

The Presidential and National Assembly Elections in Namibia

7–8 December 1994

The Report of the
Commonwealth Observer Group

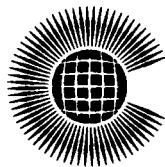


Commonwealth Secretariat

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Commonwealth Observer Group



Commonwealth Secretariat
1995

Commonwealth Secretariat
Marlborough House
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REPORT OF THE COMMONWEALTH OBSERVER GROUP TO THE PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS IN NAMIBIA

7–8 DECEMBER 1994

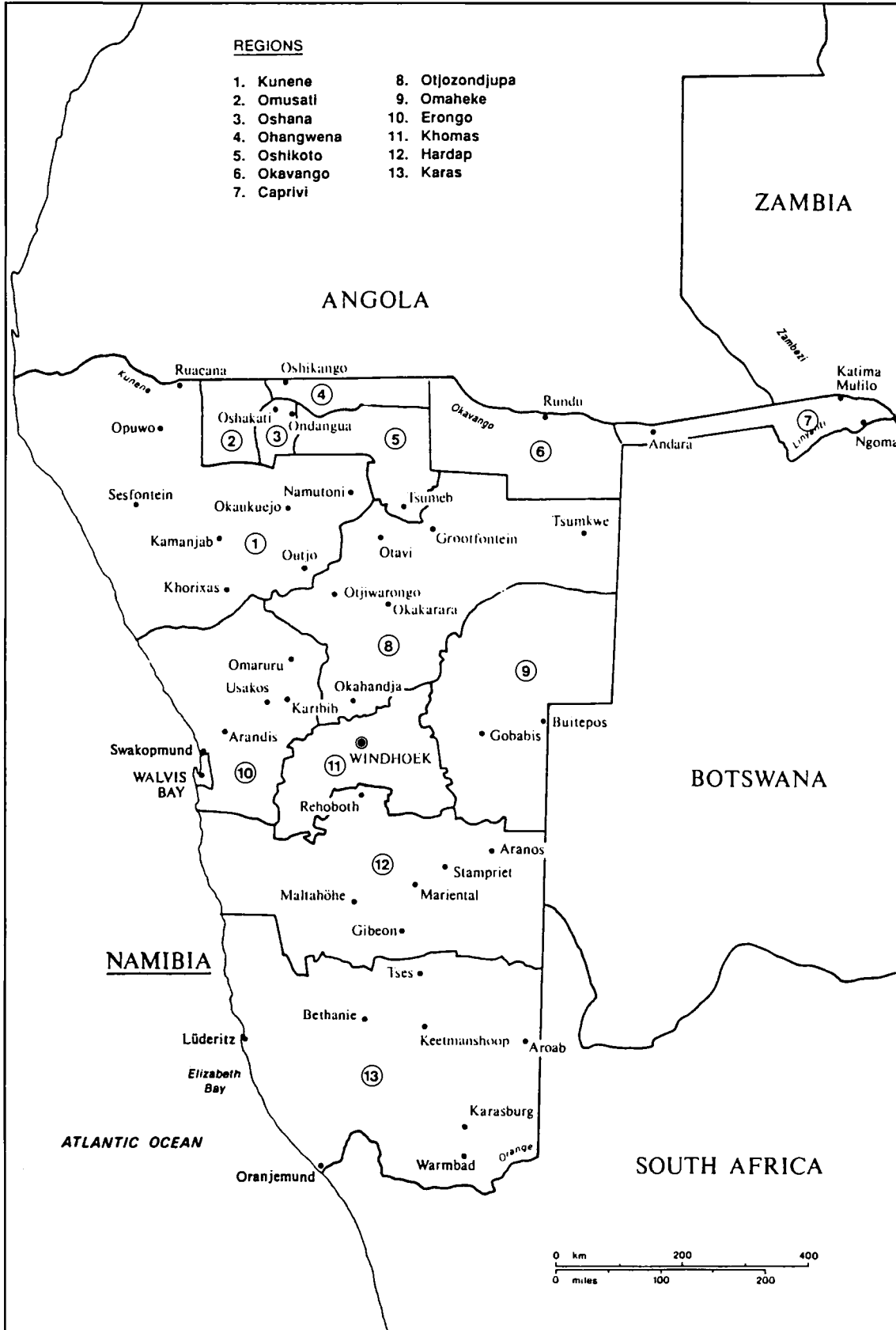
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Map of Namibia



LETTER OF TRANSMITTAL



Presidential and National Assembly Elections, Namibia, 1994

Commonwealth Observer Group

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12 December 1994

Dear Secretary General,

We have been honoured by your invitation to participate in the Commonwealth Observer Group for the 1994 Presidential and National Assembly Elections in Namibia. We wish to thank you for providing us this opportunity to play our part in the consolidation of democracy in this country in particular, and in the Commonwealth in general.

These were the first such elections since independence and Namibia's accession to the Commonwealth in 1990, and the first general elections to be conducted by Namibians themselves. They were a credit to the people, who turned out in large numbers across the country to exercise their right to vote. We believe that the conditions existed for a free expression of will by the voters and that the results reflect the wishes of the people of Namibia.

We wish to record our deep appreciation to the Electoral Commission, the Directorate of Elections, the political parties and above all to the people of Namibia for their warm welcome and their assistance to us during the course of this mission. We have pleasure in submitting our report to you.

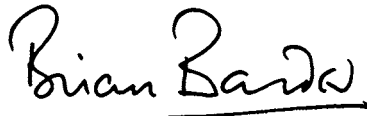
Yours Sincerely
[Signature]

Justice Mrs Anastasia Msosa
Chairperson

His Excellency Chief Emeka Anyaoku
Commonwealth Secretary-General
Marlborough House
London S W 1



Dr Kwadwo Afari-Gyan



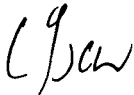
Sir Brian Barder KCMG



H E Dr Ursula Barrow



Ms Diane Bigelow



Mrs Clara Olsen



Mr A R Parsons



Dato' Albert Talalla



The Commonwealth Observer Group ... (from left) HE Dr Ursula Barrow, Alf Parsons, Diane Bigelow, Dr K Afari-Gyan, Mrs Justice Anastasia Msoa (Chairperson), Sir Brian Barber, Clara Olsen, Dato' Albert Talalla

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*.

Chapter 1

The Political Background

Namibia achieved its independence on 21 March 1990 after over 100 years of foreign occupation and a protracted struggle for freedom on the part of the people. The four and a half years which preceded the Presidential and National Assembly Elections we had come to observe were therefore notable on three counts. They were Namibia's first years of independence and freedom from foreign rule, its first years of democracy and representative government, and the first period of tranquillity which the country had experienced for more than a century.

Foreign Occupation

The years of foreign occupation were begun by German colonisers, who declared a protectorate around Luderitz in 1884 and in 1890 established the colony of German South West Africa. South Africa's occupation began in 1915 when German forces surrendered to a South African military expeditionary force. The League of Nations subsequently granted South Africa a mandate to administer the territory. The process of land expropriation begun under the Germans was continued, and large numbers of Afrikaners were settled during the 1920s and 1930s.

Following the Second World War, South Africa refused to enter into a UN trusteeship agreement and over the next 40 years extended key elements of the apartheid system into the territory. The UN General Assembly terminated South Africa's mandate in 1966 and the same year the South West Africa People's Organisation (SWAPO) launched an armed struggle. South Africa's continued occupation was declared illegal by the International Court of Justice five years later. However, despite increasing internal and external pressure and considerable diplomatic activity, South Africa's occupation only came to an end in 1989. A UN plan for the transition to independence had been adopted in 1978 (Security Council Resolution 435) – but it took ten years before Pretoria finally agreed to arrangements for its implementation.

Pre-Independence Elections

UN-supervised pre-independence elections finally took place, peacefully, in the second week of November 1989 and were pronounced 'free and fair' by the Special Representative of the UN Secretary-General. More than 95 per cent of the electorate voted. SWAPO of Namibia received 57.3 per cent of votes cast and won 41 seats. This gave them a majority of the seats in the pre-independence Constituent Assembly but it was not enough to achieve the two-thirds majority which would have allowed SWAPO to determine the Constitution on its own. The Democratic Turnhalle Alliance (DTA), with 28.6 per cent of the votes, won 21 seats, the United Democratic Front (UDF) 4, Action Christian National 3, the National Patriotic Front 1, the Federal Convention of Namibia 1 and the Namibia National Front 1.

The Commonwealth had played its part in helping to ensure that the elections allowed for a free expression of will by the voters. The then Secretary-General had despatched a seven-person Observer Group, led by a member of our present Group, Alf Parsons of Australia. This Group was charged with reporting to Commonwealth Heads of Government at their meeting in October 1989 on the preparations for the elections and the transition to independence. In its report issued before the elections, the Group found that, against the background of war, violence and mistrust, the process was delicately poised. It was not able to pronounce definitely on the prospect for free and fair elections. The Group was, however, able to note the progress already made and to highlight factors likely to bear on the integrity of the elections. In this the Group worked closely with the United Nations Transition Assistance Group (UNTAG) whose responsibility it was to supervise the elections and after the poll to determine whether they were free and fair.

Establishment of Democratic Government

On 16 February 1990, Sam Nujoma, the President of SWAPO, was elected by the Constituent Assembly as the first President of an independent Namibia. Following independence the Constituent Assembly became a National Assembly, the President assumed executive power and Namibia became a full member of the international community, taking up membership of the United Nations, the Commonwealth and regional groupings and organisations such as the Organisation of African Unity (OAU), the Front-Line States and the then Southern African Development Co-ordination Conference (SADCC).

Regional and Local Authority Elections

The first major test of Namibia's young democracy came between 30 November and 3 December 1992 with elections for the 13 new regional councils and 48 local authorities. These replaced the ethnic authorities abolished at independence and the white-run municipal authorities. The elections were reported to have been largely free of intimidation and their conduct appears to have been exemplary, with no specific complaints of polling irregularities.

On a turnout of 83 per cent, SWAPO won nine regional councils to the DTA's three (in the remaining council there was no clear majority) and took 67 per cent of the vote. These results meant that SWAPO, taking 19 of 26 seats, secured control of the upper house of Namibia's parliament – the National Council – to which each region sent two Regional Councillors. The National Council began work in May 1993. In the local authority elections SWAPO secured 57.17 per cent of the vote, to the DTA's 32.78 per cent and the UDF's 5.79 per cent.

In the period between the Regional and Local Authority elections and the 1994 Presidential and National Assembly Elections there was only one significant election, when in August 1994 voting took place to elect a new municipal council in Walvis Bay, replacing the previous whites-only body. On an 81 per cent turnout SWAPO won 78 per cent of the vote, gaining eight of the ten seats on the Council. The DTA took the remaining two.

Walvis Bay

The formal integration into Namibia of the deep-water port of Walvis Bay and a number of offshore islands had not been resolved at the time of independence in 1990. After lengthy negotiations with South Africa the integration finally took place as scheduled on 1 March 1994 at a ceremony attended by President Nujoma and several African Heads of State. The incorporation was widely welcomed in Namibia, not least because it was expected that it would boost the economy. A free trade zone is currently being established in a 20 square km zone between the town and the airport and estimates suggest that the population has increased considerably in the six months following integration as job seekers have flooded in.

Post-Independence Political Issues

In the years immediately following independence there was a national consensus on three issues in particular. There was widespread agreement on the need to foster a spirit of national reconciliation and social harmony, to raise living standards for the majority, and to develop the economy, which is still today heavily dependent on imports from South Africa and on Namibia's two main export sectors – commercial agriculture and mining.

By the time of the 1994 Presidential and National Assembly Elections, a culture of reconciliation, social harmony and tolerance was well established. Progress had been made in raising living standards and considerable efforts had been made to stimulate investment and in particular to attract foreign investment.

However, it was generally acknowledged that much more needed to be done to improve social conditions for the majority, to tackle unemployment – especially with some 16,000 people entering the job market every year – and generally to ensure a more balanced development of Namibia's mixed economy. There was also increasing concern at the slow pace of land reform.

