



**PAN AFRICAN PARLIAMENT (PAP) ELECTION OBSERVER MISSION TO
THE PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS IN NAMIBIA,
NOVEMBER 27 AND 28, 2009**

INTERIM STATEMENT

Introductory Remarks

Ladies and Gentlemen of the Press,

I speak to you today, on behalf of the Pan African Parliament (PAP) Election Observer Mission to the 2009 Presidential and National Assembly Elections in Namibia.

Nine (09) days ago, on November 23, 2009, I announced the arrival of the PAP Observer Mission to Namibia 2009 Elections commencing November 20, 2009. At that press briefing, I indicated that the PAP Election Observer Mission would deploy all over the country, consult all stakeholders, observe the election process before and on the election days on November 27 and 28, 2009, observe the counting of votes thereafter and make an Interim Statement on our observations on December 2, 2009.

Our declared action plan has been implemented and it is now time to make good on my obligation to deliver the said Interim Statement on behalf of the PAP Election Observer Mission today, the 2nd December 2009. Pursuant to its mandate and in response to an invitation extended by the Electoral Commission of Namibia, the Pan African Parliament (PAP) deployed an Observer Mission composed of 18 Members of Parliament and 11 Support Staff. The MPs of the Mission were drawn from the five (5) sub-regions of the African continent as follows:

- (i) Hon. Ambrose DERY (Ghana), Mission Leader
- (ii) Hon. Jean-Baptiste NOUGANGA (Central African Rep.), Deputy Leader
- (iii) Hon. Chief Fortune CHARUMBIRA (Zimbabwe), Rapporteur
- (iv) Hon. Moussa CISSE (Senegal), MP
- (v) Hon. Schadrack NIYONKURU (Burundi), MP

- (vi) Hon. Jameledine KHEMAKHEM (Tunisia), MP
- (vii) Hon. Brahim Saleh ZROUG (Saharawi Republic), MP
- (viii) Hon. Marie-Thérèse TOYI (Burundi), MP
- (ix) Hon. Maynard MISAPA (Zambia), MP
- (x) Hon. Anab ABDULKADIR (Ethiopia), MP
- (xi) Hon. Moise SODAHLON (Togo), MP
- (xii) Hon. Gina TRUSTY (Swaziland), MP
- (xiii) Hon. Ernest Nyeoe THABANG (Lesotho), MP
- (xiv) Hon. Dr. Parmessur RAMLOLL (Mauritius), MP
- (xv) Hon. Jean-Claude SIAPA (Congo Republic), MP
- (xvi) Hon. Joyce Freeman SUMO (Liberia), MP
- (xvii) Hon. Chimango MUGHOGHO (Malawi), MP
- (xviii) Hon. Ibrahim Habeb NUR (Somalia), MP

The Mission included Parliamentarians from both ruling and opposition parties in their respective countries of origin. However, as per the principles of the PAP, the Members of the Mission represented neither their countries, nor their governments, nor their political parties, but the Pan African Parliament. The Mission was led by **Hon. Ambrose DERY**, Member of Parliament of Ghana and Member of the Pan African Parliament.

The overall objective of the Mission is in line with the Constitutive Act of the African Union (AU) Article 3(g) and (h) and Article 3(3) of the Protocol Establishing the PAP. In line with this objective, the PAP Mission to the 2009 Presidential and National Assembly Elections in Namibia had the following specific objectives:

- *To assess whether the 2009 Presidential and National Assembly Elections in Namibia met the guidelines set out in the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa.*
- *To determine whether these elections were conducted in accordance with the constitutional and electoral framework in force in the country (Namibia).*
- *To establish whether the results of the elections were a true reflection of the democratic will of the people of Namibia.*
- *To make recommendations for possible actions that could be taken to improve the holding and conduct of subsequent elections in Namibia.*

The Observer Mission hereby outlines its preliminary findings and interim recommendations. It is instructive to note that PAP Election Observer Mission will produce a more comprehensive and final report on the entire electoral process at the end of the Mission.

