of whom remain rock-solid SWAPO supporters. All political opponents are, when the occasion arises, left in no doubt about this unwavering allegiance. On the other hand, SWAPO's election promises were tailored to the expectations of dissatisfied city dwellers. Hage Geingob is a distinct embodiment of this need. Thanks to his enormous experience he is viewed as a politician who has twice been prime minister and as a pragmatist and technocrat who is in a position to reduce the massive social inequalities and to introduce new initiatives to improve the investment climate in the country. This is of particular interest to the younger generation, the so-called "born frees", who for the first time since independence constitute a significant part of the electorate, and obviously have not turned their backs on SWAPO. In view of such high expectations, and his unexpectedly strong result, the president elect will have a tough job. Moreover, as a member of the Damara cultural group he will not necessarily be able to count on unreserved support among the SWAPO rank and file, which surely harbours many envious people. His success is based on the political calculation of – possibly fragile – consensus within SWAPO. In the election campaign this consensus was expressed in large posters showing Nujoma, Pohamba und Geingob, the three leaders, next to one another, each above the word characteristic of his period in office: "Peace – Stability – Prosperity". This genial election slogan had the desired impact.

In view of obvious dissatisfaction among the populace, the overwhelming performance of the ruling party itself raised the question of a political alternative. The opposition, which has splintered into 15 parties, won a total of just 19 seats, whereby the leading opposition party, the RDP, has been replaced by the DTA, which won only five seats. It appears that it is impossible for the opposition to make any headway in the African environment, in which the "big men" have the say and can also distribute jobs and resources. This is also true for Ben Ulenga (CoD) and Hidipo Hamutenya (RDP), two prominent SWAPO dissidents who initially belonged to the inner circle of power. When they broke away they hoped to take sufficient followers

with them, but foundered because they were unable to break the entrenched control of the dominating elite on power. At the same time, the opposition parties representing ethnic minorities alongside the Oshiwambo-speaking majority desire to serve as parliamentary representatives for the wishes and demands of their own regions. Once again, the system of proportional representation has ensured that they gained one or two seats each in parliament. That said, these parties, some of which are represented by tribal elders, have never understood how to weld together a united, effective opposition with an alternative political programme to that of the government. The hopes of the opposition are now pinned on the youthful leader of the DTA, McHenry Venaani. Although he displayed remarkable charisma during the election campaign, it is unlikely that he will find the backing for constructive opposition policies, not least because, to date, the DTA has not yet been able to leave the shadows of the past completely behind it.

Given such a parliamentary majority and such a strong presidential candidate, it remains an open question whether the parliamentary system of public debate, of checks and balances and of public control of the government can still function. Current practice and the almost clandestine recent discussions about constitutional changes are not encouraging. Over and above this, a number of new members with little parliamentary experience have been elected to parliament on the SWAPO list. Formally, there can be no doubt that Namibia is a functioning democracy. Whether its public officers can live up to the demands remains to be seen. A "new beginning" looks different.



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A BRIEF OVERVIEW OF NAMIBIA'S ELECTIONS: 1989-2010

Graham Hopwood

1989 – CONSTITUENT ASSEMBLY

Namibia's transitional elections took place in November 1989, with an exceptionally high turnout. Voter registration took place over twelve weeks from July to September, with 701 483 voters recorded. Some 97 percent of registered voters were deemed to have taken part in the voting that took place over five days from November 7-11 (a figure that was cited as a world record at the time for a voluntary election). Swapo polled just over 57 percent against the DTA's 28 percent, with four other parties picking up seats. The result meant that Swapo gained 41 seats in the Constituent Assembly against the DTA's 21 while five smaller parties shared the remaining ten seats. On November 14 UN Special Representative in Namibia Martti Ahtisaari certified that the elections had been free and fair.

Following clashes between returning Swapo fighters and South African forces in early April 1989 – the start of the implementation period for Resolution 435 – no other incident looked likely to derail the process, although the atmosphere remained tense until the results were announced. The continued activities of the South African paramilitary Koevoet unit (after other forces had been demobilised and confined to base) added to the climate of violence. There were South African-sponsored efforts to determine the outcome of the election, including the addition of thousands of South Africans to the voters' roll, biased coverage emanating from the South West African Broadcasting Corporation, and the funding of anti-Swapo parties.

Despite these factors, all parties accepted the outcome of the election and went on to negotiate a supreme law for Namibia in a spirit of compromise within a matter of weeks.

1992 LOCAL AUTHORITY AND REGIONAL COUNCIL

The first Namibian-organised elections took place simultaneously at the end of November 2002, with 13 Regional Councils and 48 Local Authorities up for grabs. Swapo won control of 32 out of 48 local authorities, while the DTA gained majorities in nine and the United Democratic Front (UDF) in two. No party was in overall control at five towns. A new voters' roll listed 534 437 registered voters and over 80 percent turnouts were recorded in both ballots.

1994 NATIONAL ASSEMBLY AND PRESIDENTIAL

Swapo achieved a two-thirds majority in the National Assembly election while Namibia's first presidential ballot saw Sam Nujoma comfortably beat Mishake Muyongo with 74 percent of the vote. Just over 76 percent of registered voters turned out – still a high proportion. The accuracy of the voters' roll

and the system of tendered balloting were questioned after several northern constituencies recorded more than 100 percent turnouts. A DTA court challenge to the results in these constituencies – which were overwhelmingly won by Swapo – fizzled out some months after the election.

1998 LOCAL AUTHORITY AND REGIONAL COUNCIL

The Local Authority elections, held in February, and the Regional Council vote, held in November, were both notable for recording a sizeable drop in turnout (34 percent in the local ballot and 40 percent in the regional election). This was variously put down to a failure of political parties to mobilise their supporters, voter dissatisfaction with the parties on offer, confusion over registration cards, and people's failure to re-register after moving to a new town. Despite the low turnouts, Swapo still dominated, winning almost 60 percent of the vote in the Local Authority elections and 69 percent in the Regional Council ballot. The Local Authority elections were notable for a strong showing from local residents' associations, which gained control of Rehoboth and Otavi.

1999 NATIONAL ASSEMBLY AND PRESIDENTIAL

The liveliest election campaign since 1989 saw turnout rise to an estimated 61 percent from the lows of 1998. However, serious doubts about the accuracy of the voters' roll, which featured numerous repeat entries and ghost voters, may mean the actual turnout was somewhat higher.

In the wake of a fiercely-fought campaign during which the CoD was at the receiving end of some extreme rhetoric from Swapo politicians, local observers expressed several reservations about the elections. The Council of Churches in Namibia (CCN) and the Namibia NGO Forum (Nangof) said the election was free but not completely fair due to intimidation and hate speech on the campaign trail. Swapo strengthened its majority in the NA to 55 from 53 seats while Sam Nujoma was up to 77 percent support in the presidential poll.

2004 LOCAL AUTHORITY

The 2004 local elections indicated that not much had changed in the relative strengths of the parties since the 1999 national elections. Swapo still dominated, winning 64 percent of the vote. The DTA continued to lose support (down to 8 percent from 25 percent in the equivalent elections in 1998), while the CoD, taking part in its first local vote, remained at around ten percent, similar to its 1999 national level. Local residents' associations, which had performed well in 1998, lost ground and saw their share of the vote diminish from eight percent to four percent. The election used a new voters' roll, compiled after general registration in 2003, and turnout was 45 percent.

2004 NATIONAL ASSEMBLY AND PRESIDENTIAL

Despite a low-key election campaign, the NA and presidential elections produced a turnout of 85 percent – the highest since the watershed 1989 election. Several opposition parties almost doubled their number of votes, yet they failed to make ground on Swapo since the ruling party also substantially increased its support. As a result Swapo maintained its 55 seats in the NA, while the opposition's 17 seats were divided between six parties compared to four in 1999. By virtue of having five seats, one more than the DTA, the CoD became the official opposition.

The National Unity Democratic Organisation (Nudo) gaining three seats from its support in the Otjiherero-speaking community and the UDF upping its seat numbers from two to three.

As there were no major policy issues that dominated the campaign, voters appeared to have been energised by the transition taking place in Swapo – with President Sam Nujoma having completed his three terms in office and making way for a new presidential candidate, Hifikepunye Pohamba. In the end, Pohamba gained 200,000 more votes than Nujoma ever had, but had a support level of 76 percent, just below Nujoma's 1999 performance. Ben Ulenga of the CoD came second with seven percent.

While there were few controversies during the campaign, there was a furore concerning the drawn out counting process – which only produced a result five days after voting ended. Concerns about possible irregularities affecting the accuracy of the count prompted the CoD and RP to launch a court case seeking a recount of NA votes. The parties eventually won the case in March 2005 and the High Court ordered a recount just days before the new NA was due to be sworn in. The recount produced a remarkably similar result to the first count and there were no changes in the allocation of NA seats.

2004 REGIONAL COUNCIL

In Regional Council elections held on November 29 and 30, Swapo swept the board, winning 96 of the 107 constituencies countrywide. The ECN confirmed a turnout of

55 percent, which was partly ascribed to voter fatigue as the election followed closely after the national elections. The Kunene region remained the only area of Namibia out of Swapo's control after voters returned a hung council with the UDF holding three seats, the DTA two, and Swapo one. The opposition parties performed well in Kunene partly because they both agreed to withdraw their candidates in certain seats to give the other party a better chance of winning. Nudo gained three seats – two in Omaheke and one in Otjozondjupa, while the South West Africa National Union (Swanu) gained its first ever Regional Council seat in Omaheke. Despite attracting more votes countrywide than any other opposition party, the CoD failed to take a single seat.

2009 NATIONAL ASSEMBLY AND PRESIDENTIAL

The NA and Presidential elections were held on November 27 and 28 2009. Swapo won convincingly with 74 percent of the vote, while Hifikepunye Pohamba did slightly better than his party by topping 75 percent in the presidential poll. The campaign was the most fractious and violent build-up to an election since 1989. There was also controversy over the accuracy of the voters register, which appeared in several versions prior to the election – often with wildly fluctuating figures. The polling days passed without incident but it then took the ECN almost a week to announce the final results which fuelled suspicions that figures were being tampered with. The eventual results, released on December 4, saw most of the opposition parties boycott the official announcement in protest at the manner in which the ECN had organised the election. The Rally for Democracy and Progress (RDP) scored 11 percent of the vote, a respectable showing for a new opposition party but far below their expectations. The performance of the rest of the opposition continued to deteriorate to the point where three of the parties that entered parliament received less than one percent of the vote each (Swanu, CoD, and RP). They scraped into the NA with one seat each due to the quota of votes system. The RDP with the support of eight other opposition parties challenged the result of the NA election. The case rumbled on in the courts for over two years and was only resolved when the Supreme Court rejected the opposition's arguments in October 2012.

