

Introduction

These Presidential and National Assembly elections in Namibia were the first since Independence and Namibia's accession to the Commonwealth in March 1990, and the first general election to be run by Namibians themselves. Against the background of Namibia's protracted struggle for independence and the steadfast supporting role played by the Commonwealth, it was fitting that the Government of Namibia should invite the Commonwealth to be present to observe these elections.

In his response to the letter of invitation from the Minister for Foreign Affairs of Namibia, the Hon Theo-Ben Gurirab, Commonwealth Secretary-General Chief Emeka Anyaoku said that he was pleased to organise a Commonwealth observer mission for the occasion and that, in line with established practice, he would despatch a planning mission from the Commonwealth Secretariat. This mission visited Namibia from 15–18 November 1994. It subsequently reported to the Secretary-General that it had been received warmly in Namibia and that a Commonwealth observer group would be welcomed by the political parties contesting the elections.

Our Observer Group to Namibia was the fourteenth such electoral mission organised by the Commonwealth since the October 1989 meeting of Commonwealth Heads of Government in Kuala Lumpur, Malaysia. At that meeting, Heads of Government agreed that member states could benefit from an election observer facility, as a means of strengthening democratic processes and institutions. This view was reaffirmed by Heads at their next meeting in Harare, Zimbabwe, in October 1991, and enshrined in the historic Harare Commonwealth Declaration which emanated from that meeting.

The Observer Group and its Terms of Reference

It was in this broad context that the Secretary-General assembled our group of eight Observers from various regions of the Commonwealth, supported by five officers from the Commonwealth Secretariat, to be present at these elections. The composition of the Group, including biographical information about the Observers, is at *Annex I*.

In his letters of invitation to us, the Secretary-General outlined the Terms of Reference of the mission, which were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Namibia and supported by the political parties. It is to observe relevant aspects of the organisation and conduct of the elections in accordance with the law of Namibia. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgment whether the conditions exist for a free expression of will by the electors and if the result of the elections reflects the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of the elections.

The Group will submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Namibia, to the leadership of the political parties taking part in the elections and thereafter to Commonwealth governments.

Before our arrival in Windhoek on the evening of Wednesday 30 November 1994, we were comprehensively briefed in Johannesburg, South Africa, earlier that day by Commonwealth Deputy Secretary-General (Political) Sir Anthony Siaguru. Sir Anthony emphasised to us the importance which Commonwealth Heads of Government attached to the promotion of the fundamental values of the Commonwealth as defined in the Harare Commonwealth Declaration, and outlined the work of the Secretariat in this regard. He drew on the Terms of Reference to emphasise our non-executive but independent role, and that our Report to the Secretary-General should reflect this.

A News Release issued in London on 30 November 1994 announcing our mission is at *Annex II*.

Method of Work

Shortly after our arrival in Windhoek, the Chairperson of the Group, Mrs Justice Anastasia Msosa, issued the Arrival Statement at *Annex III*. Over the following three days, we undertook a full programme of meetings in Windhoek. We were extensively briefed by the Director of Elections, Professor Gerhard Töttemeyer, and his colleagues in the Directorate of Elections, after an earlier informal meeting with the Chairman of the Electoral Commission, Judge Johannes Strydom. We met with the leadership of the political parties contesting the elections, and welcomed the opportunity to hear directly from them their views on the preparations for the elections. We met too with representatives of non-governmental organisations and of the news media and benefited from what they had to say to us. A schedule of our engagements is at *Annex IV*.

On Sunday 4 December 1994, we divided into six two-person teams, and deployed throughout the country. A schedule of those deployments is at *Annex V*. With the Chairperson remaining in Windhoek, four teams were deployed to the north of Namibia where over 60 per cent of the population is to be found, and the remaining team to the population centres in the south, not far from the border with South Africa. Over the remaining three days before polling began on 7 December 1994, our teams travelled extensively throughout the country, familiarising themselves with local conditions, meeting local political representatives, and making contact with election officers and law enforcement officers in the field. Notwithstanding the geographical size of Namibia, we managed as a group to make our presence known in all 13 administrative regions of the country.

On the actual polling days of 7 and 8 December 1994, we visited more than 150 of the 750 polling stations, and on 9 December 1994 witnessed the count at 20 of the 95 counting stations. Throughout our deployment, we were guided by our Observation Notes and Polling Station Check List, a copy of which is at *Annex VI*. On the basis of our briefings in Windhoek and during deployment, and our observations of the polling and the counting process, the Chairperson of the Group issued an Interim Statement on 9 December 1994, before the results of the elections were known and indeed before trends were evident. A copy of that statement is at *Annex VII*.