Background on the Political Parties

Eight political parties registered for the 1994 National Assembly Elections, as follows:

- **SWAPO of Namibia (SWAPO)**, whose leader, Sam Nujoma, was elected President of Namibia in 1990, was established in 1958 as the Ovamboland People's Organisation, renamed SWAPO in 1960 and SWAPO of Namibia in 1968. SWAPO was Namibia's principal liberation movement in the pre-independence period, having launched an armed struggle in 1966. In 1973, it was recognised by the United Nations General Assembly as 'the authentic representative of the people of Namibia'. In the 1989 Constituent Assembly elections it secured 384,567 votes (57.3 per cent of the total votes cast) and 41 seats. Following independence it formed the Government, stressing the importance of reconciliation, development of the economy and improvement in the basic conditions of life for the majority. It has since laid particular emphasis on the success of its economic policies. SWAPO launched its election campaign on 29 October 1994, pledging to make job-creation the top priority for the next five years.
- **Democratic Turnhalle Alliance (DTA) of Namibia**, whose leader is Mishake Muyongo, became the main Opposition party following the 1989 elections. Founded in 1977, it was the majority party in the South African-appointed transitional government prior to independence and was supported by South Africa. In the 1989 Constituent Assembly elections it secured 191,532 votes (28.6 per cent) and 21 seats. Reorganised in November 1991, it won control of three regional councils in the 1992 elections. In the months prior to the beginning of the 1994 election campaign the DTA focused on unemployment, corruption and rising crime.
- **United Democratic Front (UDF)** is led by Justus Garoëb and was founded in 1989 as an alliance of eight ethnic parties. It won four seats in the 1989 Constituent Assembly elections (37,874 votes, 5.6 per cent of the vote), re-formed itself as a unitary party in October 1993 and announced its intention to work closely with other opposition parties. It has also emphasised the importance of action to tackle unemployment, raise living standards, curb crime, boost manufacturing investment and improve the civil service. It supports free market principles, favours pragmatism on the question of land reform and stresses the importance of improvements in education and health services.
- **Democratic Coalition of Namibia (DCN)** is led by Moses Katjuongua, was formed in 1994 and initially brought together three parties: the South West African National Union (SWANU), the National Patriotic Front (NPF) and the German Union (GU) faction of the Action Christian National (ACN). SWANU later withdrew in protest at the alleged unfairness of the way in which the DCN Party List was drawn up. At the launch of the DCN, the NPF leader said that the new grouping would campaign on a platform of "real improvements in the quality of life for most Namibians". It stressed the importance of action to combat crime, streamline the civil service and army, develop the economy and improve education, health, housing and social services.
- **Monitor Action Group (MAG)** was formed during 1994 under the leadership of former ACN leader Kosie Pretorius to promote 'a Christian outlook and standpoint'. It wants to remove 'the secular concept' from the Namibian Constitution and argues for the return of the death penalty. By its own account it is not a fully fledged political party but a pressure group for 'principle politics', using the elections as a platform to get its message across.
- **SWANU of Namibia**, the South West African National Union, was formed in 1959 in protest at the South African occupation. SWANU's manifesto for the National Assembly elections stressed the importance of improvements in education, health, housing and social security, called for a national agricultural strategy and proposed the restructuring of the economy to ensure a fairer distribution of wealth.

- **Federal Convention of Namibia (FCN)** gained one seat in the 1989 elections for the Constituent Assembly. Its manifesto for the 1994 elections stressed the importance of the devolution of power with regional control of economic policy, taxation and education policy. It proposed a federal constitution and a Bill of Rights.
- **Workers' Revolutionary Party (WRP)** described its manifesto as 'a programme to open the door for the working class itself to do what is necessary and take the people forward to complete the struggle for real independence'. It attacked all other parties alike as standing 'on the side of the capitalist exploiters', called for a massive programme of public works to tackle unemployment, a 35-hour week without a reduction in pay, taxes on big companies to pay for free education, the expropriation of land 'stolen from the poor peasantry' and the confiscation of mining company assets.

Two of these political parties put forward candidates for the post of President. Dr Nujoma was the candidate of SWAPO of Namibia and Mr Muyongo stood for the DTA of Namibia.

Chapter 2

The Electoral Framework and Preparations for the Elections

The Constitution

The 1994 Presidential and National Assembly Elections took place under the Constitution adopted by the Constituent Assembly in February 1990, which came into force on Independence Day, 21 March 1990. It provides for a unitary, secular republic with an executive presidency, a two-chamber legislature, regular multi-party elections based on universal adult suffrage, an independent judiciary and a Bill of Rights. The Constitution includes 25 entrenched clauses providing for a wide range of fundamental human rights and freedoms.

Executive power is vested in the President, who is limited to a maximum of two five-year terms and must obtain more than 50 per cent of the popular vote to be elected. A 72-member National Assembly has legislative power. The President's executive powers include the appointment of the government, the Chief of Staff of the National Defence Force and members of the Public Service Commission. The President can dissolve the lower house, the National Assembly, 'if the government is unable to govern effectively'.

The National Assembly is also elected for a term of five years, on the basis of proportional representation, whereby the number of seats a political party wins is in direct proportion to its share of the total number of valid votes cast. That is, the whole of Namibia is treated as a single constituency in that a member of the National Assembly does not represent any particular part of the electorate. It should be noted that, for the purposes of regional and local government elections, the country is divided into 13 administrative regions, with each of those further divided into constituencies and polling districts. There are 95 constituencies but these bear no substantive relationship to the National Assembly elections and their single constituency basis.

Electoral Act 1992 and Electoral Amendment Act 1994

The Electoral Act 1992 and the Electoral Amendment Act 1994 provide the primary legal framework for Presidential and National Assembly elections, as well as the election of members to Regional Councils and local authority councils.

Features of the legislation include provision for:

- the establishment of an Electoral Commission and delineation of its powers, duties and functions;
- a Directorate of Elections as a division in a government ministry, responsible for the administrative and clerical work involved in the functions of the Electoral Commission;
- the registration of voters and of political parties, covering such matters as entitlement to vote, the preparation and publication of voters' registers, and conduct of political parties; and
- the conduct of elections, including the appointment of election officers and identification of their powers, the nomination of candidates, identification and siting of polling stations, provision of equipment and materials, voting at polling stations, and determination and announcement of results.

The Electoral Commission

The exclusive authority for directing, supervising and controlling the conduct of elections to the Presidency and the National Assembly is vested in the Electoral Commission.

Additionally, the Commission is, among other things, specifically charged with supervising and controlling:

- the registration of voters;
- the preparation and publication of a national voters' register; and
- the registration of political parties.

The Commission comprises a Chairperson, who must be a judge or former judge of the Supreme Court, and four other members, all appointed by the President with the approval of the National Assembly. The current Chairman of the Commission is the Judge-President of the High Court of Namibia. The other four members come from widely different experiences and backgrounds in public and civic life. Their appointments have to be approved by a resolution of the National Assembly.

Decisions of the Commission are reached by a majority vote. In practice, the Commission confines itself to relevant policy issues while the implementation of policy and the execution of the administrative work involved is carried out by a Directorate of Elections. For example, in one instance which arose during the early part of our mission while awaiting our deployment to the regions, it had been reported to the Commission by one of the political parties that one of its public meetings had been disrupted by a rival party in breach of an agreed Code of Conduct. The Commission concluded that it was a criminal matter, and the complaint was remitted to the Directorate of Elections to be pursued with the police through the normal channels.

The Directorate of Elections

The Directorate of Elections operates as a Division within the Prime Minister's Office. It is headed by a Director of Elections who is appointed by the President in accordance with the rules governing the public service and who serves as the Secretary of the Electoral Commission. Although the Directorate operates as a Division of the Prime Minister's Office, the Director is required to exercise and to perform the functions of the office subject to the direction and control of the Commission.

The Director is assisted by other officers designated by the Permanent Secretary of the Prime Minister's Office but the Commission may also, in consultation with the Permanent Secretary, engage the services of others.

Included among the staff of the Directorate are, for the purposes of registration for elections under the Electoral Act, a supervisor of registration and a registration officer for each constituency and local authority area as the case may be. The Electoral Commission has wide powers which may be delegated to make such other appointments as it may deem fit to assist the supervisor of registration or registration officer in the performance of their duties. It also has powers, which may be delegated, to appoint election officers. These powers of appointment provide the Director with a certain amount of discretion and flexibility in making appointments which facilitate the delivery of electoral services in the most efficient manner.

To facilitate the smooth conduct of the December 1994 elections, the Director of Elections took the strategic decision to appoint in each of the 13 administrative regions a Co-ordinator through whom election materials were delivered to constituencies and polling districts throughout the length and breadth of the country, and who acted essentially as the Director's eyes and ears in the field during the entire election process. We also benefited from the appointment of these Co-ordinators, who served as an important point of contact during the deployment phase of our mission.

From July 1994 and during the period immediately leading up to the elections, the Director of Elections had established a useful mechanism for keeping both the political parties and the

media informed about the preparations for the elections. He initiated with all the political parties a weekly forum at which he briefed their representatives on the progress of the arrangements for the elections and where matters of common concern were discussed. It was, for instance, at this forum that the Code of Conduct for political parties in the election campaign was conceived and developed. (A poster publicising a short version of the Code of Conduct is attached at *Annex VIII*.) However, we were told by the Director that this forum seemed to serve a useful purpose at the beginning but that it subsequently ceased to do so because many of the political parties only sent representatives who had little or no authority and that some of the smaller parties did not participate at all.

Similarly, the Director developed a practice of meeting the media at a weekly press briefing at which he updated them on the current state of the preparations for the elections. This enabled the Press, in turn, to keep the general public informed.

Registration of Voters

The Voters' Register prepared for the 1992 regional and local authority elections formed the basis of an updated Register for these 1994 Presidential and National Assembly elections. There was reportedly some confusion surrounding the preparation of the original Register, apparently on the part of both officers and prospective voters. This may have carried over into a certain lack of confidence in the most recent efforts to update the Register. There were, for example, allegations from some political parties, denied by the Director of Elections, of the presence on the Register of some 15,000 or so ineligible voters believed by them to be citizens of Angola. Other allegations that some 50,000 people were unable to vote because they did not receive replacement Voters' Registration Cards, were countered by the Director of Elections who said that only 23,000 applications for such cards had been received, and some 21,000 had been issued for distribution. (Difficulties with distribution of the cards are referred to in Chapter 4.)

Concern was also expressed to us about the decision not to use the Voters' Register (broken down by constituencies) at polling stations during the poll, as had originally been intended. The Electoral Act of 1992 had provided for a certified copy of the relevant part of the Voters' Register to be available at each polling station. However, the Electoral Amendment Act which was promulgated in October 1994 had removed that requirement in order to accommodate an anticipated substantial number of eligible voters who might be unable to vote at their places of registration. It was put to us by the Directorate that not to have done so would have required the availability of the full national Register of Voters at every polling station, or that it would have led to the possible disenfranchisement of a high proportion of migratory voters, possibly as much as 20 per cent of the electorate. The Directorate had concluded that neither approach was a feasible or desirable option. In the end, the votes of those voting outside the constituencies in which they were registered were classed as 'tendered' votes and were counted separately at a central point in Windhoek.

When the Register was finally published on 1 December 1994, the number of registered voters stood at 654,192, which was judged to be about 89 per cent of the total number of eligible persons, i.e., about 727,000. (The shortfall from the 750,000 or so who had registered for the 1989 independence elections was explained to us by the Director of Elections in terms of the large number of South Africans and other foreigners who had been able to vote in 1989.)

Voter Education

We heard that over the months prior to the elections, a programme of voter education had gradually developed with the co-operation of the Ministry of Information and Broadcasting, the radio and television networks of the Namibian Broadcasting Corporation (NBC), the Namibia Institute for Democracy, the Friedrich Ebert Foundation, the University of Namibia, the European Union and the National Democratic Institute (NDI) of the United States. The Directorate itself had mounted an extensive voter education programme largely by way of poster campaigns, radio and television broadcasts and live theatrical shows. A sample

selection of some of the voter education materials, which struck us as being of high quality, is included at *Annex IX*.