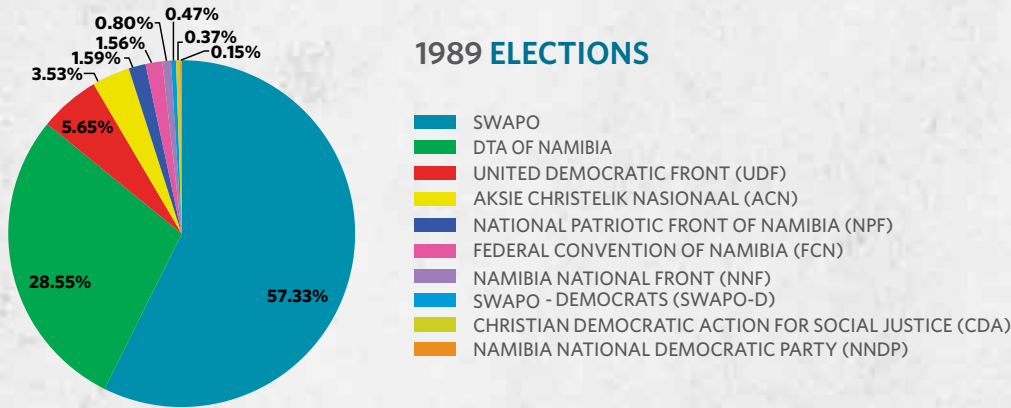
2010 LOCAL AUTHORITY AND REGIONAL COUNCIL

The local and regional elections were held at the same time on November 26 and 27. The regional picture remained very similar to 2004 with Swapo gaining almost 80 percent of the vote while the RDP replaced CoD as the strongest opposition party, although it only won one Regional Council seat countrywide (Windhoek East). The only hotly-contested region was Kunene where the DTA and UDF combined to hold off Swapo's challenge. In the rest of the country Swapo controlled the remaining regions winning 98 out of 107 seats. Swapo strengthened its support levels in the local poll – going up from 64 percent to 69 percent of the vote and taking control of 38 out of 50 local authorities. The UDF and Nudo held on to their traditional strongholds but did little more. Campaigning was mostly low key but violence did flare in Opuwo – the capital of the Kunene region – where DTA and Swapo supporters clashed in the week before the election. Turnout dropped below 40 percent in both votes.

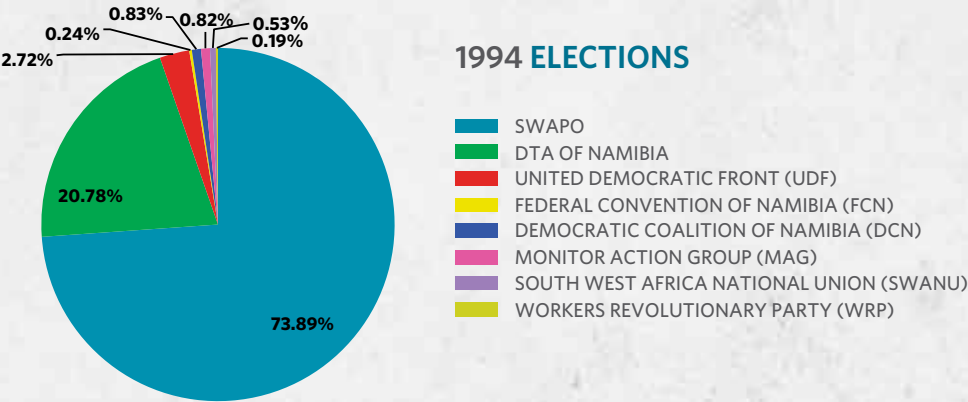
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THE PEOPLE HAVE SPOKEN
CONSTITUENT ASSEMBLY AND NATIONAL ASSEMBLY RESULTS 1989 - 2014

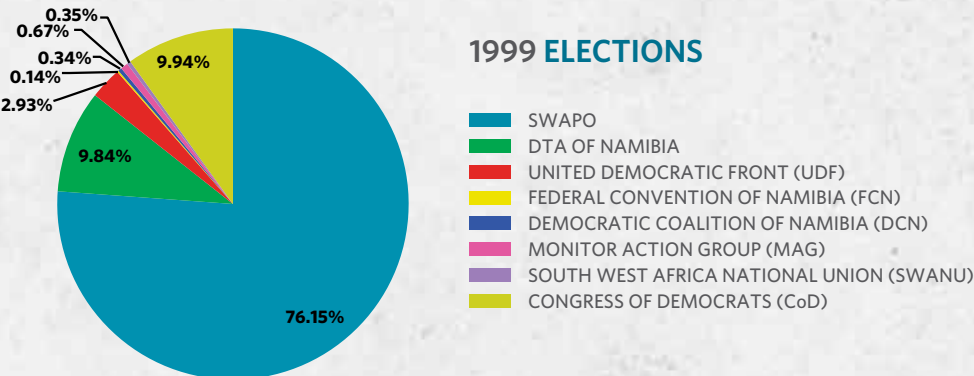
1989 ELECTIONS

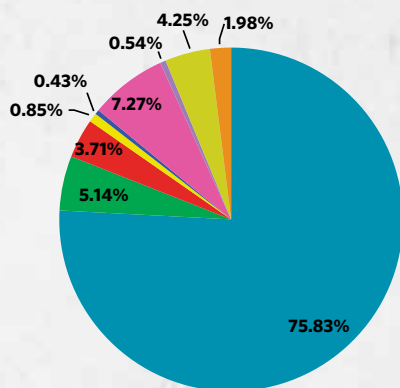


1994 ELECTIONS



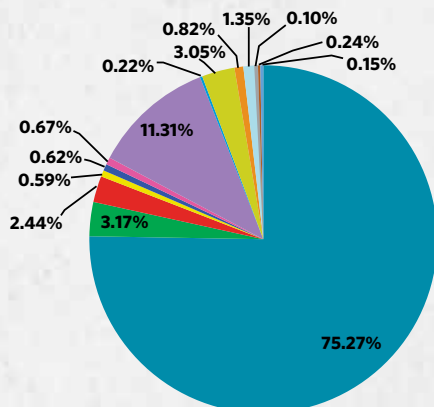
1999 ELECTIONS





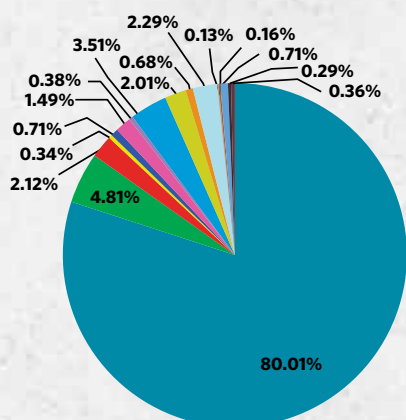
2004 ELECTIONS

- SWAPO
- DTA OF NAMIBIA
- UNITED DEMOCRATIC FRONT (UDF)
- MONITOR ACTION GROUP (MAG)
- SOUTH WEST AFRICA NATIONAL UNION (SWANU)
- CONGRESS OF DEMOCRATS (CoD)
- NAMIBIA DEMOCRATIC MOVEMENT FOR CHANGE (NDMC)
- NUDO
- REPUBLICAN PARTY OF NAMIBIA (RP)



2009 ELECTIONS

- SWAPO
- DTA OF NAMIBIA
- UNITED DEMOCRATIC FRONT (UDF)
- MONITOR ACTION GROUP (MAG)
- SOUTH WEST AFRICA NATIONAL UNION (SWANU)
- CONGRESS OF DEMOCRATS (CoD)
- RALLY FOR DEMOCRACY AND PROGRESS (RDP)
- NAMIBIA DEMOCRATIC MOVEMENT FOR CHANGE (NDMC)
- NUDO
- REPUBLICAN PARTY OF NAMIBIA (RP)
- ALL PEOPLE'S PARTY (APP)
- COMMUNIST PARTY (CP)
- DEMOCRATIC PARTY OF NAMIBIA (DPN)
- NATIONAL DEMOCRATIC PARTY (NDP)



2014 ELECTIONS

- SWAPO
- DTA OF NAMIBIA
- UNITED DEMOCRATIC FRONT (UDF)
- MONITOR ACTION GROUP (MAG)
- SOUTH WEST AFRICA NATIONAL UNION (SWANU)
- WORKERS REVOLUTIONARY PARTY (WRP)
- CONGRESS OF DEMOCRATS (CoD)
- RALLY FOR DEMOCRACY AND PROGRESS (RDP)
- NUDO
- REPUBLICAN PARTY OF NAMIBIA (RP)
- ALL PEOPLE'S PARTY (APP)
- DEMOCRATIC PARTY OF NAMIBIA (DPN)
- NATIONAL DEMOCRATIC PARTY (NDP)
- UNITED PEOPLE'S MOVEMENT (UPM)
- CHRISTIAN DEMOCRATIC VOICE (CDV)
- NAMIBIA ECONOMIC FREEDOM FIGHTERS

ELECTIONS AND DEMOCRACY IN NAMIBIA: 1989-2014

Gerhard Töttemeyer

Elections are fundamental to any competitive democracy. They remain an important exercise in pluralism and, as such, an essential element and integral part in the democratic process in any country. Elections must demonstrate and prove successful democracy in action.

Namibia has constitutionally committed itself to a multi-party democracy and free elections. Such elections must guarantee eligible voters a free and independent choice whom to vote for. In the Preamble to the Namibian Constitution reference is made to 'freely elected representatives of the people'. Equally important is the provision, as reflected in Article 17 (2) of the Constitution, that 'every citizen who has reached the age of eighteen (18) shall have the right to vote'. It rests upon the Electoral Commission (ECN) and its executing agency, the Directorate of Elections, to comply with this constitutional dictate.

An electoral process in a democracy cannot only be separated from the electorate's right to vote, but also not from the pursuance of fundamental human rights and freedoms. To be credible elections must take place in a conducive political environment and atmosphere that promotes equality, freedom of choice, the secrecy of vote and respects human dignity.

It is the task of the electoral bodies to inform, capacitate and entice the voter to make use of his/her right to vote. Democracy demands that equal value is assigned to each citizen which was denied during colonial times. Elections must be a people-centred process and not end up as a 'once-in-a-lifetime'.

Elections in a constitutional democracy assign a mandate to voters to exercise their influence over the orderly running of the state. They provide the opportunity to take politicians to task and demand that they must adhere to promises made during election campaigns. Elections provide the opportunity to form a principal link between those that rule and those that are ruled. To restrict such linkage only to the election period undermines the principles of representative democracy.

It is claimed that democracy would be better understood if people could 'eat it'. People want to see tangible benefits from having voted and that issues such as employment, alleviation of poverty, equality, sufficient social and medical care, adequate and affordable housing, quality education and allocation of land, are successfully

addressed. Only then the electorate will believe that elections are a credible exercise and that democracy delivers credible products. There is a definite conceptual linkage between socio-economic rights and democracy as much as between a functioning democracy and electoral processes. It is particularly in this context that electoral bodies have to play a very important functional role. It is for the Electoral Commission and its executing agencies to let democracy work by conducting a credible electoral process. This includes voter registration, voter education, voting and counting of votes. Democracy demands that elections must be free, fair, responsible, transparent and credible.

HISTORY OF NAMIBIAN ELECTIONS

Since the pre-independence elections from 7-11 November 1989, headed by the president-elect, Dr. Hage Geingob, to elect a Constituent Assembly, many improvements in the running of the electoral process have taken place.

The first post-independence elections in 1992 were conducted by the newly instituted Electoral Commission and its Directorate of Elections. The EC was headed by High Court Judge Johann Strydom, and the Directorate by Professor Gerhard Töttemeyer. Their first task was to conduct the local authority and regional council elections. In the same year the *Electoral Act* (No 24 of 1992) was promulgated which was very much based on South African legislation on elections.