Methodology Adopted by the Mission

In order to ensure a systematic and comprehensive observation of the Presidential and National Assembly Elections in Namibia in 2009, the PAP Mission adopted the following methodology:

- *Arrival Press Conference:* Upon arrival in Namibia, the Mission held a Press Conference to announce its arrival. Members of the media were addressed by the leader of the Mission, Hon. Ambrose Dery.
- *Pre-deployment Session:* The PAP Election Observer Mission held a two-day interactive session on November 23 and 24, 2009. The interaction provided an opportunity to the PAP Mission to exchange notes with electoral stakeholders who included the Electoral Commission of Namibia (ECN), representatives of political parties and civil society organisations
- *Meetings with stakeholders and observation of election campaigns:* Following the briefings in Windhoek, the Mission deployed the team of the Mission Leader and eight (8) other teams of two (2) MPs and one support staff each
- On the November 25, 2009, the teams were deployed to eight (08) of the thirteen (13) regions. On arrival in the provinces, the teams held meetings with different local election stakeholders such as the regional electoral commission, the political parties, civil society organizations, police and media. The teams also observed rallies and other campaign activities. In Windhoek, the Mission Leader continued to consult with electoral stakeholders, including political parties, other election observer missions and civil society organisations. The Mission Leader was also interviewed on a number of occasions by local and foreign media i.e. the Namibian Broadcasting Corporation (NBC) and the South African Broadcasting Corporation (SABC).

Concerns and issues raised by stakeholders

During the meetings with the various stakeholders a number of concerns were brought to the attention of the Mission and they included:

- Alleged abuse of state resources by the ruling party. Using state resources to support their campaign and granting hand-outs such as the forty eight (48) vehicles to traditional leaders just days before elections.
- Alleged intimidation and victimisation of government officials who are perceived to be members of opposition parties by the Government. This is a negation of the freedom of association.
- Unequal access to state media which was skewed in favour of the ruling party (SWAPO), suggesting that the state media is partial.

- There were allegations of incidences of violence and intimidation against supporters of opposition parties particularly in SWAPO strongholds such as Omusati.
- The inability of the Electoral Commission of Namibia to provide the stakeholders with a credible voters' register to all political parties. It is further alleged that subsequent to the publication of the register in the government gazette, three (3) consecutive versions of the voters' register, were given political parties stating different registered voter population in each version. The last version of the voters' register which was given to political parties on the 26th November 2009, had the total voter register population of 822, 344 voters as against the gazetted figure of 1,1m, which further contradicted earlier estimates of 1,3m voters and 961 000 voters respectively.
- The decision to print 1.6m of ballot papers which was in excess of the various estimated total voter population was perceived as recipe for vote rigging.
- The alleged unfettered issuance of duplicate voters cards upon request had the potential to encourage multiple voting.
- The alleged failure of the indelible ink used in the voting process as a check against multiple voting because of allegations that the indelible ink is easily washed off after voting.
- The time lag between the counting of votes at the polling stations and declaration of validated results by the ECN in Windhoek, raised concerns about possible tempering of provisional results announced at the polling stations.
- The impartiality of the ECN has been called into question by alleged insensitivity of the Commission to issues of irregularities raised by the opposition parties.

Preliminary Observations and Findings

After due consultations and assessment of evidence available to the Mission, the following preliminary observations and findings are made:

- Coverage of election campaign on the state media (i.e. NBC television) was heavily skewed in favour of SWAPO. It is important to state that New Era newspaper tried to ameliorate the situation in its coverage of political party campaigns in its publication.
- That the state media is under the control of the government of Namibia, since the Director General of the NBC, is appointed either directly or under the auspices of the Minister of Information.

- That the NBC, apart from the NBC TV that has national coverage also has radio network in nine (9) local languages of Namibia making it the dominant media player in the country.
- Without prejudice to the government control of the state media the staff of NBC are very professional in their discharge of their assigned duties.
- The campaigns by political parties were conducted in a peaceful and orderly atmosphere.
- The Mission observed that officers of the Namibia Police discharged their duties and obligations with diligence and in a professional manner. It is important to note that there is consensus amongst all stakeholders that the Namibian Police is independent, objective and accessible at all times.
- That the Namibia Police were present at all polling stations observed by the Mission and by their presence enhanced the credibility of the process.
- That the opening, voting and closing at all polling stations observed by the Mission were generally conducted in a peaceful, orderly and transparent manner.
- Only political party agents of SWAPO and RDP were present at all polling stations observed by the Mission. Other political party agents were represented at only a few of the polling stations observed.
- The electoral officers were generally able to handle the voting process professionally.
- That on the 23rd of November, 2009, the Director of Elections of the ECN in response to the question posed by the leader of this Mission about the effectiveness of the indelible ink used on the voters who voted abroad and seafarers on the 13th of November 2009 as a check against possible multiple voting by the same voters in the elections of the 27 and 28 November 2009, responded that he could **not** vouch for the effectiveness of the indelible use of the ink used during voting.
- The Mission observed that voter education was generally adequate and this evidenced by the low number of spoilt ballots at the station observed by the Mission
- The decision to allow voters to cast their vote in areas other than their areas of registration i.e. tendered votes ensured that all eligible voters to exercise their right to vote and have same recorded in their various constituencies. However, the counting of tendered votes posed a challenge to electoral officers who could do with further training in that direction.
- The tendered votes also posed a challenge with possible serious consequences for the confidentiality of the secrecy of the ballot where

