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Media Statement

ACTION COALITION CALLS FOR RELEASE OF DELIMITATION COMMISSION REPORT

On 8 August 2013, President Hifikepunye Pohamba announced a number of changes relating to Namibia's constituencies and regions, based on the recommendations of the Fourth Delimitation Commission.

These decisions included the creation of 14 new constituencies, the splitting of the Kavango region into two, and the renaming of several constituencies and regions. At the time, the President did not provide any detailed reasons for the changes, but said they were broadly aimed at bringing services closer to the people and were part and parcel of the exercise of democracy in Namibia.

Since the announcement was made, the report of the Delimitation Commission – on which the President's decisions were based – has not been released to the public despite such requests from the media and civil society.

As the President indicated in his announcement, changes regarding the borders and numbers of regions and constituencies have a direct impact on service delivery to Namibian citizens. In addition, delimitation is a fundamental part of the democratic process in that it is inextricably linked to the election of representative local, regional and national authorities. The delimitation process was a public one, with citizens being called upon to make submissions both directly to the Commission and at public meetings. Hence, it is only logical that the final report of the Commission be a public document.

It is therefore of great concern to the ACTION Coalition that the Office of the President has so far declined to release the report of the fourth Delimitation Commission. The report should be released to the public as a matter of course in the interests of transparency, accountability and democracy. The President's decisions based on the Delimitation Report have raised a great deal of public interest and debate. However, this debate has been constrained and to some extent undermined by the lack of information about the reasons for the decisions made – which are presumably contained in the report of the Delimitation Commission. Indeed it is possible that sections of the public are labouring under misapprehensions about the arguments for the changes due to the lack of clear information about the recommendations and the content of the report.

As far as can be determined, the release of the Delimitation Commission's report is the prerogative of the President. Members of the Delimitation Commission have referred requests for the release to the President's Office. The laws setting out the mandate of the Delimitation Commission – Section 104 of the Constitution and Section 5 of the Regional Councils Act – do not make reference to the manner in which the Commission's findings should be released. According to the Office of the President, the report falls under the terms of the 1947 Commissions Act, which gives the President the responsibility for releasing reports produced by Presidential Commissions.

The government has previously stated that it is committed to introducing access to information legislation. Namibia is subject to a number of international and regional instruments that make provision for the right to access to information. However, access to information in Namibia is limited by a number of factors. The current legislative framework is not conducive to facilitating the right of citizens to access information as there is currently no access to information law in place in the country.

Namibia's Constitution, whilst guaranteeing the right to Freedom of Expression, does not expressly provide for the right to access to information. In addition, Namibia's legal environment is predominantly skewed in favour of promoting secrecy, with apartheid legislation, such as the Protection of Information Act 1982, still awaiting repeal.

Namibia should give effect to the principles upon which the State was founded and its Constitution enacted, namely the principles of 'constitutionalism, the rule of law, and respect for human rights', fulfil its international and regional obligations, as well as put in place measures to prevent corruption.

Access to information should be regarded as the norm for Namibia in accordance with international law, with only limited exceptions being made. There can be no reason – in a democratic state such as Namibia – for the findings of a Delimitation Commission to be withheld from the public.

In view of the above, the ACTION Coalition respectfully calls on the President to release the report of the Delimitation Commission as soon as possible, and to ensure that Namibia's laws and procedures are compliant with international standards and best practice on access to information. This would enable citizens to have meaningful access to information that concerns their everyday lives and has an important bearing on national development.

For more information, please do not hesitate to contact ACTION Coalition members:

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