Namibia decided on three different electoral systems - the proportional method applied during local authority and national assembly elections and the plurality method for regional council elections. For the presidential elections the winning candidate must obtain more than 50% of the vote.

When the EC and the Directorate took office, they had exactly three months to conduct a national registration of voters (16 September - 24 October 1992) and the elections (30 November - 3 December 1992).

It was a challenging task. Regions, regional councils and constituencies were totally new concepts and unknown to the population. They replaced the so-called homeland (Bantustan) structures of apartheid days. During colonial times 95% of the population was excluded from taking part in local authority elections, a privilege only whites had been granted.

During its voter information and education campaign the EC stressed the importance of participatory democracy, how

relevant it is to internalise democracy and that voters should become part of self-actualisation.

There were problems during the registration and election campaigns. Among them, the intimidation of farm workers not to register and vote. They were told by some white farm owners, if they managed to register, not to vote and if they should vote for whom to vote. This experience caused the design of an election poster with the text 'We all tolerate each other because we are all members of the Namibian family!'

IMPROVEMENTS TO THE ELECTORAL ACT

Time and space do not allow to reflect on all the elections that followed the first regional and local authority elections in 1992 and the first National Assembly and Presidency elections in 1994. Elections remain a learning experience. No election is perfect. New insights are gained during elections and cause new practices and methods. These are reflected in many amendments to the *Electoral Act* of 1992.

Already in the nineties the responsibility of the EC to the Office of the Prime Minister was shifted to the Office of the Speaker. It was meant to counteract the accusation that the electoral institutions are not independent.

In 2012 the retired Professor Gerhard Töttemeyer was tasked by the Law Reform and Development Commission and the Namibia Institute for Democracy to write a report on the possible revision and reform of the *Electoral Act* of 1992. He made 59 recommendations on how the present electoral institutions and processes could be improved. These included the positioning and operation of the electoral bodies; the improvement of the electoral process, from voter registration to the counting of votes; abolishment of the tendered vote system; the introduction of a one day election; election of the Electoral Commission and the chief electoral officer; political parties and funding; alignment of the electoral and delimitation commission; the institution of an electoral tribunal; shortcoming in the Constitution pertaining to the election of the president; voter education; the storing of election material; provision for referenda; and, the time gap between the election of national assembly members and the president and finally taking office.

Many of these issues were discussed during public meetings throughout the country and with the Law Reform and Development Commission. The latter added some issues. Most of the recommendations have been addressed in the new *Electoral Act* (Act No 5 of 2014) of 8 October 2014 and successfully applied during the National Assembly and Presidency elections on 28 November 2014. Even so, the

new Electoral Act may not be perfect, but it is a tremendous improvement on previous legislation on elections in Namibia.

It could be of interest to reflect how Namibia has progressed in participatory democracy when one compares the national assembly elections' results in 1994 and those in 2010/4:

In 1994: 654 189 voters were registered of which 76.05% cast their votes. Eight political parties took part. SWAPO Party of Namibia was supported by 72.72% of the votes cast. The second strongest party and official opposition was DTA with 20.45% support.

In 2014: 1 241 194 voters were registered of which 72% cast their votes. If it was not for technical problems the percentage could have been higher. Sixteen political parties took part. SWAPO Party was supported by 80% of the votes cast. The second strongest party and official opposition is DTA with 4.80% support.

CONCLUSION

Multi-party democracy is alive in Namibia despite being ruled by a dominant/hegemonic party. It is the voters' choice. Elections take place regularly and are conducted in a free environment not allowing any intimidation. For the sake of a duly working democracy it is important that checks and balances are operative, particularly in a dominant/hegemonic party state with a number-wise weak opposition such as Namibia. An important task thus rests on civil society to take on co-responsibility in the ruling of the country at all levels of governance. Civil society must constantly be reminded that intervals between elections are as much relevant as periodic elections. Participatory and cooperative democracy and not any other form of democracy such as centralised democracy must prevail and be practised.

Professor Gerhard Töttemeyer, a born Namibian, taught political and administrative studies at the Universities of Stellenbosch, Transkei, Cape Town and Namibia. He served as Director of Elections during 1992-1998. From 2000 to 2004 he was a Member of Parliament and appointed as Deputy Minister of Regional and Local Government and Housing. Presently he chairs the SADC Electoral Advisory Council.



THE CONSTITUTION AT 25: COMING OF AGE OR REGRESSING?

Henning Melber



The Republic of Namibia took shape when the elected Constituent Assembly adopted a Constitution in February 1990. This was the final step towards national sovereignty proclaimed on 21 March 1990. The introductory and concluding passages of the Preamble to *The Constitution of the Republic of Namibia* are instructive:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace;

Whereas the said rights include the right of the individual to life, liberty and the pursuit of happiness, regardless of race, colour, ethnic origin, sex, religion, creed or social or economic status;

Whereas the said rights are most effectively maintained and protected in a democratic society, where the government is responsible to freely elected representatives of the people, operating under a sovereign constitution and a free and independent judiciary;

Whereas these rights have for so long been denied to the people of Namibia by colonialism, racism and apartheid; [...]

Now therefore, we the people of Namibia accept and adopt this Constitution as the fundamental law of our Sovereign and Independent Republic."

The government's responsibility to "freely elected representatives of the people, operating under a sovereign constitution and a free and independent judiciary" is a noteworthy emphasis. It implies the supremacy of the

Constitution. This does, of course, not elevate it to a holy shrine which should remain untouchable. Constitutional principles have to reflect changing values and norms, especially in the arena of human rights and social and political entitlements (as well as obligations). They require a reality check and might shift emphasis (as happened among others with regard to the abolition of discrimination of same sex preferences in many countries).

Constitutional principles should however not be abandoned, or twisted and deformed simply because an elected majority in parliament is willing to change the rule of the game for its own party's benefit. By doing so, the rule of law degenerates into rule by law and thereby into the law of the rulers. Such abuse of political authority degrades a Constitution to an object of mere arbitrariness and makes a mockery of constitutional democracy. The proclaimed values then are meaningless beyond their deliberate instrumentalisation by those who hold the power of definition. In such cases good governance (what ever that means) is turned into the governance by convenience of a ruling party and its leaders.

Namibia's Constitution was changed for the first time to allow the first President in office to be re-elected by popular vote for another (third and final) term in office. This was a singular exception and displayed some restraint. But from the beginning, Namibia's Constitution vested far-reaching executive powers in the office of the President. It is among others at the sole discretion of the head of state to take decisions which protect the national interest, including – as was the case in late August 1998, when President Nujoma without any consultations decided to order troops to the Democratic Republic of the Congo to come to the rescue of the regime of Laurent-Desiré Kabila then under siege.

In August 2014 SWAPO MPs adopted against the vote of the political opposition parties a variety of constitutional amendments. These included the expansion of the National Assembly from 76 to 92 seats. It was no secret that the main motives for this were party-internal considerations to accommodate male colleagues, who otherwise would have been sacrificed to the "Zebra decision" taken by a party congress earlier on, namely that every second candidate on the party list ought to be female. While gender equality merits to be a clearly vested principle also enshrined in a Constitution, this fell short of such more fundamental goal and came across merely as a party political opportunist move.

It remains to be seen, whether an enlarged parliament with many more women might strengthen both gender equality in parliamentary practice as well as the autonomy of elected political office-bearers.

More importantly, the far-reaching constitutional amendments expanded the executive powers of future presidents even much further. As from now on, presidents not only appoint or dismiss the governors of the country's regions (independently of the results of the regional elections), but also all relevant office bearers related to state security without any further checks and balances by means of a parliamentary control. There are no provisions seeking to secure a minimum degree of accountability and transparency. The dominant party system in existence thereby turns increasingly into a presidential theocracy, leaving the authority over decisive state matters solely to the President. This comes with major responsibilities for the office bearer to resist any temptations to rule like a monarch. Maybe it is helpful to be reminded that a strong presidency is usually based on a value based authority and thereby a "soft power", instead of relying on the application of "hard power".

In April 1887 the British moralist, writer and politician Lord Acton (1834-1902) in a letter to Archbishop Mandell Creighton made the meanwhile famous, often quoted statement: "Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men." Significantly, this observation was made in a society widely considered as the cradle or midwife of democracy. It reminds us, that democracy is anything but a form of political governance, which serves as a panacea to the abuse of power. Rather, democracy comes in a variety of shades and nuances and demarcates a contested territory.

The late Ismael Mahomed, Chief Justice of Namibia and later Chief Justice of South Africa once stated,

"The Constitution of a nation is not simply a statute which mechanically defines the structures of government and the relations between the government and the governed. It is a 'mirror reflecting the national soul', the identification of the ideals and aspirations of a nation, the articulation of the values bonding its people and disciplining its government. The spirit and the tenor of the Constitution must therefore preside."

It should be noted that the assumption is that a Constitution entails values that discipline the government – not that the government disciplines the Constitution by imposing or enshrining the values it prefers as government.

Contrasting the constitutional ideals with social realities reveals that efforts to promote constitutional democracy and putting its aspirations into practice remain an uphill battle. The fight for democracy, human rights, dignity and justice will always continue, in different forms and degrees, under whichever political order. Constitutional democracy alive, therefore, includes first and foremost all those individuals who are willing to stand up and claim their rights and thereby dare to speak truth to power. After all, as Bernard Malamud's protagonist in his novel "The Fixer" categorically states: "Where there's no fight for it there's no freedom". Those who were fighting for freedom in Namibia should know and not forget. The slogan they propagated during the anti-colonial struggle could serve as a reminder for what all Namibians should be entitled to in the Land of the Brave: "Solidarity, Freedom, Justice".

Henning Melber joined SWAPO in 1974. He headed the Namibian Economic Policy Research Unit (NEPRU) from 1992 to 2000, was Research Director at The Nordic Africa Institute (2000 to 2006) and Executive Director of The Dag Hammarskjöld Foundation (2006 to 2012), both in Uppsala/Sweden. He is Senior Advisor to both institutions and Extraordinary Professor at the universities of Pretoria (since 2012) and the Free State in Bloemfontein (since 2013). His book "Understanding Namibia. The Trials of Independence" has just been published with Hurst in London and Jacana in South Africa.



The Namibian Constitution was unanimously adopted on 9 February 1990.



HOW TO VOTE

ALL NAMIBIANS who registered can vote in the election, from Tuesday, 7 November, through Saturday, 11 November. The polls will be open from 7 a.m. to 7 p.m. on each of those days. The location of polling places in your area will be announced on the radio, in the newspapers, at government offices, post offices, and UNTAG centres.



UNTAG launched an extensive voter education campaign in the run-up to the 1989 elections.

FLASHBACK TO NAMIBIA'S



Jubilant crowds took to the streets of Windhoek after the outcome of the 1989 elections became known.



UNTAG personnel verifying tendered ballots cast in the 1989 elections held from 7 to 11 November.



The official results of the 1989 election were announced on Tuesday, 14 November 1989.



An UNTAG vehicle drives past a billboard assuring voters to 'Vote without Fear. Our vote brings peace'.

HISTORIC 1989 ELECTIONS



A mural in Katutura expresses support for Swapo which won 41 seats in the 1989 elections.



UDF supporters at a rally in Windhoek.



UN Special Representative to Namibia Martii Athisaari (left) and UN Secretary-General Javier Perez de Cuellar.



The DTA won 21 seats in the 1989 elections to become the official opposition.