The 1992 regional and local authority elections had shown that a minority of Namibians had access to television or read a newspaper, but that probably 90 per cent listened regularly to radio broadcasts in at least one of the nine different language broadcasts of the NBC.

Political party agents also played an important and generally non-controversial role in assisting with registration and education of voters. Even in the more isolated areas when asked whether voters understood the process, the agents of all parties assured us they did. They asserted, for instance, that there was a great deal of pride in being able to vote and since the 1989 and 1992 elections, voters had become much more confident and aware of the process. It is also worthy of note that during the poll itself, polling officials went to a great deal of trouble to advise the unsure and elderly, step by step, of the procedures they were to follow.

The political parties themselves appeared to have become involved in voter education in varying degrees of intensity, at a much later stage because of financial constraints. We were able to observe some evidence of their efforts when they utilised the generous free airtime made available to them on both radio and television which was paid for by the NDI.

The contribution to the cultivation of the voting culture and participatory democracy in Namibia should not be underestimated. Perhaps a measure of the cumulative impact of these various endeavours and the time and money spent on them is reflected in the relatively low proportion of spoilt ballots (in the National Assembly elections 1.58 per cent and in the Presidential election 2.45 per cent).

Chapter 3

The Campaign and the News Media

Against the background of the turbulence of the 1989 campaign and the exuberance of what was then in effect a 'liberation' election, we detected some continuing concern on the part of those we met about the possibility of violence and intimidation in the final days of the campaign and during the poll itself.

These fears did not materialise. We concluded that the entire campaign period, notwithstanding isolated incidents, had been characterised by a calm and peaceful atmosphere, even in areas dominated by one political party or the other. Planned political party rallies in most parts of the country had been properly supervised and orderly, even though there were attempts at disruption in some instances.

It was put to us that this general state of affairs could be attributed to relatively modest levels of activity in comparison with 1989, and certainly a number of parties complained to us that shortages of campaign funds had been a major constraint in getting their messages across to the people of Namibia. It was also suggested that the country-wide regional and municipal authority elections of late 1992 and local elections in August 1994 in Walvis Bay, had promoted greater familiarity with elections and electioneering and that, in any case, the fundamentally peaceful nature of the Namibian people had guaranteed the climate of calm which prevailed at the time of the 1994 Presidential and National Assembly Elections. Predictions of voter apathy were not borne out by the very good turnout during the poll.

Our own assessment is that the sustained efforts over the past five years by the Government, political parties, and the community to promote a spirit of national reconciliation and social harmony have made great strides. Political maturity, tolerance and a culture of democratic practice, appear to have flowered in a very short space of time.

The Issues

Given the financial constraints on the political parties, both large and small, which we were told had in varying degrees limited their capacity to campaign, it was not surprising for us to learn that the matter of state funding of political parties had become a contentious issue, and had been discussed in the National Assembly. Throughout the Commonwealth, there is no uniform practice on this matter, and for those Commonwealth countries which make provision for state funding, a range of formulae is to be found. We were given the impression that virtually all political parties support the principle, but that opinions vary as to how it should be implemented. In the meantime, until this is resolved, the political parties will continue to fund their activities and election campaigns in other ways.

It would be appropriate to mention in this context that under the Electoral Act 1992, political parties are permitted to receive financial or material assistance from outside Namibia provided such assistance is disclosed for public scrutiny. Failure to comply with this provision renders the political party concerned liable to have its registration cancelled by the Director of Elections. This situation has not been affected by the recent amendment to the Electoral Act.

In this general context the alleged exclusive use of state resources for party political purposes was raised with us by several of the representatives of opposition political parties, and had featured in their campaigns.

For their part, representatives of the ruling party, SWAPO, contended that such allegations were unfair, as opposition parties themselves had access to state resources in the form of office space in government premises. In cases where SWAPO had used state resources, the party had been properly billed by the Government and accounts would be paid. They acknowledged the difficulty sometimes of differentiating between government and the ruling party, and the sometimes blurred distinction between the activities of the President as Head of State and his responsibilities as leader of SWAPO. This is a perennial challenge for many

multi-party democracies. We are encouraged, however, by SWAPO's recognition of the distinction between the state and government, on the one hand, and the party in power, on the other.

On what might generally be regarded as more traditional campaign issues such as management of the economy, land reform, living standards and unemployment, health, housing and social services, education and crime, both the governing party and opposition parties campaigned essentially on SWAPO's record in government. SWAPO for its part emphasised the success of its economic policies, and improvements in standards of living over the past five years. It promised to make job creation a top priority for the next five years.

The DTA and smaller opposition parties for their part sought to persuade the electorate that the government in power had not done enough and, increasingly, as the elections approached, to question the integrity of the Government and its commitment on certain issues.

The News Media

The right to freedom of expression has become well established in the five years since independence. Namibia today has a small but vigorous news media sector representing public, private and party political interests. From our observations, it takes its role as a watchdog of the public interest seriously.

The public service broadcasting system, the Namibian Broadcasting Corporation, is the most important medium for news, with a mandate to provide an unbiased and objective information service to the electorate. It broadcasts an English-only television service, but this can only be received by around a third of the population. Its radio broadcasts are more important. NBC radio broadcasts in nine languages to 95 per cent of the population on FM and is therefore perhaps the most important media entity in the country, with unparalleled reach. Both main political parties told us that they especially appreciated the NBC's language services which, in the north for instance, enabled them to get their messages across to a much wider audience. NBC has studios throughout the country.

In consultation with the political parties and the Directorate of Elections, NBC developed a set of rules and guidelines for fair political coverage before and during the 1994 elections. Under these, a strict procedure was agreed regarding coverage of individual candidates and a Code of Conduct was distributed to NBC staff stressing the importance of objective and balanced election coverage. NBC decided not only to comply with the law, which prevents it from transmitting broadcasts using language which incites violence, but went further by deciding to refrain from broadcasting personal attacks by party candidates. NBC maintained contact with political parties throughout the run-up to the elections by means of weekly 'forum' meetings.

During the election campaign NBC organised three party political panel discussions and broadcast voter education programmes on both TV and radio. Paid political advertisements were not allowed but each party and the two Presidential candidates were allocated free airtime, with television and radio broadcasts of approximately the same duration whatever the size and strength of the party concerned. Agreement was also reached with the political parties concerning balanced coverage of political rallies.

Polling day reporting was deliberately restricted to information about the elections, such as turnout, location of polling stations and voting procedures. However, news reporters were allowed to refer to problems that were encountered – and the prospects for their resolution. No references to election issues were allowed. There was a comprehensive results service, announcing only those results certified by the Electoral Commission.

There are other broadcasting organisations. Katutura Community Radio, for instance, provides a service to a heavily populated part of Windhoek. But NBC remains the most important national source of political news.

Newspapers have a limited reach, especially in rural areas, since less than 40 per cent of the population is estimated to be literate. Nevertheless, they still provide an important source of news and comment.

The main newspapers are *The Namibian*, *Die Republikein*, *Allgemeine Zeitung*, *Tempo*, *The Windhoek Advertiser*, *The Windhoek Observer*, *The Namib Times* and *New Era*. *The Namibian*, which acquired an impressive reputation during the pre-independence period, is independent and sometimes fiercely critical of the Government but inclined towards SWAPO. *Die Republikein*, *Allgemeine Zeitung* and *Tempo* are all right of centre and support the opposition. *New Era* is a government newspaper. There is a national news agency, the Namibian Press Agency.

Chapter 4

The Poll and the Count

We were able to visit more than 150 polling stations throughout the country, a significant sample of 20 per cent. We were also able to observe counting in 20 of the 95 counting centres, some of them several times. This chapter sets out our impressions.

Polling Days

The first day of polling, Wednesday 7 December 1994, had been declared a national holiday. Turnout, especially in the morning, was heavy. At most polling stations the mood was quiet, even subdued, and without exception orderly and relaxed. We did not see this lack of euphoria as implying lack of interest. On the contrary, it was clear to us that voters were highly motivated and serious in their determination to exercise their right to vote. Many had travelled great distances: in one case we were informed of a voter who had walked 45 km to cast his ballot. It should also be stated at the outset that we came across no incidents of intimidation or politically motivated violence and that voters generally seemed to understand the voting process.

Altogether there were approximately 750 polling stations, including about 150 mobile stations. There were more than 4,000 polling officers.

A mobile station consisted of a team of election officers. It would spend a day or part of a day in one location and then move on. Mobile stations were usually to be found in isolated rural areas, hospitals and prisons. These were sometimes difficult for us to locate but we found no evidence that this difficulty was shared by those for whom they were intended.

The mobile station system generally seems to have worked well, although in at least one case, in Otjozondjupa Region, a farmer declined to allow a mobile polling station on to his land, even though election officers told us this had been agreed upon some weeks before. This necessitated the transfer of the polling station at a few hours notice. It was re-established at a nearby lodge.

Polling stations were sometimes not well sign-posted, though it is unclear to us how much difference this made to voters as distinct from Observers. Mostly, however, polling stations were well located, in schools and other public buildings. Some were on farms and other private property and we saw at least one open-air polling station. The condition of polling stations varied enormously; some were very small and many had only one entrance/exit, which increased congestion. But in most there was plenty of space, facilities were good and Presiding Officers had taken care with the layout, which was straightforward and in accordance with the guidance given in advance by the Directorate of Elections. The locations of a few polling stations were changed at relatively short notice, but we have no reason to believe that this made any significant difference to the voters themselves.

On the first day voters turned out early in large numbers and gathered in long, orderly lines. At one polling station there was a queue of about 1,000 shortly after the opening of the polling station doors. Many voters had to wait two to three hours to vote. Generally, the long queues had disappeared by early afternoon and waiting times were reduced to ten to fifteen minutes.

The second day of voting, Thursday 8 December, was not a holiday and in some areas the weather was much worse than the day before. In contrast to the heavy turnout the previous day there were fewer voters and shorter queues, if any. By the afternoon some stations had no voters for long periods at a time.

Over the two days of voting taken together the turnout appeared to us to be high, an impression that was later confirmed by the Directorate of Elections. In all, 497,499 people voted in the National Assembly elections, and 497,508 in the Presidential election; in each case this represented 76.05 per cent of registered voters.

Opening of the Poll

We were present at our chosen polling stations well in advance of opening time (7.00 a.m.) on both polling days, in order to see the preparations for polling: the display of the ballot boxes by the Presiding Officer to prove that they were empty, the fixing of seals to the ballot boxes and other necessary procedures. Procedures were carefully observed in almost all cases, and the party agents – officially accredited representatives of the parties who were present at every polling station to ensure that all was in order – declared themselves generally satisfied.

Most polling stations opened punctually at 7.00 a.m. However, because of shortages of materials – and sometimes staff – a few were up to four hours late in opening on the first day and some closed early when supplies ran out. In some cases polling stations had to close early when darkness fell.

We noted with interest the special arrangements that were made in some places so that people in hospitals could vote. In one constituency, the Presiding Officer and party agents agreed that a special ballot box should be used to enable hospital patients who would not otherwise vote to be able to do so. It was sealed and then taken to the patients in their hospital beds. The patients placed their ballots in the box which was then returned to the polling station where their votes were added to all the others from that constituency.

Voting Procedures

Voters were free to vote in both the Presidential and National Assembly elections, or only in one of these. There were six stages. When a voter entered the polling station election officers first asked for two items – a Voter's Card and a form of identification: for instance, a passport, identity card or a driver's licence. The Voter's Card was then endorsed (so that the voter could not vote a second time) and the voter's hands were examined under an ultraviolet light. If a voter had already been through the process the ultraviolet light would reveal traces of the colourless indelible ink into which all voters had to dip their fingers.

After the ultraviolet check the voter's fingers were immersed in this ink. The voter was then given the first of two ballot papers. This was for the Presidential election. The ballot paper was stamped on the back with a secret stamp and folded. (The stamp and the ballot papers had not been unsealed until just before the poll began, in order to avoid the possibility of fraud.) A voter using the tendered ballot procedure was given an envelope at this stage, in which the ballot paper was to be placed, with the appropriate constituency clearly indicated.