there were single votes at specific polling stations in respect of a particular constituency. The practice of recording voter registration card number of the voters on the counterfoil of the ballot paper issued to the voters has a potential of exposing the identity of the voter. The Mission has no cause to believe, that the result of the potential victimisation of the voter is intended. However, out of abundance of caution, a review in that direction would allay the fears of all concerned and consolidate the confidentiality of the secrecy of the ballot.

- The teams observed that, mobile polling stations were an effective way to reach out to eligible voters' country – wide. These were generally well scheduled and organised.
- That the post vote counting declaration of results at the national ECN has been slow.
- Meanwhile, purported SMSs announcement of election results has a potential to poison the political atmosphere ahead of the official declaration of final results by the ECN.
- That political parties in Namibia have not met the minimum threshold of 50% of women representation on their party lists for the National Assembly and this falls short of the AU guidelines.

Recommendations

In view of the foregoing, the Mission recommends as follows:

- That the state media in Namibia be insulated from direct government control by the establishment of an independent media institution with the responsibility of appointment and dismissal of heads of state media.
- That without prejudice to the allocation of airtime to reflect the representation of parties in parliament that a certain minimum threshold of free airtime be allocated to every contesting political party. The 60% - 40% airtime allocation to parties represented in parliament and those contesting elections respectively should be considered.
- That the independence and capacity of the Namibia police be enhanced and consolidated to ensure the peace, security and stability of Namibia and the integrity of the electoral process in future elections.
- Currently, political Party funding is provided to parties in Parliament; the Mission recommends that public funding of political parties be extended to all contesting political parties.
- That all registered political parties in Namibia should meet the pre-condition of a certain minimum presence in all the regions in Namibia as a safeguard against parochial ethnic-based parties and abuse of the proposed public funding of political parties.

- Training of electoral staff and party agents be enhanced to adequately equip them to make good their obligations in respect of the general electoral process and tendered ballot voting in particular.
- That a review of the electoral processes in respect of tendered votes to ensure the confidentiality and the secrecy of the vote.
- That the provisional announcement of results at polling stations and the official declaration of the final results by the ECN be expeditiously carried out to protect the integrity of the electoral process.
- That the voters register compiled by the ECN be after due consultation with all stakeholders and its contents finalised and the gazetted version of the voters' register should be made available to all contesting political parties within reasonable time.
- That the quality of the indelible ink used in subsequent elections be assessed and tested in mock trials in country to guarantee its durability and effectiveness.
- Political parties should endeavour to achieve the 50% women representation in their party lists for the National Assembly.

Conclusion

The mission would like to begin by noting the fact that the 2009 Presidential and National Assembly elections in Namibia took place within the existing constitutional and legislative framework of Namibia.

Notwithstanding the issues raised and the observations by the Mission herein, the Pan African Parliament Election Observer Mission to the 2009 Presidential and National Assembly elections in Namibia, is not in possession of any evidence of irregularities which substantially compromised the outcome the election results. Should any further evidence of irregularities of the electoral process come to the attention of the Mission, same shall be given due consideration in the final report.

Meanwhile it is the Mission's considered view that the irregularities that were observed by the mission have not substantially compromised the integrity of the electoral process nor deny the expression of the majority will of the people of Namibia.

On the whole, the basic conditions of credible, free and fair elections as contained in the OUA/African Union Declaration on the Principles Governing Democratic Elections in Africa of 2002 were reasonably satisfied in the Namibia Presidential and National Assembly Elections, thus far.

Finally, the Mission would like to convey its deep gratitude to the Government and people of Namibia for inviting the Pan African Parliament Observer Mission. The Mission would further like to commend the Electoral Commission

of Namibia for its cooperation and the manner in which it availed itself to the Mission.

The Mission would also like to express its gratitude to all the electoral stakeholders who met with the Mission for the cooperation and contribution to the electoral process.

I thank you.

Hon. Ambrose DERY, MP (Ghana)

Mission Leader

**PAP Election Observer Mission to the Presidential and National
Assembly Elections in Namibia, 2009.**

**Windhoek,
Republic of Namibia
December 02, 2009**