A record 97.04% of registered voters cast their ballots during Namibia's first democratic elections.



NNF rally ahead of the 1989 elections. The party secured one seat in the Constituent Assembly.

RESULTS OF PRESIDENTIAL ELECTIONS: 1994-2014

1994 PRESIDENTIAL ELECTIONS

Total number of valid votes	Candidates	Votes recorded for each candidate	% votes received
485 295	Muyongo, Mishake	114 843	23.08
	Nujoma, Sam Sashiifuna	370 452	74.46

1999 PRESIDENTIAL ELECTIONS

Total number of valid votes	Candidates	Votes recorded for each candidate	% votes received
538 848	Garoëb, Justus	16 272	3.02
	Kaura, Katuutire	51 939	9.64
	Nujoma, Sam Sashiifuna	414 096	76.85
	Ulunga, Benjamin	56 541	10.49

2004 PRESIDENTIAL ELECTIONS

Total number of valid votes	Candidates	Votes recorded for each candidate	% votes received
818 395	//Garoëb, Justus	31 354	3.83
	Kaura, Katuutire	41 905	5.12
	Mudge, Henry Ferdinand	15 955	1.95
	Pohamba, Hifikepunye	625 605	76.44
	Pretorius, Jacobus	9 378	1.15
	Riruako, Kauima	34 651	4.23
	Ulunga, Benjamin	59 547	7.28

2009 PRESIDENTIAL ELECTIONS

Total number of valid votes	Candidates	Votes recorded for each candidate	% votes received
799 870	Beukes, Attie	1 005	0.13
	//Garoëb, Justus	19 258	2.41
	/Goagoseb, Frans Mikub	1 760	0.22
	Hamutenya, Hidipo Livius	88 640	11.08
	Isaacs, Salomon David	1 859	0.23
	Kaura, Katuutire	24 186	3.02
	Maamberua, Usutuaije	2 968	0.37
	Mudge, Henry Ferdinand	9 425	1.17
	Pohamba, Hifikepunye	611 241	76.42
	Riruako, Kauima	23 735	2.97
	Shixwameni, Ignatius	9 981	1.25
	Ulunga, Benjamin	5 812	0.73

2014 PRESIDENTIAL ELECTIONS

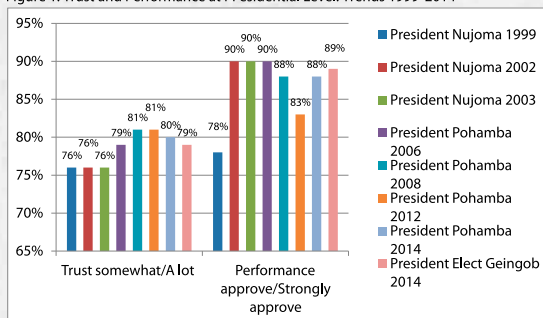
Total number of votes counted	Candidates	Votes recorded for each candidate	% votes received
890 738	Geingob, Hage	772 528	86.73
	Hamutenya, Hidipo	30 197	3.39
	Maamberua, Usutuaije	5 028	0.57
	Mbai, Asser	16 740	1.88
	Mudge, Henry	8 676	0.97
	Mukwilongo, Epafras	2 514	0.28
	Shixwameni, Ignatius	7 266	0.82
	Ulunga, Benjamin	3 518	0.39
	Venaani, McHenry	44 271	4.97

PRESIDENTIAL POWER AND PERFORMANCE IN NAMIBIA: THE FIRST QUARTER CENTURY

By Prof. Bill Lindeke, Senior Research Analyst on Democracy and Governance, IPPR

Namibia can boast of having presidents who are among the most trusted and best performing on the African continent, according to nationally representative public opinion surveys conducted by Afrobarometer since 1999¹. Disentangling trust in the president from trust in the state and the ruling party may be a difficult task, but the strength and durability of the trend over two presidents and the president-elect implies an enduring situation. The recently conducted presidential election (2014) only confirms the status of the ruling party executive leaders with a huge margin of victory and themes of continuing the legacy and maintaining continuity in the future. By contrast, at this stage of independence, founding presidents in Ghana, Zambia, and Zimbabwe had been overthrown, voted out of office, or lost key elections.

Figure 1. Trust and Performance at Presidential Level: Trends 1999-2014



Respondents were asked: How much do you trust each of the following, or haven't you heard enough to say: the President; the Prime Minister?

As an independently elected executive, Namibia's president holds a strong claim to speak authoritatively for the nation as a whole. This is in line with the global trend toward strong presidencies over the past decades. In the case of Namibia, this is even more important as the presidential candidate in 2014 received more votes than the ruling party did. In recent years additional power and authority has been reallocated to the office of the president. Almost unnoticed was the transfer of the cabinet secretariat from the prime minister's office to that of the president. Additionally, the *Governors and Advisors Appointment Act* transferred that authority from the regional councils to the president. Finally, the *Third Constitutional Amendment Act* created an appointed vice

¹ Afrobarometer is an African-led, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across more than 30 countries in Africa. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples of between 1,200 and 2,400 respondents. The Afrobarometer team in Namibia, led by the Institute for Public Policy Research, interviewed 1,200 adult Namibians in August and September 2014. A sample of this size yields results with a margin of error of +/- 3% at a 95% confidence level. Six previous surveys have been conducted in Namibia since 1999.

president, among other institutional changes that are yet to be fully understood. The interim prime ministers, Theo Ben Gurirab and Nahas Angula, were not stellar administrators, and did not defend the prerogatives of that office against presidential incursions, nor did Parliament.

Although the president holds great institutional power, most decision-making happens through Cabinet consensus. This has kept most government policy and tone effectively within moderate bounds of the values and priorities of the old guard of the Tanganyika Conference generation. New, younger members have been brought into the inner circles of power in the party and the state, to be sure, but they are safely introduced to the consensus view. Indeed, the lines between the party and the government are exceedingly porous (and cynics might say poisonous). The consensus has ruled for the most part with only occasional intrusions from the president such as the bypassing of the tender process to give North Korean entities contracts for state projects. Presidential assertiveness is sufficient to silence dissent within Cabinet in most cases. The main exception might be the challenge of a fourth term for President Nujoma, where Cabinet dug in its heels to prevent this.

PRESIDENT SAM NUJOMA

President Nujoma surprised many with his first term reconciliation presidency. His inclusion of some opposition leaders in his Cabinet and their role engaging in international meetings went a long way to dispel the fears from South African and western propaganda about communism and terrorism and the like. Although he was the undisputed leader of SWAPO (for thirty years) and the government, President Nujoma allowed the Cabinet to make most of its decisions by consensus. He also continued his international travels on the continent as well as beyond, as he had during the struggle. For the most part he stuck to the script and created a strong democratic opening and viable economic agenda.

After the second election, in which Nujoma outpaced SWAPO by a small margin of votes, a decisive shift occurred in the governing of the country. Some analysts attribute the shift to SWAPO's two-thirds majority, while others attribute it to Nujoma's personal victory. In either case, reconciliation took a back seat, and a certain authoritarian tone emerged. Nonetheless, no real use was made of the constitution changing majority that SWAPO had achieved, until a possibility was created for Nujoma to stand for a third term as president. In that election year Nujoma and SWAPO

adopted a more aggressive tone toward the opposition, especially the newly formed Congress of Democrats led by Ben Ulenga and some other dissident SWAPO members.

This opposition was initiated by, among other things, unhappiness with Nujoma's unilaterally sending troops to the Democratic Republic of Congo, when that struggling country was invaded by its neighbours among other things. Namibians only learned of the troops excursion through foreign news stories that were picked up on the wire services. It is not clear that any of the parliamentary or cabinet committees were consulted or informed. Protest by still unemployed ex-combatants and the subsequent in-take into uniformed service (Special Field Force and Namibian Defence Force) was also a controversial policy. The nano-second rebellion in the then Caprivi just months before the election brought renewed attention to security and threats to stability. Such events tend to centralise power, but Namibia weathered the storm with limited disturbance to social harmony.

In the third term, President Nujoma accelerated additional grandiose projects. More intra-party disputes also emerged as one rival was dismissed from Cabinet just days before the "Electoral College" was to select the successor, as President Nujoma had already done to another potential candidate earlier. Nujoma orchestrated the succession event like a master Machiavellian. Hidipo Hamutenya was out and Lucas Hifikepunge Pohamba was in. Nujoma may have left the office of the presidency, but he remained President of SWAPO and no doubt still had strings to pull behind the scenes. He was given the official title of "Founding Father".

HIFIKEPUNYE POHAMBA

President Pohamba was an unlikely candidate for the presidency. As with several other SWAPO presidential aspirants, he had served without particular distinction in several ministerial posts. However, he was Nujoma's closest ally in the party leadership over the decades and a close confidante, whom one presumes could be more easily influenced than other potential candidates.

President Pohamba began his term on a strong note with his own agenda focussing on anti-corruption drives in his excellent early speeches. Somehow, this agenda became lost except in lip-service. Perhaps, as some suggest, he discovered how close to the top corruption had become entrenched. In any case he twice promised Parliament and the Namibian public that he would release the findings of previous Presidential enquiries – a promise never fulfilled. In leadership style he never escaped the omnipresence of President Nujoma at every public event, even after he replaced his predecessor as President of the SWAPO Party

and Chancellor of the University of Namibia. The high point of his presidency was a speech at the 2012 Party Congress, when he ripped into SWAPO Youth League leaders for indiscipline. Until recently, when he became more of a scold, his leadership style was more grandfatherly (moral leadership) than interventionist, activist. In such a scenario, the Cabinet becomes empowered (for good or otherwise), but bad behaviour also creeps in and corruption or incompetence becomes frozen and protected.

PRESIDENT-ELECT HAGE GEINGOB

With a massive 87% victory, well ahead of the SWAPO Party, Prime Minister Geingob will begin his presidency with a solid sense of his own empowerment and opportunities. He comes to the office with widespread experience as Prime Minister and prior diplomatic experience before and after independence. He also did the heavy lifting when Namibia was Chair of SADC recently. He is more of a technocrat within the SWAPO consensus than were other rivals and is a much better administrator. He has an opportunity to execute a "grand reshuffle" of the occupants of offices from the Office of the President to governors to ambassadors. Maybe a major uptick in performance will follow, but the badly managed Third Constitutional Amendment process also presents a worrisome potential of abuse in the two-thirds majority. One can only hope that he avoids sycophants, and wish him and Namibia well in the coming years.



Prof. William A. Lindeke was a tenured full professor at the University of Massachusetts Lowell, Professor of Political Studies at the University of Namibia and is senior Research Associate for Democracy and Governance at the Institute for Public Policy Research. He has been National Coordinator for the Afrobarometer public opinion survey in Namibia since 2008. He is co-author of the Historical Dictionary of Namibia and co-editor with Andre du Pisani and Reinhart Koessler of The Long Aftermath of War -- Reconciliation and Transition in Namibia among many others.