The voter then went to the polling booth, usually made of cardboard but in some cases metal storage cabinets, up-ended tables, hospital screens and in one case a wardrobe. In all cases the booth was well screened from the rest of the room so that secrecy was assured. There, the voter marked the ballot paper and deposited it, re-folded, in one of two boxes. One of these (a blue box) was for voters registered in the constituency in which the polling station was located. The other (a grey box) was for tendered ballots. These were ballots cast by voters from other constituencies, and this was a slower process than for ordinary voters.

After casting the first ballot, the voter then collected a ballot paper for the National Assembly elections, again stamped on the back with the secret mark. He or she voted again in a similarly well screened polling booth and then deposited this second ballot paper in one of two ballot boxes – yellow for National Assembly ballots by people from the constituency in which the polling station was sited, or another (grey) box for tendered ballots for those from outside. This completed the voting procedure.

This system generally worked well, although there were cases of voters depositing their Voters' Cards in the ballot box and some voters had to have the procedures explained to them.

The rate at which voters were processed varied enormously, from 50 per hour to, in one case, 120 per hour. The rate often depended on the number of tendered ballots. The rate tended to speed up as voting progressed and officials became more familiar with the procedures. The longest time a voter reportedly waited in a queue was four hours.

In general, procedures were followed meticulously – although at some polling stations we

did observe infringements of the rules, with police officers and party agents sometimes becoming more directly involved in the process than they should have, albeit with the best of intentions. Overall, we were impressed with the care taken by Presiding Officers not only during the day but also in ensuring that the correct closure procedures were followed at the end of the day. In all cases we observed, voters who were present at 9.00 p.m. were allowed to vote, ballot boxes were properly sealed in the presence of party agents and arrangements for the overnight security of ballot papers and boxes (sometimes at a local police station, sometimes in the polling station itself) were carried out in strict accordance with the guidelines laid down by the Directorate of Elections.

Difficulties

Inevitably, there were difficulties. But these were not on a scale or of a nature which made any substantial impact on the integrity of the process or the outcome. We mention them only so that consideration may be given to possible improvements for future elections.

One difficulty concerned shortages – of materials and, in some cases, of staff. In some instances, shortages of envelopes for tendered ballots, ballot papers themselves and even ballot boxes led to the late opening of polling stations. In others, polling stations closed early when essential supplies were exhausted. Additional ballot papers and other items were quickly flown in to certain centres and in others Presiding Officers drove to other polling stations to collect supplies.

Polling stations in many areas of the north ran out of affidavit forms because of unexpectedly large numbers of voters without necessary identification. In such cases the affidavits were needed so that other voters who knew the person concerned could confirm their identity. At one polling station visited by one of us 30 per cent of those voting required affidavits. Some Presiding Officers chose to write out the forms by hand. There also appears to have been uncertainty as to the number of witnesses that were required to enable a person to vote without the required additional identification: some Presiding Officers required affidavits from two people, some from only one.

Shortages seemed to have been caused by underestimates of the likely demand at particular stations rather than shortages of supplies overall. The Directorate of Elections in Windhoek had said that each polling station would be supplied with materials to cater for 1,500 voters. But in many cases the supplies actually provided to individual polling stations were not sufficient.

Despite the well-publicised requirement for each voter to present his or her Voter's Card, numbers of voters turned up at polling stations without this document. In some cases this was because duplicate Voters' Cards, issued by the Directorate of Elections to voters who were properly registered but who had lost their cards, did not reach them in time. In other cases people had simply left their cards at home or had lost them and not applied for duplicates.

The Directorate of Elections had made clear in advance that Presiding Officers were not to allow people without Voters' Cards to vote. However, as late as a few days before polling day there was still confusion in some areas as to whether voters' registers were to be used when voters arrived without Voters' Cards. We drew this to the attention of the Directorate of Elections on 6 December 1994. In response, the Directorate drew our attention to their press statement of the previous day which emphasised that only voters in possession of a valid Voter's Card were entitled to vote, and that no voters' lists would be used during these elections. Copies of the letter and the Directorate's response are attached at *Annex X*.

Despite the Directorate's clarification of the matter, in several places Presiding Officers used registers to satisfy themselves that voters without Voters' Cards were indeed registered and then allowed them to vote.

In one polling station in Oshana Region, a party agent with a copy of what he claimed to be a register brought voters without cards into the polling station, identified them on the list and then told the election officers that they were properly registered and should be allowed to vote. According to the party agent in question, at least four people voted under this procedure. This matter was raised with the Presiding Officer by our Observers. He

suspended the process and the matter was referred to higher officials who declared it unacceptable.

As we knew from our discussions with political parties at national, regional and local levels, there had been a vigorous debate prior to the elections concerning the use of registers. The decision not to use the register stemmed from the introduction of the new procedure for tendered ballots. Use of the electoral register for these would have obliged each polling station to hold a copy of the entire national register. If each polling station had only its own constituency register, it would have entailed discrimination against voters from outside the constituency. This was clearly unacceptable.

We noted the concern of some representatives of political parties that the distribution of duplicate Voters' Cards through Regional Councillors had sometimes resulted in cards failing to reach the voters concerned. Following representations made to us on this matter we alerted the Directorate of Elections to the problem.

We also noted the efforts made by the Directorate of Elections in the days immediately prior to polling to ensure that Voters' Cards were properly distributed. In Oshana Region, for instance, the Directorate's Regional Co-ordinator told us two days before the elections that he was calling in all Voters' Cards held by Regional Councillors and that he intended to announce the names of their owners on the NBC. He said that he intended to supply the Directorate in Windhoek with a full list of all those known to him who had not by then received a Voter's Card, so that these could be provided before polling day. However, whatever the effectiveness of these efforts in Oshana it was clear that elsewhere many cards had still not been distributed prior to polling day.

Finally, we had expected that party agents would express concern that they should be allowed to observe at close quarters the process by which voters' hands were checked for signs of indelible ink. We had alerted the Chairman of the Electoral Commission to the concern of opposition political parties on this point and a copy of the letter from our Chairperson is at *Annex XI*. In the event we encountered no demand during polling for close-quarter observation of voters' hands by party agents, and the lack of it did not appear to arouse concern on the part of party agents or others present at polling stations.

Polling Officials

Notwithstanding the difficulties, the Directorate of Elections and its officials should be commended for their performance. Large numbers of voters were processed very efficiently. Polling officials were courteous and helpful – explaining the process to those who did not fully understand and helping the old and infirm. They seemed to be well-trained – most officials had been taken through the voting process by Presiding Officers at some length the day before, although in a few cases training was still being given on the morning of the poll. We observed training sessions which were very comprehensive.

We are not aware of any cases in which polling officials tried to influence voters in any way. They performed to the very highest standards. In almost every case they extended full co-operation to us, despite the intense pressures under which they were working.

The Returning and Presiding Officers impressed us with their dedication and efficiency and the provision they had made for an orderly voting procedure.

Naturally there were inconsistencies in the interpretation of the rules, which may have arisen as a result of the concern of the officials in question to arrive at sensible solutions to problems. At one polling station the validity of hundreds of votes was put in question as a result of confusion on the part of a Presiding Officer concerning the procedure for marking ballot papers with the secret stamp. The stamp was applied to all National Assembly ballot papers but to none of those in the Presidential election. At another polling station all ballot papers were stamped on the wrong side.

Generally, however, Returning and Presiding Officers knew the rules of procedure and ensured that they were efficiently applied. Infractions were mostly minor and not deliberate.

Regional Co-ordinators were also generally efficient and effective, although their late deployment caused some difficulties. We also noted that many of these officials were brought in from outside the region in which they served, occasioning complaints in some areas from

political parties that they were not sufficiently familiar with local conditions.

Finally, we should mention the resourcefulness, flexibility and common sense displayed by officials at all levels. This was brought out clearly by an incident in Karas Region. At one polling station the secret stamp used to mark ballot papers did not arrive in time. The Presiding Officer secured the agreement of the party agents and, later, the Directorate of Elections in Windhoek, to begin voting without the stamp using a specially identified ballot box, on the understanding that all the papers would be correctly stamped when the ballot box was opened. A similar procedure was agreed upon when a small number of Presidential ballot papers were not stamped at a polling station in Oshana Region.

These arrangements were outside the rules but they were preferable to the alternative of stopping voting altogether in the first case and opening the ballot boxes in the second. In these and other cases election officers demonstrated good sense, flexibility and ingenuity, and a capacity for practical improvisation.

Party Agents

The party agents performed a crucial role, monitoring the procedures, deterring questionable practices and looking out for any irregularities. The vast majority of party agents were vigilant and performed well. However, party agents were also themselves sometimes responsible for breaches of the rules. In many cases, party agents used tape bearing the initials and insignia of one party to seal ballot boxes, in some cases even before voting. When objection to this was raised a directive was issued that it should cease but, for whatever reason, the practice continued in some areas. Occasionally, we saw party agents talking to voters and 'helping' inside the polling stations. Others intervened directly when they saw what they regarded as an irregularity (rather than following the correct procedure of drawing this to the attention of the Presiding Officer concerned). In some cases it took some determination on the part of Presiding Officers to stand up to party agents with particularly powerful personalities.

Against this, Presiding Officers generally expressed satisfaction with the behaviour of the party agents, who co-operated well with each other. For their part, party agents were unanimous in affirming satisfaction with the way in which election officers carried out the procedures.

Security Presence

Security at the polling stations was normally provided by police officers, who were professional, courteous and helpful and assisted the process in a quiet but effective manner. Uniformed and armed members of the Namibian Defence Force were also deployed in certain areas for the two days of voting to supplement the police. The authorities made clear in advance that they regarded the soldiers as fulfilling purely police functions.

Police and uniformed NDF personnel guarded ballot boxes at night and, especially in the north, as many as three NDF members were present at some polling stations during the day in addition to two or three police officers.

We noted that armed police and NDF personnel were sometimes to be seen inside polling stations. We also noted the presence at some polling stations of men in plain clothes, similarly armed but with no visible identification.

Neither the voters nor the party agents appeared to be concerned and we have no grounds to believe that any voters felt intimidated by the presence of armed men, whether inside or outside the polling stations: still less that it affected turnout or voting. Nevertheless, the security presence was not always discreet.

Voters

The most important participants were, of course, the voters themselves. They were almost without exception good humoured and patient, even when queuing in the hot sun for a long time and despite the inevitable frustration caused by shortages of materials. We heard few complaints from voters.

We came across only one case of impersonation and in Khomas Region our Observers discovered some instances of Voters' Cards not matching the identification which voters were required to bring – these cases were referred to the Regional Co-ordinator. But we found no evidence of systematic or large-scale attempts to undermine the system.

We were impressed by informal arrangements arrived at by voters themselves to ensure that the old, disabled or infirm or those with very young children were able to vote first. In an especially arid part of Oshana Region a group of young voters, asked in the morning whether they had voted yet, said that they would vote in the afternoon. They would allow older voters to vote in the morning when it was not so hot. Asked why, they explained simply: "because they are old".

Finally, we were impressed by the determination of voters themselves to ensure that the highest standards were maintained. In Oshikoto constituency one voter protested resolutely when he noticed a sealing tape bearing a political party's initials and insignia on a ballot box. It was removed and he proceeded to vote.

The Count

Ballot papers (sample copies of which are at *Annex XII*) were not counted at the polling stations. Instead there was one counting centre in each of the 95 constituencies. Tendered ballots were counted separately in Windhoek. The co-operation extended to us on polling days by election officers was similarly evident at the counting centres.

We were all struck by the painstaking and meticulous manner in which ballots were checked and counted. Great care was taken to ensure that the count was accurate, even though this meant that the counting procedure was sometimes slow. We received no complaints concerning the integrity of the counting system.

Similarly, procedures for the determination of invalid ballots appeared to us to have been properly, and indeed most conscientiously, followed. We remained unclear, however, as to what constituted a valid mark on the ballot paper. While it was emphasised publicly that a cross should be used, it appeared that election officers, after consultation with party agents, used their judgment as long as the voter's intention was clear.

