



Institute for Public Policy Research

ELECTORAL PROCESSES IN NAMIBIA

A PRESENTATION TO THE INWENT/NAMIBIA INSTITUTE FOR
DEMOCRACY

TRAINING COURSE

Measuring Democracy, Governance
and Human Rights

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By Graham Hopwood

Background to Namibia's Democracy

- First democratic elections held in 1989 as part of United Nations peace plan for Namibia
- PR system agreed as part of pre-independence negotiations
- Easiest system to use during a transition phase
- Gave reassurance to smaller parties that they would gain representation

Namibia's Democratic System

Constitution agreed in 1990 includes:

- President with executive powers
- National Assembly – lower house
- National Council – upper house (house of review)
- 13 Regional Councils
- Local authorities (presently 48)

Democratic debates

- Whether to use PR for national parliamentary elections?
- Which system is most appropriate for regional councils?
- Whether to use PR or a FPTP ward system for local authorities?

Four elections, three systems

- Presidential – Majoritarian
- National Assembly – PR with party lists
- Regional Council – First Past The Post
- Local Authority – PR with transition to ward system

Presidential elections

- Voters vote directly for the different candidates. The candidate who receives the most votes is elected, provided that candidate has a clear majority (50% plus one) of the votes.
- If no candidate is elected with a more than 50% of the votes in the first round, a subsequent election is held between the two candidates with the highest number of votes, until one candidate wins a clear majority.
- Since the President received a clear majority in all the previous elections in Namibia, a second round has never happened.

National Assembly elections

- A PR system with party lists is used. Parties each present a list of up to 72 candidates to the Electoral Commission. The seats are divided among the parties proportionally. Seats are allocated by establishing the quota of votes required for one seat. The quota is calculated by dividing all the votes cast by the total number of seats in the National Assembly (72). After all the seats have been allocated using these quotas, the remaining seats are allocated to the parties with the largest remainder.

Regional Council elections

- Candidates run in separate single member constituencies. The candidate who won the highest number of votes wins the seat for the specific constituency. i.e. the “First Past The Post” (FPTP) system.
- One candidate can win only 40 percent of the votes in the constituency, but may still win the seat if there were four other candidates who each won 15 percent of the vote. If this is the pattern across a country, or across a region or municipality, it can happen that a party wins a majority of the seats, even though the party did not win a majority of the votes.

Local Authority elections

- A PR system is used. Parties present a different candidates' list for each local authority, with voters from that municipality being able to choose between the different parties.
- According to the Local Authority Act of 1992, only two elections were to be held using this type of electoral system. The 2003 local government elections were to be conducted using a ward system. For each ward, only one representative would be elected to the Local Authority. This plan was dropped and the Act changed in 2002 to continue the PR system.

Arguments for PR at local level

- PR systems favour the inclusion of smaller parties.
- Voters were familiar with the PR party list system.
- The PR system is cheaper to run.
- Since the residential pattern in Namibia has not changed substantially since independence, it could not be guaranteed that the candidates would not represent particular racial or ethnic groups.
- A PR system could be used to legally guarantee fair gender representation through legislation that makes it compulsory to have a specific number of women on the party lists.

Gender issues

- The 2005 SADC Summit set a target of achieving 50% women's representation in political and decision-making structures by 2015. The previous target had been 30% by 2005.
- Namibia has only exceeded 30% in local government. After the 2004 local elections, women occupied 43 percent of council seats. This was largely due to affirmative action measures, which required parties to include a certain number of women on their party lists.
- Despite the success of these measures, they have not been introduced at the national level.

Electoral Commission

- Set up to direct, supervise and control elections in a fair and impartial manner
- Has responsibility for:
 - Voter registration, including preparation of voters register
 - Registration of political parties
 - Elections – polls, counting and announcement of results
- The Directorate of Elections is the administrative arm of the Electoral Commission

How independent?

- Prospective commissioners have to apply after the posts are advertised in two daily newspapers
- Shortlisted candidates are interviewed in public by a court official appointed by the Chief Justice, a legal practitioner nominated by the Law Society, and a representative of the Ombudsman.
- The selection committee recommends eight candidates to the President who chooses five.
- Commissioners serve for five years.
- The Director of Elections is chosen by the Commission after it interviews five candidates and recommends at least two candidates to the President who makes the final choice.