CIVIL SOCIETY AND DEMOCRATIC PROCESSES IN NAMIBIA

Phanuel Kaapama



Any critical reflection on the state of democratic governance would be rendered half-finished, should it only focus on the formal features of the democratic political processes – such as the separation of powers, free and fair periodic elections, the state of multipartyism etc., as such formal features may

not by themselves guarantee the quality, consolidation and sustainability of democratic governance. It is therefore based on this understanding that an equal proportion of attention also goes into the analysis of the vibrancy of associational life, in particular the vitality of the various social movements and other entities of the civil society. Citizens-driven associational initiatives of this nature are deemed essential not only for providing checks and balances to the excesses of government institutions but most importantly for giving voices to the under-represented socio-political strata of society. The latter function serves two related critical purposes. Firstly, affording potentially subversive spaces for the articulation of alternative norms to the socio-economic and political exclusions that are commonly associated with the formal features of the democratic political processes. And, secondly, championing the struggles for full social and political citizenship on behalf of and with the full participation of the affected individuals and groups who are marginalised from the formal democratic political processes.

THE ROOTS OF CIVIL SOCIETY IN NAMIBIA

The Namibian civil society arena has its roots in the socio-political climate that prevailed during the struggle against South Africa's illegal colonial occupation. Namibian nationalists sought to create for themselves subversive political space through which they managed not only to articulate alternative political norms against apartheid policies being imposed by the colonial government, but also to assert their demands for full political and social citizenship. This was particularly evident from the role played by the political formations in the late 1940s to early 1960s, such as the Ovaherero Chiefs Council; OPC and later OPO before its transformation into SWAPO; SWANU; CANU; NUDO etc. The 1970s to independence saw the emergence of more focused interest groups, such as the NUNW, CCN, NANSO, LAC, *The Namibian* newspaper, the Bricks Community Project and many others who were actively engaged not only in prying open the closed colonial political system, but also in the provision of social protection

and support to victimised groups and individuals. On account of the above, it may rightly be argued that long before independence and the commencement of the formal processes of democratisation, the pioneering Namibian civil society organizations were already hard at work, laying the political foundations for the inculcation of awareness among the general public, which later significantly contributed to the consolidation of the post-transition democratic political culture. Besides the provision in the entrenched Chapter 3 of *The Constitution of the Republic of Namibia*, providing for associational and media freedoms, Article 95 (k), places an explicit duty on the government to conduct its business in openness, transparent and participatory manners, by adopting policies that promote the mass participation of the populace through their respective organisations, in all government policies and programmes. And, moreover, in 2006 the Government of the Republic of Namibia through the National Planning Commission (NPC) unveiled the GRN-Civil Organisations Partnership Policy framework.

CIVIL SOCIETY AND THE MEDIA

Viewed holistically, the civil society space has, over the last 25 years, been characterised by varying levels of growth, stagnation and outright decline; strengths and weaknesses; vibrancy and lethargy. For instance, the number of media outlets, which has come to constitute a relatively vibrant nucleus of independent and investigative journalism in Namibia, has increased during the past 25 years. As a result, the efforts of the media as a component of the civil society, to empower society to overcome hegemonic tendencies of virtual news black-outs by countervailing government monopolies over the production and dissemination of public information, have more than doubled. However, this cannot be said about the mass-membership-based entities of civil society, which seem to have experienced a weakened capacity to not only preserve and articulate the aspirations of the respective interest groups they represent, but also to mount extensive and effective mobilisation of their collective actions of the women, farmers, youth, religious, consumer and workers' groups.

HUMAN RIGHTS ORGANIZATIONS

In addition to the independent media, the Namibian civil society terrain is also blessed not only with professional, effective and powerful human rights advocacy organizations, such as the LAC and NSHR, but also a number of independent research institutions that perform the important civic roles of publishing and disseminating specifically targeted opinion surveys and specialised public policy oriented information. On the same score Namibia, like many other emerging democracies, also witnessed the emergence of issue-oriented developmental

Non-Governmental Organisations (NGOs), ranging from local community-based organisations to large and well-funded international NGOs.

MASS-MEMBERSHIP CIVIL SOCIETY ENTITIES

The weakening of most of the mass-membership-based civil society entities can, in part, be attributed to their deep-rooted historical interrelationships with the now governing SWAPO Party. Although thoughtful and self-critical policy debates and consensus moderation may have been fostered through these convivial political ties, such connections also became a double-edged sword, by slackening the sustenance of the enthusiastic and at times revolutionary activism from the liberation struggle era. Many of those who have ascended to positions of leadership and responsibilities in such mass-membership civil society organizations come across as mainly aspiring to and/or seeing themselves more as an intermediate class of the political elite, in-waiting, that is, as protégés of the governing party and its government machinery. Rather than genuinely exploiting their close interactions with politicians to foster critical policy dialogue they, therefore, seem more eager to engage in a race to outperform each other in competitions for strategic patron-client networks. Such behaviour is more akin to what Archille Mbembe termed as illicit cohabitation, strategic collaboration or self-interested political co-optation.

The demise of mass-membership-based civil society entities, together with the increasing professionalisation and NGOisation of the civil society space, have to some extent led to a depoliticised conception of civil society, as a sphere of autonomous actors and organisations pursuing progressive social change through professional and technocratic means. This raises serious legitimacy questions regarding the presumed role of civil society with respect to the accordance of a voice to socio-economically and politically marginalised people to articulate their own interests, through more direct and legitimate models of participation and representation, as opposed to the traditional top-down structures and institutions of the formalised political arena.

The legitimacy deficit plaguing the Namibian civil society became crystal clear during the recent controversies surrounding the substantive content, as well as the processes around the *Namibian Constitution Third Amendment Bill*.

QUESTIONS OF LEGITIMACY

Given the conspicuous silence of almost all of Namibia's agencies with broad-based membership, such as women, farmers, youth, faith-based organisations etc., as well as trade unions and consumer groups, the responses of the civil society not only lacked force but also raised questions of legitimacy.

The print media shoulder their fair share of responsibility, not only of providing news coverage, but also through various platforms of lively debate through copious editorial, columns, letters and opinion pieces penned by numerous personalities.

One of those who wrote an impressive opinion piece was Job Shipululo Amupanda (*The Namibian*, August 27, 2014) the firebrand Secretary of Information and Mobilisation of the SWAPO Party Youth League (SPYL), in which he made two pertinent observations. Firstly that, "If a Constitution is an embodiment of how the higher authority (the State), to whom we have all submitted, acts and operates, then anything and everything about the Constitution is the business of all – not an exclusive arena for a select adventurous few." And secondly that, "Yes, our Constitution needs amending. Our supreme law, written with the influence of foreigners, surely needs changing ... We need amendments to deal with the land question. Amendments are needed to deal with current unenforceable principles of state policy, an outdated foreign policy outlook, the inhibiting property clause and a neoliberal falsehood economic model of mixed economy."

However, the questions to ask are: besides this impressive speechifying in the media, has he ever bothered to raise these issues within the SPYL; and had he done so, one wonders how much more compelling would this voice of reason have been, had it been expressed through a mass-based structure such as the SPYL?

VIEWS AND OPINIONS

The Media Institute of Southern Africa (MISA) expressed its belief that "constitutional amendments – flowing from a narrow concern for the interests of the political elite – have the potential to irrevocably alter the direction of society. It is our duty to uphold our mandate to highlight and advocate against development that can negatively affect citizens."

However, in an online post Prime Minister Hage Geingob (cited in the *Namib Times* newspaper, August 12, 2014) responded through the following torrent "...where do the NGOs derive their mandate from?...Newspaper editors seem to know it all. They are perfect, knowledgeable and seemingly in daily touch with the masses. They speak with the authority of those who know the pulse of the masses ... I have always wondered where some of these newspaper editors get their contact with the masses since their writings are littered with the very paternalistic and arrogant tone which they accuse ruling party politicians of displaying". Therefore as noted in the section that dealt with the civil society above, this paper observed that in order to enhance its own political legitimacy the civil society in general and more specifically in Namibia should seriously consider working on strengthening so that it can better serve the interests of ordinary citizens through direct and legitimate

models of participation and representation.

Among other personalities who expressed themselves on this matter, Norman Tjombe (quoted *The Namibian*, August 4, 2014), a Namibian human rights lawyer and activist, cautioned against the lack of extensive consultations, as this would have amounted to a blatant violation of the people's right to influence the composition and policies of government as required under Article 17 of the Constitution.

John Nakuta (*The Namibian*, August 15, 2014) went further to outline remedial steps that could be taken in the event of the deliberate fast-tracking of the constitutional amendments despite widespread popular outcry for broader participation. He made particular reference to Article 25 (2) that bestows on aggrieved persons, whose fundamental rights or freedoms guaranteed by the Constitution have been infringed or threatened, the right to approach the courts for a remedy. However, whilst admitting that such a move may have been unprecedented, given the narrow and conservative legal position governing *locus standi* (the right to sue), he nevertheless insisted that it may not have been inconceivable, given the fact that the Namibian legal system is underpinned by the principle requiring that the wielders of power must act within their power, in good faith and without misconstruing their power. This raises the question as to why this route was not explored by civil society, especially given their strong conviction that the processes that were pursued by the promoters of the *Namibian Constitution Third Amendment Bill* represented a blatant violation of citizens rights of participation.

NANGOF

As an epitome of its powerlessness, the Namibia Non-Governmental Organisation Forum Trust, as the umbrella body for the NGO sector in Namibia, instead of flexing its muscles, the best that it could do was to issue one press release after the other to voice its grave concerns regarding the substance of the proposed amendments, as well as the manner in which they were rushed through parliament. Rather than using the media to issue resolute ultimatums, civil society helplessly issued successive pleas for the halting of the process to a government that it fully knew was more inclined not to listen. Similarly, the impact of its publicly waged campaign conducted under the banner 'My Namibia My Constitution', proved rather hobbling. This was particularly evident when it staged a peaceful demonstration on August 12, 2014, just a few metres from the National Assembly building where the Bill was under discussion, but it seemed that those inside the chambers hardly took note of their presence.

DOME OF PERPETUAL DARKNESS

Gwen Lister, in her Political Perspective column (*The Namibian*, September 5, 2014), quoted Noam Chomsky, "the general population doesn't know what's happening and it doesn't even know that it doesn't know" and ... the ruling elite often prefer to keep them in this state of perpetual darkness, in which they are expected to accept what politicians decide is best for them." However, one may be tempted to ask whether besides trying to speak for the general public, has the elite within the Namibian civil society sector really done enough to crack the dome of perpetual darkness engulfing the general population, as a means of giving them a voice to speak for themselves? The fragility of the Namibian civil society is in a way a self-inflicted handicap, and as such the present elitist and urbanised character of Namibia's mainstream politics can only be meaningfully challenged through an honest and self-critical introspection on the civil society leadership. This elitism of the modernised civil society oligarchy was evident in the following comment made by a certain Hanlo in response to an electronically posted news article on the website of *The Namibian* (July 23, 2014) "The time has come for all of us to SCREAM NO, NO, NO! And we must do it NOW, IMMEDIATELY! How? Phone your representative, paste your NO on Facebook, phone the Ombudsman, stop paying any fine you get. Put up an online petition at change.org and get everyone to sign it".

The question is how many of the ordinary citizens can participate in such a campaign, leave alone be reached by information circulated through such communication channels?

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A call for a mass demonstration by a group campaigning under the banner 'My Namibia My Constitution' attracted only a small group of demonstrators representing civil society organisations, some opposition parties and concerned citizens.