Finally, we were struck by the unexpectedly large number of tendered ballots which had to be counted in Windhoek. Official estimates suggested that tendered ballots accounted for as many as 25 per cent of total votes cast, and the whole matter of tendered ballots will obviously need to be reviewed carefully for future elections.

Chapter 5

Summary of Conclusions

The main conclusions emerging from the body of this Report are as follows:

- These elections were a credit to the people of Namibia and demonstrate that in the short time since this country gained its independence in 1990 the culture of democracy has gathered strength and maturity. The elections compared very well indeed with those in other Commonwealth countries.
- The conditions existed for a free expression of will by the voters and the results reflected the wishes of the people of Namibia. Although there were inevitable difficulties the voters cast their ballots freely and there was no evidence of intimidation or of systematic or widespread abuse of the electoral process.
- The secrecy of the ballot was assured.
- Tribute should be paid to the voters, who often waited for long periods with patience and good humour to participate in a process which they clearly valued and believed important.
- The Electoral Commission and the Directorate of Elections should be commended for their preparations for the elections. The appointment of Regional Co-ordinators by the Directorate was a positive initiative and contributed to the effective delivery of election services. Election officers should be congratulated for their performance during the poll and the count. Their dedication and efficiency were critical to the success of the elections.
- The election procedures were widely understood and this would indicate that the voter education programmes conducted by the Directorate of Elections and the political parties themselves were effective.
- We are satisfied that problems in some areas over the distribution and adequacy of essential electoral material were not such as to affect the integrity of the process as a whole or the validity of the outcome.
- The tendered ballot system and the question of the use of voters' registers posed a considerable challenge to those charged with the administration of these elections. The experience gained in the use of this system and consideration of the efficacy of the use of registers may well feature in any review of these elections and in preparations for the next.
- The security arrangements for polling and counting were more than adequately assured. Experience at these elections should offer a useful guide to the scale of resources required in future.
- All political parties had equal access to the public broadcasting system, the Namibian Broadcasting Corporation, which went to considerable lengths to ensure that its coverage of the elections was balanced and fair. Similarly, the print media were and are sufficiently diverse and free to permit the expression of a wide spectrum of political views.
- We recognise the importance of the debate concerning the funding of political parties and access to state resources and hope that this debate can be resolved in a manner acceptable to all parties.

- The political parties conducted themselves responsibly and thereby contributed to the success of the elections. Their candidates and agents displayed commendable vigilance in monitoring the voting and counting. The regular meetings of political parties with the Directorate of Elections promoted dialogue and helped to foster a constructive atmosphere. The concept is worthy of emulation elsewhere.
- The presence of international observers, including a Commonwealth Observer Group, was welcomed by all political parties as a means of affirming the credibility and integrity of the electoral process, thereby enhancing the prospect that all political parties could accept the result.

Acknowledgements

Our mission could not have been accomplished without the assistance and support of many people. We particularly appreciate the co-operation extended to us by Justice Strydom and his fellow Electoral Commissioners, the Director of Elections, Professor Töttemeyer, and the staff of the Directorate of Elections, the political parties, the Ministry of Foreign Affairs, the Namibian police force, the members of the Press and the management and staff of the Kalahari Sands Hotel, Windhoek, as well as our other hosts across the country.

We are especially grateful to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for giving us this opportunity to play our part in the consolidation of democracy in Namibia. We also extend our thanks to Sir Anthony Siaguru, Deputy Secretary-General (Political), for his guidance and advice on behalf of the Secretary-General.

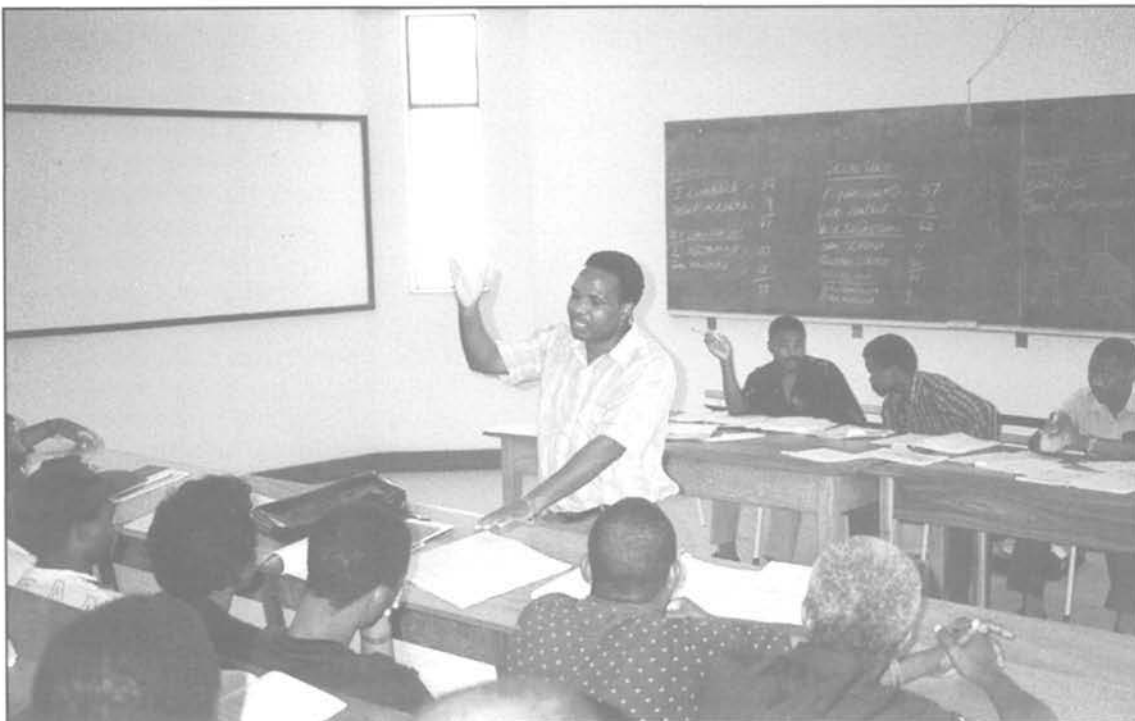
More particularly, we would like to pay tribute to the energy, dedication and unstinting devotion to duty of the Commonwealth Secretariat team assigned to us for this mission, led by M J Gaylard. They made an indispensable contribution to our work and we gladly acknowledge our debt to them.

Most of all, we would like to thank the people of Namibia for the warm welcome which they extended to us and for the assistance and personal kindness shown to us by many individual Namibians during our time in this beautiful and most friendly country.

Images of the Elections



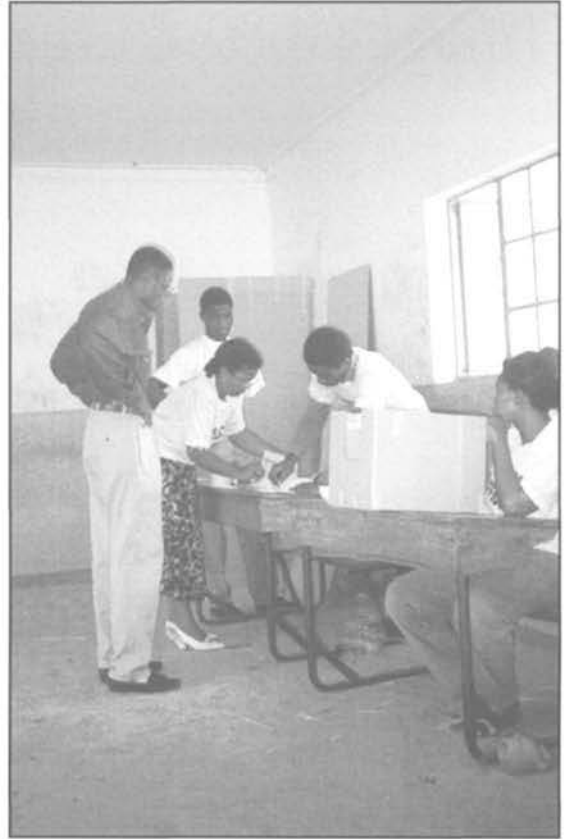
Discussing election procedures ... Director of Elections, Professor Gerhard Töttemeyer (left), and Mrs Justice Anastasia Msosa, Chairperson of the Commonwealth Observer Group



Election officers undergoing training



Poster Politics ... a telegraph pole in Windhoek with a poster of Mishake Muyongo, DTA Presidential candidate, and a voter education poster produced by the Directorate of Elections



Election officers at an Oshakati polling station making final preparations before voting begins on 7 December 1994, the first day of polling, with a polling booth in the background



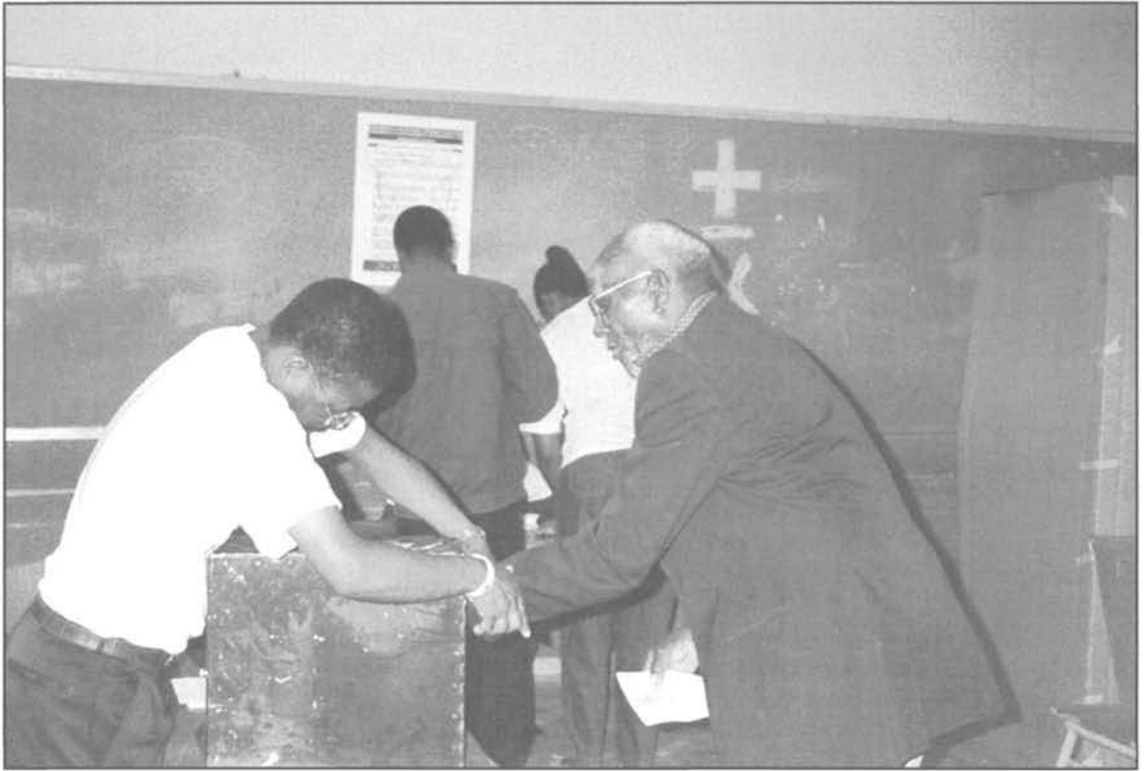
Commonwealth Observer Diane Bigelow (right) watching pre-election preparations at a polling station in Oshikoto Region



Voters wait patiently and with good humour, even when queuing in the hot sun for a long time



An elderly voter in Oshana Region waits in the shade before entering the polling station. Younger voters allowed their elders to vote in the morning when it was not so hot



Above :
Voters' hands are checked under an ultraviolet light to ensure that they have not already voted

Below :
Ballot papers are issued after the voter has provided the necessary documents, had his/her hands checked under the ultraviolet light and fingers marked with indelible ink





President Sam Nujoma casts his vote at a polling station in Windhoek



Ballot boxes are gathered in central counting centres – as here in Okavango Region



Party agents scrutinise the count at a counting station in Karas Region

Annexes

ANNEX I

Composition of the Commonwealth Observer Group

Mrs Justice A S Msosa (Malawi – Chairperson)

Mrs Justice A S Msosa was Chairperson of the Malawi Electoral Commission for the 1994 Parliamentary and Presidential Elections. Mrs Justice Msosa was made a judge in 1992, and was appointed Registrar General in 1990. Prior to that she had been a Chief Legal Aid Advocate (1984–90), Principal Legal Aid Advocate (1982–84), Senior Legal Aid Advocate (1980–82) and Legal Aid Advocate (1976–80). She was a State Advocate from 1975 to 1976.