Is it the system or the public?

- When interviews for the Electoral Commissioners took place in 2005, only a few members of the public turned up to observe.
- In a one-party dominant state, the pool of genuinely independent people of good standing who can serve as Electoral Commissioners is small
- The independence and calibre of the Elections Director is crucial. Political appointments are easily manipulated.
- Presidential approval makes appointments of Commissioners and Directors seem like they are political.

Voter registration

- A general registration of voters takes place every 10 years. Occasional supplementary registrations also take place. Last general voter registration took place in 2003.
- Would-be voters have to provide identification (birth certificates, ID cards, passports, any legal document with photograph or a sworn statement) before receiving a voter registration card.

How accurate?

- Many Namibians do not have valid ID documents. Hence, there has always been a heavily reliance on sworn statements
- Two people who are also eligible to vote have to sign a sworn statement for a prospective voter
- Up to a third of voters have used sworn statements

Problems with the voters register

IPPR analysis of the voters rolls in 1999 and 2003 found:

- Duplicate and multiple entries (lack of data cleaning process)
- Inadequate and incomplete information
- Inaccurate data entry (spelling)
- Ghost voters (people who have died or left the country)

Dealing with ghost voters

- The Registrar of Deaths in the Ministry of Home Affairs is supposed to furnish the Elections Directorate with a list of recent deaths and last known addresses by the 15th of each month.
- Evidence available indicates that this does not happen. Initially blame was put on the Ministry of Home Affairs, but more recently the Elections Directorate appears to be at fault for not using the data the Ministry supplies in a timely manner.
- Staff shortages and technical difficulties are usually blamed.

A mobile population

- The onus is on the voter to inform the Directorate of Elections of any change of address. As a result, this hardly ever happens.
- Some duplicate names are on the voters register because people who have moved simply re-register during a supplementary registration period under their new address.
- As a whole the number of people casting tendered votes increases, as the voters register becomes more inaccurate as to their permanent addresses.

Tendered votes

- Unemployment is at 35% in Namibia. Namibians move in search of jobs.
- As a result the Electoral Act allows citizens to vote in constituencies where they are not registered as residing. These are called tendered votes.
- Tendered votes are counted in the constituencies where they were cast.
- The system has caused confusion and there have been calls for reform.

Possible remedies

- Requiring would-be voters to give more biographical information (gender, photograph) to be included on voters card as well.
- Using other data to check and verify the voters register e.g.census data, lists of water and electricity clients, ratepayers, and other surveys.
- Training of staff in recording and spelling protocols
- Use of specialist software to detect double entries and other errors
- Phase out sworn statements (delivery of ID documents has to be efficient)

Counting and announcing

- After the close of the poll, ballot boxes are sealed by the presiding officer and sent to the returning officer. The returning officer and electoral staff count the votes in the presence of the party agents.
- The returning officer forwards the results to the Electoral Commission, which announces the results and ensures they are published in the *Gazette*. All the documentation is sealed by the returning officer and forwarded to the Director.

Conflict resolution

- Election petitions are heard by the High Court and petitions must be submitted within 30 days of the announcement of the result. The decision of the Court must be rendered within 60 days of the registration of the petition. Appeals may be lodged with the Supreme Court.
- Although the Electoral Commission makes provision for handling disputes, it cannot be forced to do so and ultimately the courts are the only sure recourse for complainants. Different ways of resolving disputes are needed as reverting to the courts is costly and time-consuming.

Potential for electoral fraud

Little evidence of electoral fraud during Namibian elections since 1990. However, weaknesses remain, which can be exploited for fraudulent reasons, principally:

- Use of sworn statements
- Confusion over tendered vote system
- Inaccuracies in voters register

[Reform of Electoral Act has been proposed but slow-tracked since 2005]

Where does this leave us?

- Time is running short to make effective electoral reforms (18 months to the next national election, possibly less for local and regional elections)
- The voters register for the 2009 elections will be based on the 2003 register, which contained errors, duplications, and was heavily (over 30%) based on people who had registered with sworn statements.
- The dust of the 2005 court case, brought by several opposition parties, has not settled. The issues that caused the High Court to order a recount have not been addressed.
- The Electoral Commission and the incoming Director of Elections will have to demonstrate their leadership in the coming months to ensure the credibility of the 2009 elections will not be undermined by claims of incompetence and fraud.