2014 NATIONAL ASSEMBLY ELECTION RESULTS

	APP	CDV	CoD	DPN	DTA	MAG	NEEF	NDP	NUDO	RDP	RP	SWANU	SWAPO	UDF	UPM	WRP	% Vote	Total	Registered
IKARAS	122	23	38	15	379	12	29	6	18	394	67	30	5415	20	27	81	77.45%	6676	8 620
	175	33	36	45	756	22	15	7	25	210	61	26	2426	43	34	76	71.17%	3990	5 606
	186	42	61	44	435	70	31	14	25	272	112	42	2853	44	69	71	78.45%	4371	5 572
	252	18	24	8	107	15	16	10	18	159	23	46	4175	31	25	117	102.46%	5044	4 923
	113	25	49	34	718	51	28	8	18	345	107	34	2279	27	28	84	75.65%	3948	5 219
	135	28	46	80	550	71	34	10	20	355	158	31	3933	37	39	63	54.82%	5590	10 197
	124	8	31	8	262	12	60	11	19	376	37	27	4824	61	29	52	79.06%	5941	7 515
	1107	177	285	234	3207	253	213	66	143	2111	565	236	25905	263	251	544	74.62%	35560	47 652
ERONGO	75	22	26	7	283	99	37	7	59	271	193	19	3609	776	54	66	81.40%	5603	6 883
	100	33	27	7	477	11	20	13	450	96	25	185	1768	1507	42	49	69.45%	4810	6 926
	171	51	55	12	361	41	43	9	223	273	72	68	3647	1074	38	115	72.30%	6253	8 649
	143	20	23	7	383	58	14	14	215	217	54	85	2676	599	35	94	78.42%	4637	5 913
	204	77	89	26	767	199	61	18	295	1184	344	92	12651	1459	86	226	60.90%	17778	29 190
	139	19	38	6	311	26	41	12	67	359	56	41	9383	276	47	76	44.86%	10897	24 291
	208	29	54	5	484	70	60	10	96	620	113	76	13428	333	54	195	70.55%	15835	22 445
	1040	251	312	70	3066	504	276	83	1405	3020	857	566	47162	6024	356	821	63.10%	65813	104 297
HARDAP	148	30	40	7	453	109	17	6	38	160	176	17	1794	32	58	86	64.85%	3171	4 890
	88	22	24	82	120	13	5	7	12	140	35	21	1248	25	18	45	68.77%	1905	2 770
	89	16	83	20	192	14	17	7	7	202	41	17	1660	36	37	46	70.79%	2484	3 509
	121	27	25	10	139	59	12	10	13	110	72	24	2019	43	35	78	81.40%	2797	3 436
	179	31	48	18	374	58	23	14	45	300	103	50	4853	66	30	125	70.99%	6317	8 899
	158	20	37	13	247	26	16	15	18	264	52	22	1843	54	394	76	72.72%	3255	4 476
	176	26	30	9	257	23	13	11	6	177	64	33	3042	92	1038	99	47.88%	5096	10 644
	79	20	31	8	305	25	9	5	11	193	74	27	1740	40	1742	50	60.46%	4359	7 210
1038	192	318	167	2087	327	112	75	150	1546	617	211	18199	388	3352	605	65.09%	29384	45 834	
KAVANGO EAST	1074	18	20	6	178	5	29	5	13	44	17	23	3830	20	28	165	64.42%	5475	8 499
	698	53	24	19	845	19	26	22	18	126	43	53	6508	66	47	258	58.17%	8825	15 171
	647	16	20	4	123	3	24	9	8	40	12	9	2620	18	30	89	62.98%	5830	5 303
	272	21	7	6	104	4	66	6	2	103	14	18	2628	21	23	148	55.28%	3443	6 228
	655	8	10	6	78	8	15	4	5	45	27	19	2985	21	10	107	71.43%	4003	5 604
	1633	48	54	19	554	28	63	35	43	280	58	88	14218	112	100	417	57.38%	17750	30 932
	4979	164	135	60	1882	67	223	81	89	638	171	210	32789	258	238	1184	59.74%	43168	72 264
KAVANGO WEST	626	49	29	21	207	15	22	13	12	67	24	41	6521	37	34	174	73.48%	7892	10 741
	146	19	4	6	19	7	5	2	2	32	2	7	1712	11	6	51	65.47%	2031	3 102
	230	24	19	2	33	1	5	3	3	62	4	22	5713	28	14	186	79.81%	6349	7 955
	376	12	11	5	27	3	6	3	3	31	3	23	3160	19	5	72	60.97%	3759	6 165
	211	17	12	3	39	3	8	2	6	32	4	17	2121	14	8	50	74.98%	2547	3 397
	499	19	16	2	118	0	22	7	6	76	26	18	3197	40	12	135	79.20%	4193	5 294
	88	4	4	1	16	4	3	4	2	14	8	15	2804	16	13	56	75.01%	3052	4 031
	234	13	12	6	29	3	3	3	5	31	1	22	4823	30	15	130	71.09%	5360	7 540
2410	157	107	46	488	36	74	37	39	345	72	165	30051	195	107	854	72.96%	35183	48 225	

KHOMAS

John A. Pandeni	99	23	26	17	549	13	44	16	200	338	25	115	6084	216	23	62	5612%	7850	13 988
Katutura Central	104	49	46	11	1571	16	59	14	1042	334	87	346	4172	469	32	84	46.03%	8395	18 237
Katutura East	200	53	84	13	693	16	69	23	95	572	82	82	9301	728	49	126	80.78%	12191	15 091
Khomasdai	176	29	96	19	1192	7	72	21	401	675	148	137	7533	226	115	117	46.52%	10982	23 606
Moses //Gareob	268	46	35	6	189	5	60	16	79	436	37	86	14526	132	21	225	44.37%	16169	36 444
Samora Machel	207	50	65	18	598	10	79	14	252	495	46	125	13892	278	43	196	40.65%	16368	40 268
Tobias Hainyeko	408	34	40	13	1107	5	36	20	47	448	29	65	11436	122	44	208	39.83%	13154	33 026
Windhoek East	170	36	93	13	1107	266	37	29	147	1699	593	116	10852	159	50	70	120.42%	15487	12 861
Windhoek Rural	413	110	108	41	840	184	53	35	90	897	376	109	7239	207	178	287	102.55%	11167	10 889
Windhoek West	192	50	135	20	1949	260	110	669	261	1785	646	230	11751	250	229	107	66.46%	18014	27 106
	2337	480	728	171	8887	800	669	227	2614	7679	2035	1411	96786	2787	784	1482	56.06%	129777	231 516

KUNENE

Epupa	55	7	5	7	3548	6	8	4	44	223	10	17	3702	30	21	49	77.29%	7736	10 009
Kamanjab	101	25	16	15	181	50	12	13	39	66	66	27	1798	718	13	96	82.45%	3236	7 811
Khorixas	76	13	18	8	113	6	8	6	18	64	17	19	2864	2107	41	61	69.67%	5442	7 811
Opuwo Rural	26	16	18	4	2861	6	32	16	982	122	11	17	981	46	13	38	82.44%	5154	6 252
Opuwo Urban	62	16	18	4	2331	11	32	10	338	220	16	46	3641	47	23	55	75.42%	6870	9 109
Outjo	143	30	32	8	244	84	10	5	63	121	63	46	2858	865	31	143	57.77%	4746	8 215
Sesfontein	60	18	12	3	519	4	7	8	68	134	16	13	1696	1120	21	65	78.68%	3764	4 784
	523	112	115	55	9797	168	85	62	1552	950	199	185	17540	4933	163	509	73.74%	36948	50 105

OHANGWENA

Eenhana	79	14	4	4	62	2	11	4	1	386	7	33	10002	32	9	137	86.37%	10787	12 490
Endola	75	12	11	7	37	3	20	2	5	582	9	27	8409	42	14	93	78.83%	9348	11 859
Engela	94	7	9	4	37	1	13	8	5	406	14	21	7375	31	3	125	72.15%	8155	11 303
Epembe	45	5	1	1	14	1	4	3	1	36	1	9	4705	19	6	74	90.04%	4925	5 470
Ohangwena	138	22	14	3	121	7	27	1	8	1135	24	45	10649	44	21	168	105.90%	12427	11 735
Okongo	94	15	4	3	30	1	10	2	4	475	13	19	8832	28	9	106	89.88%	9645	10 731
Omulonga	69	11	4	0	43	4	12	4	4	295	8	31	9364	26	19	122	82.63%	10013	12 118
Omundaungilo	32	3	0	0	26	0	2	1	2	133	2	14	4956	21	2	49	92.50%	5243	5 668
Ondobe	118	15	13	4	29	8	12	6	2	460	14	41	11425	50	19	179	85.84%	12395	14 439
Ongenga	96	18	30	3	33	2	5	4	3	301	5	26	7599	28	10	139	72.82%	8302	11 400
Oshikango	161	19	15	3	69	8	12	8	13	773	24	56	10476	63	32	164	71.46%	11900	16 653
Oshikunde	20	2	3	1	18	0	1	1	0	128	1	7	5092	11	2	32	82.41%	5319	6 454
	1021	143	108	37	519	36	129	44	48	5110	122	329	98884	395	146	1388	83.23%	108459	130 320

OMAHENGE

Aminius	72	27	27	9	238	43	6	23	2276	139	60	166	1930	61	20	45	77.10%	5142	6 669
Epukiro	37	8	9	1	324	117	41	10	368	85	5	329	1268	12	7	28	70.74%	2500	3 534
Gobabis	260	49	77	19	747	37	16	33	341	290	191	190	5490	150	45	146	63.01%	8186	12 991
Kalahari	145	26	34	14	566	76	23	11	114	127	61	76	2959	45	33	83	93.06%	4342	4 666
Okarukambe	162	40	32	12	474	76	23	11	113	112	59	79	2757	137	27	89	80.12%	4203	5 246
Otijene	23	1	4	3	416	4	8	1	1710	32	2	95	1158	7	2	2	73.97%	3495	4 725
Otiombinde	44	13	6	4	322	2	9	14	256	37	10	363	1221	13	12	33	61.00%	2359	3 867
	743	164	187	62	3087	282	109	110	5178	822	388	1298	16783	425	146	443	72.49%	30227	41 698

OMUSATI

Anamulenge	58	4	7	0	31	0	8	0	3	34	1	24	8598	18	2	105	84.11%	8893	10 573
Elim	52	4	53	1	33	4	106	0	2	30	3	23	6201	19	7	93	95.01%	6627	6 975
Etayi	96	12	6	4	51	0	23	6	3	213	8	29	12268	41	15	137	83.54%	12916	15 460
Ogongo	49	7	3	0	27	0	15	1	1	32	2	14	7090	20	10	126	82.24%	7397	8 994
Okahao	86	5	10	1	34	2	10	8	53	53	3	27	9497	34	11	197	85.81%	9980	11 631
Okalongo	79	8	7	1	54	2	11	3	1	79	6	30	11669	37	12	138	83.04%	12137	14 616
Onesi	72	2	3	0	37	1	4	6	27	23	3	11	7167	24	11	104	83.13%	7473	8 990
Oshikuku	76	3	6	1	23	1	40	0	1	43	5	18	6956	27	5	84	88.98%	7290	8 193
Omananzi	40	3	2	1	17	0	6	2	1	24	2	21	5392	28	7	67	81.34%	5613	6 901
Outapi	98	7	14	2	63	2	26	7	7	86	4	40	17965	55	19	161	86.49%	18556	21 454
Ruacana	77	11	7	2	190	5	12	8	228	101	1	28	6426	34	7	89	90.66%	7226	7 970
Tsandi	103	5	13	2	37	1	15	4	9	49	6	36	12172	46	12	151	90.85%	12661	13 936
	886	71	131	15	597	18	276	31	271	771	47	301	111401	383	118	1452	86.05%	116769	135 693