Dr Kwadwo Afari-Gyan (Ghana)

Dr Kwadwo Afari-Gyan has been Chairman of Ghana's Electoral Commission since 1993. He was previously Deputy Chairman (Operations) of the Interim National Electoral Commission (INEC), which supervised the electoral aspects of Ghana's transition to constitutional rule and in 1991 he served on the committee which drew up proposals for a new Constitution for Ghana. A university teacher for 18 years, he observed the recent elections in Cambodia and South Africa.

Sir Brian Barder, KCMG (Britain)

Sir Brian Barder retired from the British Diplomatic Service in June 1994. He had been High Commissioner to Australia (1991–94), High Commissioner to Nigeria and Ambassador to Benin (1988–91), Ambassador to Poland (1986–88), Ambassador to Ethiopia (1982–86) and head of the Southern African Department in the Foreign and Commonwealth Office (1978–82). He had previously served in Canberra, Moscow and the UK Permanent Mission to the United Nations.

HE Dr Ursula Barrow (Belize)

HE Dr Ursula Barrow is the High Commissioner for Belize to the United Kingdom and Ambassador Extraordinary & Plenipotentiary to the European Union, Belgium, Germany, France and the Holy See. She previously served as her country's Permanent Representative to the United Nations, as Counsellor and Deputy High Commissioner in London and as an Assistant Director in the Political Affairs Division of the Commonwealth Secretariat. She has worked in the private sector as an adviser on small businesses, urban planning and marketing and was an economic development planner for her government.

Ms Diane Bigelow (Canada)

Ms Diane Bigelow works for Elections Canada as Returning Officer for the Federal Riding of Gatineau-La Lievre. In 1994, Ms Bigelow was a United Nations Violence Monitor to South Africa. In 1993, she served as a United Nations International Polling Station Observer in Cambodia. Prior to her present appointment, Ms Bigelow worked for Statistics Canada, for a Member of the Canadian House of Commons and, between 1967 and 1989, was an Election Officer in a number of municipal, provincial and federal elections.

Mrs Clara Olsen (Botswana)

Mrs Clara Olsen is Managing Editor of the News Company of Botswana, the publishers of *The Gazette* weekly newspaper. She was previously a Specially Elected Member of Parliament (1984–89), Executive Secretary of the Botswana Democratic Party (1980–89) and Deputy Executive Secretary (1976–80). Earlier in her career Mrs Olsen worked for the UN Commissioner for Namibia, for Amnesty International, the Botswana Government

Department of Information, and as a journalist on the *Rand Daily Mail* and *The World* newspapers in South Africa. She is an active campaigner for women's rights and is Vice-President of Emang Basadi, which campaigns for women to be appointed to decision-making positions.

Mr A R Parsons, AO (Australia)

Mr A R Parsons served as Australian High Commissioner to Singapore, Malaysia and the United Kingdom, and earlier in Indonesia, Burma, Berlin and the Australian Permanent Mission to the United Nations, New York. Mr Parsons was the Chairman of the Commonwealth Committee on Southern Africa and the Commonwealth Observer Group to Namibia which reported on the preparations for the Constituent Assembly elections in 1989.

Dato' Albert Talalla (Malaysia)

Dato' Albert Talalla retired as Director-General of the Malaysian Institute of Diplomacy and Foreign Relations in June 1994, a post he had held since 1991. He had been a member of the Malaysian Foreign Service since 1960. He was Ambassador to the USA and concurrently to Mexico (1986–91), to Germany and concurrently to Greece (1983–86), to China and concurrently to North Korea (1980–83) and High Commissioner to Canada and concurrently to Jamaica, Trinidad and Tobago and Guyana (1975–78). He was Deputy Secretary-General for Economic Affairs in the Ministry of Foreign Affairs (1978–80) and Under-Secretary for Political Affairs (1972–75). Earlier in his career he had served in Manila and London.

SECRETARIAT SUPPORT STAFF

Mr Max Gaylard, Team Leader

Mr Richard Nzerem, Assistant to Observers

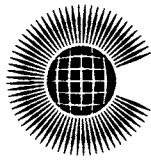
Dr Judith May-Parker, Assistant to Observers

Mr Christopher Child, Assistant to Observers

Ms Lorna McLaren, Administration Officer

ANNEX II

Press Release of 30 November 1994



Commonwealth News Release

94/50

30 November 1994

Commonwealth to Observe Presidential and National Assembly Elections in Namibia

A team of eight Commonwealth Observers, together with support staff from the Commonwealth Secretariat, will be present in Namibia for the forthcoming Presidential and National Assembly Elections scheduled for 7 and 8 December 1994.

In making the announcement today, Commonwealth Secretary-General Emeka Anyaoku said that earlier this month (November), the Electoral Commission in Namibia had issued an invitation for a Commonwealth Observer Group to monitor the Presidential and National Assembly elections in that country. A Planning Mission, which subsequently visited Namibia, established that there was broad support across the political spectrum for a Commonwealth presence at the elections.

The Commonwealth Observer Group for Namibia will be led by Mrs Justice A S Msosa, Chairperson of the Malawi Electoral Commission. The other members of the Group are:

Dr K Afari-Gyan
Chairman, Electoral Commission
Ghana

Sir Brian Barder, KCMG
Former High Commissioner to Australia
Britain

H E Dr Ursula Barrow
High Commissioner to the United Kingdom
Belize

Ms Diane Bigelow
Elections Returning Officer
Canada

.../2

2

Mrs Clara Olsen
Managing Editor, News Company
Botswana

Mr A R Parsons, A O
Former High Commissioner to the United Kingdom
Australia

Dato' Albert Talalla
Former Ambassador to the United States
Malaysia

The Group will be supported by a five-member team from the Commonwealth Secretariat led by Mr Max Gaylard, Director of the Political Affairs Division.

Commented Chief Anyaoku: "The Commonwealth was delighted to assist at the birth of a free Namibia and we are pleased to give witness once again as Namibia seeks to consolidate its new-found democracy".

Note to Editors:

The Mission to Namibia will represent the fourteenth election observed by the Commonwealth since October 1990. These include elections in Malaysia, Bangladesh, Zambia, Seychelles (in July and November 1992, and July 1993), Guyana, Ghana, Kenya, Lesotho, Pakistan, South Africa and Malawi. These are to be seen in the context of a decision taken at the level of Commonwealth Heads of Government to support the promotion of democracy in a number of ways including through observation, on request, of elections in member states.

A seven-member Commonwealth Observer Group was sent to Namibia in September 1989 to report on preparations for the November 1989 elections for a Constituent Assembly.

ANNEX III

Arrival Statement of 1 December 1994



Presidential and National Assembly Elections, Namibia, 1994

Commonwealth Observer Group*News Release*

1 December 1994

COMMONWEALTH OBSERVER GROUP ARRIVES IN NAMIBIA

Mrs Justice A.S. Msosa, the Chairperson of the Commonwealth Observer Group which will observe the Namibian Presidential and National Assembly Elections, this morning issued the following statement. The Observer Group arrived in Windhoek last night, 30 November 1994. Mrs Justice Msosa was speaking at a press conference held in the National Council Building in Windhoek. She said:

"We are here in response to a request from the Government of Namibia to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for the Commonwealth to observe the Presidential and National Assembly Elections scheduled for 7-8 December 1994. Our presence is supported by all the major political parties.

Our broad objective is to observe the organisation and conduct of the elections in accordance with the laws of Namibia. We come from many parts of the Commonwealth but not as representatives of governments or organisations to which we belong. Rather, we will serve the Commonwealth as Observers in our individual capacities.

We have no executive role, our function is to observe the process and form an impartial judgement on its credibility. On completion of our mission, we will present a report to the Commonwealth Secretary-General who will make it available to the Government of Namibia, the political parties taking part in the elections, and thereafter to all Commonwealth governments.

In carrying out our mission we will remain in close touch with the Electoral Commission and the Directorate of Elections. We look forward to being briefed by them on the preparations in hand. We expect also to meet and consult with the leaders of the political parties. We intend to travel throughout the country, both before and on polling day and to observe the counting of votes. We are pleased and honoured to be here as guests in your country, and to assist in whatever ways we can the consolidation of the democratic process ushered in five years ago".

ENDS

FURTHER INFORMATION - Max Gaylard on 061-239-156

Kalahari Sands Hotel, 129 Independence Avenue, Windhoek 9000, Namibia

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Office: Tel: 61 - 239 - 156 and 61 - 239 - 061 ♦ Fax: 61 - 239 - 156

ANNEX IV

Schedule of Engagements

Wednesday 30 November 1994

- 1930 hours Arrival of Commonwealth Observer Group
- 2100 hours Dinner hosted by the Chairperson in honour of
Justice Johannes Strydom,
Chairman of the Electoral Commission
Venue: Mopane Room, Kalahari Sands Hotel

Thursday 1 December 1994

- 0800 hours Arrival Statement by Mrs Justice Msosa
Venue: National Council Building, Bahnhof Strasse
- 0900 hours Meeting with Professor Gerhard Töttemeyer,
Director of Elections
Venue: Meeting Room, Kalahari Sands Hotel
- 1030 hours NBC TV Election Unit Interview with Chairperson
Venue: Kalahari Sands Hotel
- 1100 hours United Democratic Front of Namibia,
Mr Allan Liebenberg
Venue: Meeting Room, Kalahari Sands Hotel
- 1200 hours Namibia Institute for Democracy
Venue: Meeting Room, Kalahari Sands Hotel
- 1245 hours *Die Republikein* Newspaper
Chris Jacobie, Editor
Venue: Meeting Room, Kalahari Sands Hotel
- 1400 hours Workers' Revolutionary Party
Mr Werner Mamugwe, Leader of Delegation
Venue: Meeting Room, Kalahari Sands Hotel
- 1600 hours Meeting between Professor Töttemeyer and the
Chairperson, Dr Afari-Gyan, Dr Barrow and
Mr Nzerem re Code of Conduct
Venue: Directorate of Elections
- 1615 hours Commonwealth High Commissioners
Venue: Meeting Room, Kalahari Sands Hotel
- 1730 hours SWAPO of Namibia
Mr Alpheus Imaruseb, Leader of Delegation
Venue: Meeting Room, Kalahari Sands Hotel

1900 hours Democratic Coalition of Namibia
Mr Andrew Matjila, Leader of Delegation
Venue: Meeting Room, Kalahari Sands Hotel

Friday 2 December 1994

0830 hours Visit to Namibian Broadcasting Corporation
Venue: NBC Offices, Cullinan Street

1000 hours Briefing at Directorate of Elections
National Council Building, Bahnhof Strasse

1430 hours DTA of Namibia
Mr Nico Smit, Leader of Delegation
Venue: Meeting Room, Kalahari Sands Hotel

1730 hours MAG (Monitor Action Group)
Mr J W F Pretorius
Venue: Meeting Room, Kalahari Sands Hotel

1900 hours Chairperson's Reception for Observers and
Invited Guests
Venue: Mopane Room, Kalahari Sands Hotel

Saturday 3 December 1994

1030 hours Internal Deployment Briefing
Venue: Meeting Room, Kalahari Sands Hotel

1430 hours Tour of Katutura Township and Environs

1545 hours Chairperson's interview with Namibian
Broadcasting Corporation
Venue: NBC Offices, Cullinan Street

1600 hours Rally by the Workers' Revolutionary Party
Venue: Thuringerhof Hotel, Independence Avenue