2014 NATIONAL ASSEMBLY ELECTION RESULTS

	APP	CDV	CoD	DPN	DTA	MAG	NEEF	NDP	NUDO	RDP	RP	SWANU	SWAPO	UDF	UPM	WRP	% Vote	Total	Registered
OSHANA																			
Okaku	160	11	21	7	170	2	29	7	10	271	15	33	8659	35	10	124	97.86%	9564	9 773
Okatana	61	2	35	0	84	5	105	4	3	197	8	30	8256	31	10	85	104.44%	8916	8 537
Okatjali	20	3	1	0	19	1	5	1	0	14	1	5	1806	14	2	36	110.36%	1928	1 747
Onpundja	16	4	4	0	9	0	8	0	0	16	1	8	2180	6	2	20	95.79%	2274	2 374
Onchangwa Rural	61	9	10	1	132	2	20	5	4	185	10	21	5002	18	8	109	86.45%	5597	6 474
Onchangwa Urban	196	47	49	10	563	13	108	26	54	741	32	74	13430	121	22	141	102.83%	15627	15 197
Ongwediva	128	26	24	4	302	6	63	8	17	764	26	41	13344	52	22	160	78.18%	14987	19 170
Oshakati East	125	20	26	4	269	5	72	9	25	378	12	39	12329	59	12	89	76.99%	13474	17 500
Oshakati West	92	13	38	4	210	6	112	6	13	255	14	26	9837	35	17	99	75.94%	10776	14 190
Uukwiyu	68	7	12	5	69	3	14	3	1	79	3	18	5355	25	8	81	96.41%	5751	5 965
Uuvudhiya	33	6	16	1	35	2	15	1	11	29	7	5	3054	33	4	35	99.88%	3287	3 291
	960	148	236	37	1862	44	551	70	138	2929	129	300	83252	429	117	979	88.45%	92181	104 218
OSHIKOTO																			
Eengodi	43	5	2	4	9	0	5	1	3	72	2	24	4816	22	6	104	99.61%	5118	5 138
Guinas	96	8	13	2	90	9	8	4	12	48	8	9	2659	33	9	72	74.78%	3080	4 119
Nehale LyaMpingana	74	5	5	2	43	3	5	3	3	123	3	26	4805	36	11	76	96.35%	5223	5 421
Okankolo	83	8	6	2	17	0	2	1	5	58	3	25	6488	30	11	141	80.48%	6880	8 549
Olukonda	60	7	13	3	57	2	18	2	1	131	6	18	5942	35	13	101	91.71%	6409	6 988
Omuntele	91	9	6	1	37	0	4	5	3	66	4	25	7167	31	17	173	89.41%	7639	8 544
Omuthiya-Gwiipundi	133	7	17	6	68	5	13	5	7	228	7	32	9651	50	17	213	78.67%	10459	13 294
Onayena	74	5	2	1	41	1	15	3	0	44	4	18	6616	25	10	114	83.68%	6973	8 333
Oniipa	67	12	20	2	62	1	11	3	1	187	5	27	8570	43	17	147	70.90%	9175	12 940
Onyaanya	90	10	9	2	51	1	10	1	2	76	1	18	7994	35	7	154	83.85%	8461	10 091
Tsumeb	316	68	80	9	339	47	39	10	85	285	85	56	9135	336	61	192	67.17%	11143	16 590
	1127	144	173	34	814	69	130	38	122	1318	128	278	73843	676	179	1487	80.55%	80560	100 007
OTJOZONDJUPA																			
Grootfontein	459	70	79	15	497	82	48	25	167	346	103	85	8354	164	59	236	68.68%	10789	15 710
Okahandja	241	41	63	14	502	92	37	17	286	394	120	66	6538	387	67	115	55.11%	8980	16 294
Okakarara	115	30	30	19	2196	30	37	39	3812	143	18	285	2768	29	33	94	69.43%	9658	13 911
Omatako	220	30	41	11	507	67	83	21	666	303	141	82	4392	130	36	115	101.69%	6845	6 731
Olavi	312	65	67	18	220	20	23	13	67	297	64	46	4891	145	46	222	78.27%	6546	8 363
Otiwarongo	250	48	51	16	627	111	39	20	341	346	118	95	7692	767	48	135	51.64%	10704	20 729
Tsumkwe	144	16	15	7	394	20	12	8	763	55	19	29	2455	26	22	117	69.33%	4102	5 917
	1741	300	346	100	4943	432	279	143	6102	1884	583	688	37090	1648	311	1034	65.74%	57624	87 655
ZAMBEZI																			
Judea Lyamboloma	44	10	15	5	95	0	7	20	4	160	17	13	1367	11	13	80	66.92%	1861	2 781
Kabwe North	65	5	18	7	122	3	11	9	6	132	9	17	2201	12	14	51	77.38%	2682	3 466
Kabwe South	40	5	8	2	34	0	4	5	2	32	1	7	2354	14	5	42	73.65%	2555	3 469
Katima Mulilo Rural	114	25	39	8	201	3	20	46	18	310	31	35	4343	25	13	63	88.54%	5294	5 979
Katima Mulilo Urban	126	24	47	8	395	14	29	81	18	362	27	26	6304	32	11	104	62.05%	7608	12 262
Kongola	99	13	46	8	222	8	34	52	12	167	45	22	2538	14	11	77	70.59%	3368	4 771
Linyanti	59	7	16	1	101	0	1	40	9	605	15	12	1696	7	0	60	73.46%	2629	3 579
Sibbinda	57	11	23	3	418	5	19	68	3	351	30	17	2321	16	16	68	63.41%	3426	5 403
	604	100	212	42	1588	33	125	321	72	2119	175	149	23124	131	83	545	70.54%	29423	41 710
International votes	15	3	9	1	109	4	8	1	19	130	11	27	2217	10	2	1		2567	
TOTAL	20431	2606	3404	1131	42933	3073	3259	1389	17942	31372	6099	6354	715026	18945	6353	13328	72%	893646	1 241 194

NAMIBIA AT 24

Namibia remains politically stable, with a new government about to take office in approximately three months' time. The South West Africa People's Organisation (SWAPO) has governed Namibia since 1990 and continues to dominate the political scene in the country. Although the country is a multiparty democratic state, the SWAPO Party dominates the political scene in most of the country's 14 administrative regions. The outcome of the 2014 Presidential and National Assembly Elections, in which the SWAPO Presidential candidate received in excess of 85% of votes casts and the party won 77 out of 96 available seats, confirms this dominance.

Namibia has strong governance structures characterised by widespread media freedom and respect for human rights. The constitution of the country has a strong Bill of Rights and promotes a multi-party democratic system, while ensuring transparency and accountability through structures such as the Office of the Ombudsman, Anti-Corruption Commission (ACC), etc.

Political unrest is unusual in Namibia, but issues of structural inequality (including income and access to essential services), poverty and land ownership are potential threats to continued peace and stability. There is growing evidence that corruption has become a major concern. Gender inequalities continue to dominate most aspects of the Namibian society, with rising levels of gender-based violence being reported on a daily basis. Although SWAPO has introduced gender parity processes for its elected officials and office bearers, this practice has yet to be replicated by other political parties.

We must therefore strive to establish inclusive policies and mechanisms that create conducive environments to encourage and support transparency and accountability. In addition, the challenge of generating jobs and sustainable livelihoods means that innovative ways to promote economic growth that creates employment must be prioritised if the current levels of income inequality are to be reduced. To remain valid for the peoples of Namibia, democracy must mean more than the mere act of voting. It should mean the improvement or valid promise of ensuring improvement in human welfare and opportunities for leading a meaningful life.

Democracy, transparency and accountability must, therefore, be the foundation of socio-economic development. For the people it means opportunities for education, for jobs, better

housing, health care and access to key services such as power, water, sanitation, etc. Above all, democracy must be seen to work, in terms of strengthening national unity and cohesion through a more equitable distribution of national wealth.

The United Nations Development Programme in Namibia is committed to work with all stakeholders in government, civil society, etc. for the development, adaptation and implementation of legislative frameworks, policies and practices which will contribute to good governance, the rule of law, accountability and the realization of human rights in Namibia.



*Empowered lives.
Resilient nations.*

NAMIBIA'S DEMOCRACY: 24 YEARS ON

It is indeed an honour for the Konrad Adenauer Foundation to be offered space for short remarks on the crucial subject of **'Namibia's Democracy 24 years on'**. The Konrad Adenauer Foundation is a political foundation with a presence in Namibia since 1987, and a fully operational office since 1989. As a political foundation we subscribe to the following values: Among others, support for the rule of law and promotion of human rights, as well as gender equality, raising climate change awareness, promoting good governance, consolidating democratic values, as well as research and publication.

In June 2014, the **Konrad Adenauer Foundation** office marked **25 years** of successful presence in Namibia. Our mission has been democracy and our work in Namibia covered the areas mentioned above, contributing to democracy in the country. Ultimately, with the aim of making Namibia a better place for all to live and prosper. As our office became operational, exactly nine months before Namibia's independence on 21 March 1990, we have been here from day one witnessing Namibia's birth and gaining of freedom. The foundation closely observed the country's fascinating development over the last 24 years and saw it growing into a strong democracy. It is on that basis that we share our short views.

Democracy in Namibia continues to grow unabated despite the various and many challenges. From the beginning, due to the difficult past the country went through, Namibia was faced with tough choices and difficult decisions to be made soon after independence. It is those choices and decisions that ultimately would shape the future of the country. Was the new government going to take revenge on those who had practiced apartheid and now lost the 1989 general election? Would the new government be accommodative to all the different people of the country who could not before sit together around the same fire? These two questions highlight the nature and difficulty of the choices the country had to make.

Fortunately for Namibia the new government, led by the SWAPO Party, chose to pursue the policy of national reconciliation and forgive the previous perpetrators. To that effect, the Namibian Constitution in the Preamble, clearly and for all intents and purposes, states: **"The people of Namibia will strive to achieve national reconciliation and to foster peace, unity and a common loyalty to a single state"**. The adoption of the policy of national reconciliation was, therefore, probably the most important and difficult decision by the government over the last 24 years. This decision was important because it saved Namibia from travelling the same road that some other countries in Africa had travelled before. A road that no country would be proud to take.

Moreover, the second component that saved Namibia after independence to be the country that it is today was the liberal constitution it adopted. The constitution guarantees (in Chapter 3) fundamental human rights and freedoms to each and every citizen of this country. It also contains other

key provisions that have ensured that peace and stability prevail in the country after it gained independence in 1990. Article 17 on Political Activity is one of them. This article, under subsection 1, states **"that all citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of government"**. Article 16 on Property is another one. Many other provisions in the constitution are equally important and have also contributed to keeping the country together. Due to the issues highlighted above, the adoption of the policy of national reconciliation and the liberal constitution, today Namibia is a strong and growing democracy characterised by peace, stability and largely economic, as well as social progress.