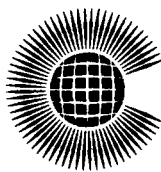
1900 hours Informal Briefing of Group
Venue: Chairperson's Suite

Sunday 4 December 1994

Observers deploy to various Regions

ANNEX V**Deployment of Commonwealth Observers**

AREA		LOCATION
Windhoek	Mrs Justice Anastasia S Msosa (Chairperson) Mr Max J Gaylard	Kalahari Sands Hotel
Karasburg	Mr Alf R Parsons Dr Judith May-Parker	Mt Karas Game Lodge
Opuwa/ Oshakati	Sir Brian Barder Mr Richard Nzerem	Club Oshandira Oshakati
Oshakati	Mrs Clara Olsen Mr Christopher Child	Club Oshandira Oshakati
Rundu	Dr Kwadwo Afari-Gyan HE Dr Ursula Barrow	Sarasungu Game Lodge
Tsumeb	Ms Diane Bigelow Dato' Albert Talalla	Makalani Hotel

ANNEX VI**Observation Notes for Poll and Count and Check List for Polling Station Visits**

Presidential and National Assembly Elections, Namibia, 1994

Commonwealth Observer Group

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61 - 239 - 081
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OBSERVATION NOTES FOR POLL AND COUNT**PART A**

The Observers may focus particular attention on the following aspects of the conduct of the election:

THE CAMPAIGN

1. The extent of access to the electronic media available to all parties.
2. The procedure for the allocation of time for political broadcasts and advertisements on radio and television.
3. The extent of access enjoyed by the political parties to the print media.
4. The tone and content of political broadcasts, advertisement and posters put out by the political parties.
5. The conduct of political meetings.
6. The conduct of house to house canvassing of voters.
7. The voter education programme on radio and television conducted by the Electoral Commission and others.
8. Permits for public meetings.
9. Access to printing facilities.
10. Access to funds and sources of funds.

THE POLL

1. The location of polling stations and coverage provided by mobile polling stations.
2. The significance of the decision of the Directorate of Elections not to use voters' registers at polling stations.
3. Distances travelled by voters to polling stations, particularly in rural areas.
4. The length of time voters wait to cast their votes.
5. The steps taken to ensure that the secrecy of the ballot is assured.
6. The performance of electoral officials at the polling stations visited.
7. The procedure followed at the opening of the poll.
8. The adequacy or otherwise of facilities at polling stations and their state of readiness.
9. The incidence of loss of voter's cards and any problems concerning the issuing of duplicates.
10. The number (if any) of persons with voter's cards but without any additional form of identification.
11. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals.
12. The general atmosphere at the polling stations visited.
13. Availability of adequate supplies, e.g. ballot papers, official stamps and pads, indelible ink etc.
14. Security of ballot papers prior to election.
15. Access of party agents to polling stations.

THE COUNT

1. Inspection of seals.
2. The process of reconciling the number of people who voted with the number of ballots cast.
3. The determination of invalid ballots.
4. The conduct of electoral officers.
5. The facilities for candidates and their representatives to witness and verify the count.

PART B

Questions that may be put:

BEFORE POLLING DAY

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people included?
2. Was the accidental issuing of multiple voter's cards a serious problem? Does it matter that voter's cards do not carry photographs?
3. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
4. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so?
5. Have all parties been able to campaign freely? Has the campaign been free of intimidation etc? Have all parties had full access to the mass media?
6. Is there freedom to advertise and distribute posters, leaflets etc?
7. How will voter's IDs be checked? Will it be possible to vote without an entitlement to do so?

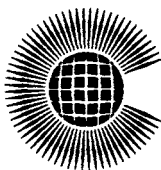
ON POLLING DAY

1. Before polling starts, are the ballot boxes empty? Are they properly sealed?
2. Are all procedures being adhered to?
3. Are all parties represented at the polling stations? Are they satisfied with the process?
4. Are IDs being properly checked?
5. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
6. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?
7. Is only one person at a time being allowed into the voting booth? Does the ballot paper go straight into the sealed box?

8. How long are voters waiting to vote? If a long time, are some being put off?
9. Will all parties be represented at polling stations throughout voting and count? Are party polling agents adequately trained and vigilant?
10. Will foreign observers have free access to all stages of the process?
11. Is the security presence oppressive?

THE COUNT

1. Are the boxes kept safe until opened? Are all parties present at opening?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are any valid ones being spoiled during counting, intentionally or not?



Presidential and National Assembly Elections, Namibia, 1994

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CHECKLIST FOR POLLING STATION VISITS

Name of Observer(s):

Region/Place:

Polling Station:

Time of Arrival:

Voters in Queue: Rate of Processing :

-
- | | | |
|---|----------------------------------|--------------------------------|
| 1. Opening of Poll: | On Time?
No/Yes
Details: | Procedures followed?
No/Yes |
| 2. Layout and Facilities: | Good? Adequate? Poor? | |
| 3. Polling Staff: | Efficient? Satisfactory? Poor? | |
| 4. Security Presence: | Discreet? Intrusive? Oppressive? | |
| 5. Complaints by Party
Polling Agents: | No/Yes | Details: |
| 6. Complaints by Voters: | No/Yes | Details: |
| 7. Mood at Station: | Orderly? Tense? Chaotic? | |
| 8. Secrecy of Ballot: | Assured? Poor? Uncertain? | |

9. Voting:

(a) Personation attempts No/Yes Details:
alleged?

(b) Multiple voting No/Yes Details:
attempts alleged?

10. Closing of Poll On time? Numbers still in queue?
Procedures followed?

11. Apparent fairness Good? Acceptable?
overall Questionable?

12. Other Comments/
Details of above

ANNEX VII

Interim Statement of 9 December 1994



Presidential and National Assembly Elections, Namibia, 1994

Commonwealth Observer Group*News Release***INTERIM STATEMENT BY THE CHAIRPERSON, JUSTICE MRS ANASTASIA MSOSA**

The Commonwealth has been glad to observe these first Presidential and National Assembly Elections since independence in March 1990. Broadly, our terms of reference were to reach a view on the organisation and conduct of the elections and on the electoral process as a whole.

We began our work with comprehensive briefings by the Directorate of Elections and the representatives of political parties, both at headquarters in Windhoek and in the field. We also benefited from the views of representatives of non-governmental organisations and the news media. In the days leading up to the poll and on polling and counting days we visited all thirteen regions of Namibia and the majority of constituencies. During the poll itself we were able to visit about 150 polling stations throughout the country, a significant sample of 20 per cent. We have also been able to observe the commencement of the count in many of the ninety-five counting centres.

While we were only present in Namibia for the final stages of the campaign, we were made aware by the representatives of political parties of their various concerns in respect of the election process as a whole. The matter of state funding of political parties has obviously been a widely and hotly debated issue. The alleged use of state resources for party political purposes was raised with us by several of the representatives of opposition political parties and had featured in their campaigns. On the other hand, the rights to freedom of association and freedom of expression, including in relation to the news media, appear to have become well entrenched. We were not made aware of any serious challenges to these fundamental rights, although there were allegations of isolated incidents of intimidation at, and attempted disruption of, political party activities.

In relation to the organisation of the elections, we were alerted to the potential for confusion arising from the decision not to use voters' registers at polling stations. There was also evident concern that people who were not entitled to vote, or who had not registered, might be able to abuse the system, and that others who had registered might not be able to vote because replacements for lost Voter's Cards had not been received.

On the day, some problems were evident in parts of the country, particularly in the far north. A few polling stations opened late, and there were shortages of materials and staff. The requirement for a Voter's Card and another form of identification placed additional burdens on polling officials when prospective voters did not have both.

Despite the difficulties, the Directorate of Elections and its officials should be commended for their performance on the day. Large numbers of voters, the overwhelming majority of whom turned out on the first day of the poll, were processed with efficiency. Polling officials were courteous and helpful. There was no evidence of systematic attempts to undermine the system and the secrecy of the ballot was assured.

Fears of intimidation and violence did not materialise, and on the contrary, voting generally took place throughout the country in a peaceful, orderly and good-humoured manner. In virtually all of the stations visited by us, political party agents expressed satisfaction with the conduct of the voting process.

Our interim assessment is that the conditions existed for a free expression of will by the voters and that the results will reflect the wishes of the people of Namibia. The elections have been conducted in a manner which brought credit to the Electoral Commission, the Directorate of Elections and polling officials and, most of all, the people of Namibia, who turned out in large numbers across the country to exercise their right to vote.

It is less than five years since Namibia gained its independence with a representative and non-racial form of government, sustained by a nation-wide spirit of reconciliation. These national elections have demonstrated that in the short time since then the culture of democracy has gathered strength and maturity. We wish the people of Namibia well under their newly elected President and National Assembly.

9 December 1994

ANNEX VIII

Code of Conduct for Political Parties in Poster Form

**PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS
WEDNESDAY, 07 AND THURSDAY, 08 DECEMBER 1994
07H00 UNTIL 21H00**

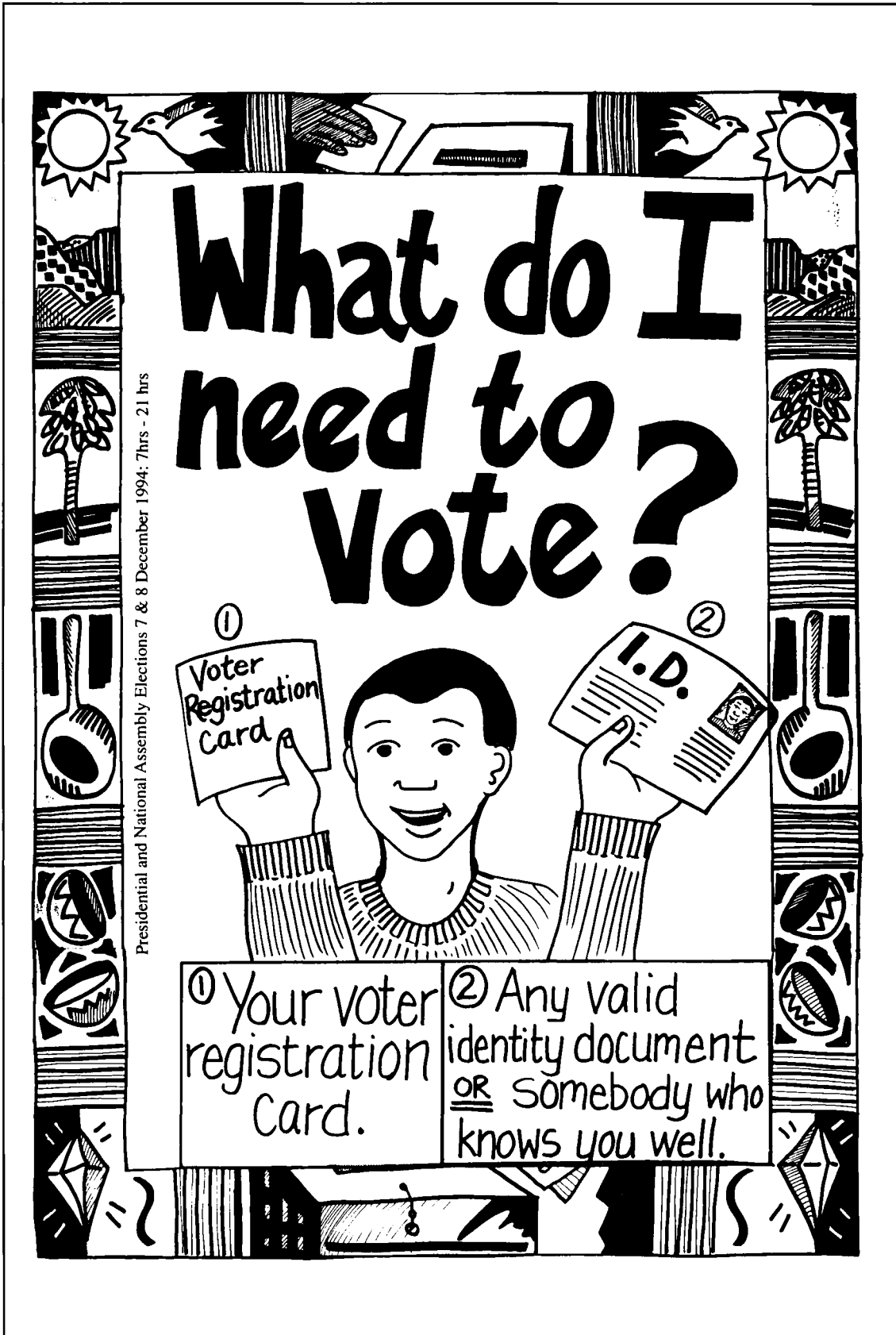
POLITICAL PARTIES' CODE OF CONDUCT - IN BRIEF

1. Intimidation, in any form is impermissible.
2. Party members and supporters shall not disrupt other parties' rallies and shall not seek to obstruct other persons from attending the rallies of other parties.
3. Parties shall avoid holding rallies close to each other at the same time and shall refrain from using public address system between 21h00 and 07h00.
4. Parties shall not issue any publications or make inflammatory statements which incite people to violence.
5. Party members and supporters shall not disrupt other parties' rallies, meeting, marches or demonstrations.
6. Party members and supporters shall not disfigure or destroy campaign materials of other parties.
7. Party leaders shall use their good offices to seek to ensure reasonable freedom of access by all political parties to potential voters, including those on farms and on state-owned properties, outside working hours.
8. Party leaders shall seek to establish lines of communication to one another at headquarters, regional and local levels, by appointing liaison personnel to be on call to deal with problems as they arise.
9. All allegations of intimidation and other unlawful conduct in the election campaign shall be brought to the attention of the Police or the Directorate of Elections for action.
10. Parties shall in their advertising and propaganda efforts take care not to disfigure the environment.

It's Your Elections

ANNEX IX

Voter Education Posters





VOTING STATION



- ENGLISH**
1. Show ID and voter registration card
 2. Check hands
 3. Mark hands
 4. Get ballot paper
 5. Make cross on ballot paper
 6. Put ballot in box

- DAMARA/NAMA**
1. Sa //gau //gausen /khanis tsi //hûis xoa-mâisen /khanis tsina //gau re.
 2. Sa !omkha ko kaire
 3. Sa !omkha sao kaire
 4. //hûi-ai /khaniba u re.
 5. Kruisa //hûi-ai /khanib ai /gae re.
 6. //hûi-ai /khaniba box !na ao-/ga re

Issued by the Directorate of Elections (Namibia) with assistance of Commission of the European Communities. Namibia 1994/95

1994 PRESIDENTIAL & NATIONAL ASSEMBLY ELECTIONS

MO KU BOTELWA

WEDNESDAY 7 AND THURSDAY 8 DECEMBER; 7 AM TO 9 PM



1 Pili u sika ya kwa ku vota, uhupule kungu pampili ya hao ya ku vota ni kadi ya bu izibahaza, linola la ku kwaeza mota kapa nto yemu ye ku paka.



2 Mazoho a hao a ka tatubiwa mwa mushini ku bona kapa no so votile kale. Kiona uka saina kapa kunyatela fa pampili ya hao.



3 Minwana ya hao ki ha ska kenya mwa mulyani kuli u sile wa vota hape. Mulyani o cwala ha u holofazi kapa ku sinya mazoho ni liapala za hao, mi ukona ku fela ka sa mulaha a mazazi a supile.



4 U ka amuhela pampili ya mubala wa blue kwa liketisa za muateleli wa naha mi ki ha u ka boniswa sibaka mo yo votela.



5 U ka ba u nosi mwa sibaka sa mavatelo. Ku vota kwa hao ikaba kunutu ya hao. U beye liswayo mwa pakisi kwa tuka ni pati ya votela.



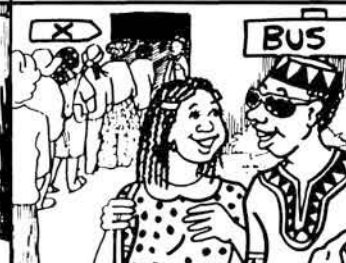
6 Ubone kuli ubeya pampili ya voti ya hao mwa bonkisi ya ku votela muateleli wa naha.



7 U ye ku yo munwi ya votisa ku yo nga pampili ya ku votela mamemba ba ndu ya milao. Mubala wa bonkisi yeo ki yellow.



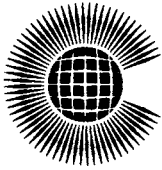
8 Haiba ha u muyahi wa sibaka so votela, u beye pampili ya hao ya voti mwa invilapu ni ku iyumbela mwa bonkisi ya grey ye nazwi "Tendered Ballot Box".





ANNEX X

Letter of 6 December 1994 to Directorate of Elections and Response



Presidential and National Assembly Elections, Namibia, 1994

Commonwealth Observer Group

Kalahari Sands Hotel
129 Independence Avenue
Windhoek 9000
Namibia
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61 - 239 - 081
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6 December 1994

Dear Mr Mbaeva,

As discussed with you on the telephone earlier today, I thought I should confirm that Commonwealth Observers on location outside Windhoek are encountering some confusion among Polling Officers in respect of the Voters' Register. Significantly, there seems to be a belief among some that the Register can be used on polling days, including, for example, in instances where prospective voters whose names are on the Register arrive without their Voter's Registration Cards.

Naturally, we leave it to you as to how to address the matter at this very late stage. We simply suggest that a final message to all Returning Officers and Presiding Officers through your Regional Co-ordinators might serve to clarify the situation, so as to minimise the chances of confusion and disruption on polling days. A public message to voters through, for example, the Namibia Broadcasting Corporation, might also be an option, if you thought this would help.

It would also appear that numbers of prospective voters have not collected duplicate Voter Registration Cards which have been issued for them. Our Observers have advised the officials concerned to contact the Directorate about this matter.

Otherwise, our Observers report that, generally speaking, preparations for the elections are proceeding well.

*With kind regards,
M J Gaylard*

M J Gaylard
Commonwealth Observer Group

Mr T N Mbaeva
Directorate of Elections
Windhoek

Fax No: 224 174/226 121



2-0/0001

REPUBLIC OF NAMIBIA

OFFICE OF THE PRIME MINISTER

DIRECTORATE OF ELECTIONS

Tel.: (061) 220887 / 220132 / 220484 / 220289

Fax: (061) 224174 / 227782

Private Bag 13352

WINDHOEK

TO: COMMONWEALTH OBSERVER GROUP
ATTENTION: M.J. GAYLAND

FROM: 1 DIRECTORATE OF ELECTIONS

DATE: 6 DECEMBER 1994

RE: ELECTORAL MATTERS

Your fax of today has been submitted to the Electoral Commission.

The Directorate of Elections had already dealt with the matter yesterday. A press statement to that effect was issued which was condoned by the Electoral Commission today. See copy attached.

A handwritten signature in cursive script, appearing to read 'G. K. H. Totemeyer'.

.....
PROF. G.K.H. TÖTEMAYER
DIRECTOR OF ELECTIONS

PRESS STATEMENT

It has come to our attention that some voters are misinterpreting the qualification for voting.

Please note that only voters in possession of a valid voters registration card (Regional Council Voters Card) are entitled to vote.

No citizen can vote with only an identity card or a passport.

No voters' lists will be used during this election.

The documents each voter ***MUST*** thus have to entitle him or her to vote are an identity document *and* a regional voters registration card.

PROF. G.K.H. TÖTEMEYER
DIRECTOR OF ELECTIONS

cc ALL POLITICAL PARTIES

5 DECEMBER 1994

ANNEX XI

Letter of 3 December 1994 to Chairman of the Electoral Commission



Presidential and National Assembly Elections, Namibia, 1994

Commonwealth Observer Group

Kalahari Sands Hotel
129 Independence Avenue
Windhoek 9000
Namibia
Tel: 61 - 222 - 300
Fax: 61 - 222 - 260

Office:
Kalahari Sands Hotel
Tel: 61 - 239 - 156
61 - 239 - 061
Fax: 61 - 239 - 156

3 December 1994

Dear Judge Strydom,

You will no doubt be aware that Dr Afari-Gyan and Mr Christopher Child of the Commonwealth Observer Group met with the Deputy Director of Elections, Mr Simataa, yesterday afternoon. The purpose of the meeting was to seek clarification concerning one particular aspect of the arrangements for polling day. On behalf of the Group as a whole Dr Afari-Gyan and Mr Child wanted to know whether it would be possible for a party agent to be able to observe the process whereby officials verify by means of ultra-violet equipment that a voter has not already voted.

This request arose following a meeting earlier yesterday between members of the Observer Group and one of the political parties. The party concerned informed our Observers of their understanding that party agents would not be able to see this process, because under present arrangements the table to which they will be assigned in the polling station will be too far away to allow for this. They expressed their concern to us and we decided to seek clarification from the Directorate.

Naturally, we understand that you will not wish to change arrangements in such a way that party agents can intervene physically in the polling day procedures. The management of the process must remain with officials. Equally, we recognise that there could be up to sixteen party agents present in a polling station and that it would present practical difficulties for them all to observe the process.

Nevertheless, it seems to us that it should be possible for party agents to take it in turns to stand near enough to be able to observe, without impeding the voting process. They could,

.... / Cont

perhaps, arrive at a rota agreement with the officials managing the polling station. We are confident that such an arrangement would encourage the required level of confidence in the process and hope that the Electoral Commission will give serious consideration to this proposal.

Yours sincerely,



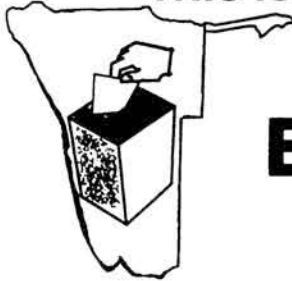
Mrs Justice A.S. Msosa
Chairperson
Commonwealth Observer Group

Judge-President Johannes Strydom
Chairman
Electoral Commission
National Council Building
Bahnhof Strasse
WINDHOEK

ANNEX XII

Sample Ballot Papers

THIS IS NOT AN OFFICIAL BALLOT PAPER



BALLOT PAPER

SAMPLE ONLY

Make your mark next to the candidate you choose.
Tjanga okakoroise koye mene jena ro muvarekua
ngu motoorora.

Mu beye liswayo fa kaufi ni mutu wa keto ya mina.
Sa saosao tgae, sats ta thapa !Nàns xó/khá.

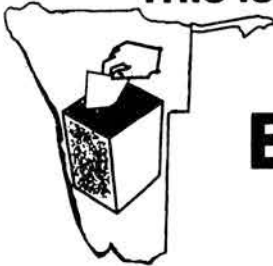
Maak u merk langs die kandidaat van u keuse.

Ninga endhindhiliko pu ngoka wa hogolola.
Turenu shiyivito ku muntu owo ghuna horovora po.

MUYONGO Mishake	DTA OF NAMIBIA	DTA			
NUJOMA Sam	SWAPO- PARTY	SWAPO			

Issued by the Directorate of Elections (Namibia) with the assistance of Commission of the European Communities

THIS IS NOT AN OFFICIAL BALLOT PAPER



BALLOT PAPER

SAMPLE ONLY

Make your mark next to the party you choose.
 Ninga endhindhilko pongundu ndjoka wa hogolola.
 Tua okakoroise mene jena ro tjira tjoje.

Plaas u merk langs die party van u keuse.
 Sa saosao #gae, sats ta #hapa !Nāns xō/khā.
 U beye liswayo kwa tuko ni pati yo ketile.
 Turenu shiyivito ku mbunga oyo muna horovora po.

DEMOCRATIC COALITION OF NAMIBIA	DCN			
DTA OF NAMIBIA	DTA			
FEDERAL CONVENTION OF NAMIBIA	FCN			
MONITOR ACTION GROUP	MAG			
SWANU OF NAMIBIA	SWANU			
SWAPO-PARTY	SWAPO			
UNITED DEMOCRATIC FRONT OF NAMIBIA	UDF			
WORKERS REVOLUTIONARY PARTY	WRP			

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