However, it has not been all plain sailing over the last 24 years in Namibia. There have been several challenges that tested the strength of democracy in Namibia: on the social and economic level, the growing gap between the rich and the poor continues, unemployment mainly among the youth remains high, poverty, energy supply, a more efficient education system, a better health sector, housing and access to land for the poor remain serious challenges. Despite all these shortcomings, democracy in the country remains strong.

On 28 November 2014, Namibians voted in the presidential and National Assembly elections. The elections were not without problems but they were undoubtedly free and peaceful. The new majority in parliament has a certain responsibility and should use it for a better future of this wonderful democratic country, Namibia.

No system of governance anywhere in the world is perfect and certainly, Namibia's democracy is not perfect, but it is functioning well. What is fascinating about the country's democracy is whether it will continue to come out of the many challenges with the same rate of success as before. This remains to be seen. All in all, Namibia's democracy over the last 24 years has been a learning experience. The country has the opportunity to learn from past mistakes and shortcomings to build a stronger democracy and system of governance that are accommodative to all. To that effect, the incoming president, Dr Hage G. Geingob, was quoted as follows: **"I'll be the president for all the Namibian people and will ensure that no one is left out."** Namibia has a chance to continue the good work in the field of democracy for the benefit of all.

The Konrad Adenauer Foundation wishes all readers, citizens, partners and supporters a merry Christmas and a Happy New Year.

Kind regards

Dr Bernd Althusmann

Resident Representative Namibia and Angola



HANNS SEIDEL FOUNDATION – PROMOTING NAMIBIA'S EFFORTS TO CONSOLIDATE DEMOCRATIC PROCESSES

The Hanns Seidel Foundation (HSF) is funded by the German Federal Ministry for Economic Cooperation and Development and supports the efforts of the Namibian government to consolidate civic education, public dialogue and environmental awareness as part of the Namibian Development Plan. Our mission is to promote democracy, the rule of law, peace and human security, good governance and economic development. Our approach is not to influence but to facilitate, to empower and to build on Namibian expertise.

HSF is dedicated to contribute to a political, social and economically successful and stable Namibia by strengthening the capacities of public institutions, political parties, decision makers, civil society and disadvantaged groups. The “House of Democracy”, a concept created by the HSF and its partners in Namibia after extensive renovations at the former office building of the HSF, hosts organizations such as the Institute for Public Policy Research (IPPR), the Namibia Institute for Democracy (NID), the *Insight Namibia* magazine and from 2015 the Economic Association of Namibia (EAN). The House has emerged as a resource centre and a platform for public discourse and democratic education.

The HSF contributes to the work of the Institute for Public Policy Research (IPPR) to promote democratic values, citizen participation and long-term economic growth by providing policymakers, civil society, media and the public with well-researched information. Our partner organization CHANGE helps ex-offenders and disadvantaged people to reintegrate into their communities through the assisted development of key skills.

The HSF also hosts the Business Breakfast, a high profile information sharing and networking event for stakeholders in policy-making, business and civil society. With HSF's support, the Namibia Institute for Democracy (NID) will provide capacity building for political parties from 2015 onward.

HSF further collaborates with the Anti-Corruption Commission and supports the Corruption Tracker, a section in the *Insight Namibia* magazine that reports corruption cases. Regular political dialogue sessions are co-hosted by the HSF and changing partners and are aimed at enhancing the public debate on matters of national importance, especially among the youth in Namibia.

The HSF is a proud sponsor of the Otjikondo School Village Foundation (OSS). OSS is a boarding school for children from differing backgrounds and has become an example of excellence to other schools in the region.

The HSF is dedicated to broadening its spectrum of partners by identifying synergies and establishing collaborations based on trust with and among organizations, institutions and stakeholders in Namibia.



Hanns Seidel Foundation

WINNERS AND LOSERS – MULTIPARTY DEMOCRACY IN NAMIBIA

Willie Olivier

Elections are usually not without casualties. There are winners and losers and the 2014 National Assembly elections were no exception. The elections were contested by a record number of 16 political parties, but only ten managed to get representation in the National Assembly. A detailed analysis of the performance of political parties since 1989 is a comprehensive task and the overview that follows focuses mainly on the state of political parties after the 2014 elections. It has to be taken into consideration that the National Assembly has been enlarged from 72 to 96 seats and the number of seats won by parties in 2014 is not necessarily indicative of growing support when compared to the 2009 elections.

GROWING SUPPORT FOR SWAPO

The SWAPO Party increased its share of the total number of votes cast in the 2014 National Assembly elections by almost 5% to 80% compared to the 2009 elections – despite seemingly growing discontent over a wide range of socio-economic issues.

In the November 2014 elections, the party received just over 41% of its total number of votes from the Oshikoto, Oshana, Ohangwena and Omusati regions where it attracted 92.3% of the total number of votes. In the Kavango East and Kavango West regions (previously one region) the SWAPO Party attracted 80.2% of the total number of votes and in the Zambezi Region 78.6%.

SWAPO has managed to secure more than 73% of the vote since the 1994 elections when its support increased from 57.3% in the 1989 elections to 73.9%.

WANING SUPPORT FOR RDP

Following the establishment of the Rally for Democracy and Progress (RDP) in November 2007, expectations ran high that the RDP would split the SWAPO Party vote, especially in the Oshikoto, Oshana, Ohangwena and Omusati regions – SWAPO's stronghold. The RDP won eight seats in the 2009 National Assembly elections and although just over 21% of its votes were cast in the Four 'O' regions, it failed to lure large numbers of voters away from SWAPO. Inter-party power struggles and a lacklustre election campaign saw its support waning and it could secure only three seats in the November 2014 elections.

DEATH KNEEL FOR COD?

The Congress of Democrats (CoD) suffered a humiliating defeat in the 2014 National Assembly elections when it garnered a mere 3 404 votes countrywide and failed to win a single seat. Founded in March 1999 by former SWAPO parliamentarian, Ben Ulenga, the party managed to gain seven seats when it contested the 1999 National Assembly elections. Contrary to expectations, however, the CoD failed to erode SWAPO's support base in northern Namibia where it attracted a mere 4 156 votes.

A bitter leadership dispute between a faction led by Ulenga and another led by Ignatius Shikwambeni, Nora Schimming-Chase and others came to a head at the party's 2008 extraordinary congress. The dispute and the participation of the RDP in the 2009 elections cost the CoD dearly in the 2009 elections when it could only win one seat.

DTA – RISING PHOENIX?

Since the 1989 elections the DTA's support dwindled from 21 seats to a mere two seats in 2009. The demise of the party was partly due to the withdrawal of NUDO (which enjoys strong support from Otjiherero-speaking voters) from the DTA in September 2003 and the revival of the Republican Party (with its predominantly white support base) in the same year. This resulted in a decrease in the DTA's share of seats to four in the 2004 elections.

The DTA managed to gain five seats in the November 2014 elections, despite a leadership struggle between Katuutire Kaura and the youthful and charismatic McHenry Venaani. The party could, however, attract only 8.8% of its total number of votes in SWAPO's northern stronghold – Oshikoto, Oshana, Ohangwena and Omusati. Its share of the total number of votes increased from 3.17% in 2009 to 4.81% in 2014.

UNITED DEMOCRATIC FRONT

The United Democratic Front (UDF) slipped from three seats in 2004 to two seats in 2009 and won two seats in the 2014 elections. The Erongo and Kunene regions accounted for 57.8% of its total number of votes in 2014.

NUDO

In the 2014 elections, NUDO managed to hang on to the two seats it won in 2009, but its support decreased from 3.05% in that year to 2.01% in 2014. Close to 63% of its total number of votes came from the Otjozondjupa and Omaheke regions.

SWANU

SWANU won one seat in the 2009 elections and succeeded to win a seat in the 2014 elections, albeit on the basis of the surplus votes of the quota. In real terms the party's support increased from 0.62% in 2009 to 0.71%. The Omaheke and Khomas regions provided 42.6% of the total number of votes cast for SWANU.

MONITOR AKSIE GROEP

Monitor Aksie Groep (MAG) obtained one seat in the National Assembly in three consecutive elections (1994, 1999 and 2004) without achieving the quota. The party was, however, awarded a seat based on the surplus of votes. MAG failed to gain a seat in 2009 and saw its support shrink even further in 2014 when it also failed to win a seat.

ALL PEOPLE'S PARTY

The All People's Party (APP) managed to increase its number of seats in the National Assembly from one seat in 2009 to two in 2014. The party secured 10 795 votes in the 2009 election, two-thirds of which came from the Kavango Region. In the November 2014 elections, the APP received 7 389 votes in the Kavango East and Kavango West regions, but its support in these two regions decreased to 36.2%.

REPUBLICAN PARTY

The Republican Party secured a single seat in the new National Assembly for the third consecutive election in 2014 – despite falling short of the quota. Its support has dwindled from 1.98% in 2004 to 0.82% in 2009 and 0.68% in 2014.

NEW KIDS ON THE BLOCK

The **Namibia Economic Freedom Fighters** (NEFF), a copycat version of Julius Malema's Economic Freedom Fighters (EFF) in South Africa, came third last in the race for votes, with a 3 259 votes. The outcome must have been a severe disappointment for the party which placed its hopes on attracting the votes of 'disaffected' SWAPO voters.

The **Workers Revolutionary Party** performed surprisingly well by exceeding the quota for a seat (9 308 votes) comfortably with 13 328 votes and gained another seat based on the surplus of votes. In 1994, the last time the WRP contested the National Assembly elections, it received 952 votes and in 2009 when it contested the elections under the banner of the Communist Party it drew only 810 votes.

The **United People's Movement** attracted 6 353 votes and although the party did not obtain a quota, it was allocated

one seat in the National Assembly based on the surplus of votes. It received 43.8% of its support in the Rehoboth Urban East and Rehoboth Urban West constituencies, but had little support elsewhere in the country.

WHITEWASHED

Three of the other contesting parties in the 2014 elections, the **Democratic Party of Namibia** (1 131 votes), the **National Democratic Party of Namibia** (1 389 votes) the **Christian Democratic Voice Party** (2 606 votes) failed to attract any significant support.

QUO VADIS?

In the absence of viable alternative policies to the SWAPO Party, it is clear that the electorate will rather vote for the ruling party than for a weak and fragmented opposition. The results of the 2014 National Assembly are a reflection of the will of the people, but democracy can flourish best if there is a strong opposition that can provide checks and balances.

Despite the slightly improved performance of the DTA in the 2014 elections, it remains to be seen whether its history of colonial collaboration will continue to hang like an albatross around its neck or whether the phoenix has risen.

With Regional Council and Local Authority elections less than a year away, the opposition parties are likely to suffer the same fate as in the 2014 National Assembly elections – unless they are prepared to set aside inter-party squabbles and self-interest in order to present a united front and viable alternatives.

In the 2010 Regional Council elections, SWAPO won 11 of the regional council seats because of the fragmentation of the opposition vote.



Voters waiting to cast their votes at a polling station in the Omuthiya-Gwiipundi constituency which recorded a 78.67% poll.



Following Namibia's first democratic elections in November 1989, the country became independent on 21 March 1990. UNTAG deployed close to 8 000 personnel in Namibia: 4 500 military personnel, 1 500 police officers, 1 000 international personnel and around 1 000 local civilians to fulfil its mandate in terms of United Nations Security Council Resolution 435.

CELEBRATING 25 YEARS OF DEMOCRATIC ELECTIONS

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