



**MEDIA RELEASE**  
(for immediate release)

**04 July 2024**

**Attention: All Media Houses**

**REGISTRATION OF ACTION DEMOCRATIC MOVEMENT PARTY (ADM) AND  
AFFIRMATIVE REPOSITIONING (AR) AS POLITICAL PARTIES**

1. The Commission issues this statement to confirm that it has, in terms of sections 135, 136 read with section 137 of the Electoral Act 5 of 2014 (“The Act”), as amended, registered the Action Democratic Movement (ADM) and Affirmative Repositioning (AR) as political parties after satisfactory compliance with set requirements. The Commission deems it prudent to explain the political party registration process as stipulated in the Act and followed in this case.

**GENERAL**

2. The application process for registration as a political party is detailed in section 136 of the Act which prescribes that the application must be accompanied by written proof of the principal objects and other objects of the applicant, the prescribed fee for registration, a copy of the draft constitution of the applicant, and a declaration signed by at least 3500 persons. These persons must be distributed evenly from a minimum of seven of the regions in Namibia, and their names must appear on the national voters' register to indicate their support for the registration of the political party. The declaration must include the full names and voter registration numbers of the persons who have signed it, as well as the names and numbers of the regions and constituencies in which the signatories are registered.
3. To satisfy itself with these requirements, the Commission undertakes a due diligence verification process upon receipt of the application. Once the application meets the requirements, the Secretariat tables it before the Commission for consideration. Upon approval by the Commission, but prior to the registration of a political party, the Chief Electoral Officer is required in terms of section 136(7) to place a notice in the *Gazette*. The notice announces the proposed name of the political party applying for registration, the abbreviated name of the party, as well as the distinctive symbol of the political party. Publication in the *Gazette* entitles a registered political party and/or any other person to lodge an objection with the Commission within 30 days from the date of publication. Objections may be raised on account that:
  - 3.1 the name published as the name of a person who signed the declaration does not appear on the national voter's register,
  - 3.2 the name appears on the declaration without the person having signed the declaration or having knowledge of it,
  - 3.3 their name and signature were fraudulently obtained and put on the declaration.
4. Section 136(10) (11) enjoins the Commission to make a determination within 14 days of receipt of the objection and serve, a notice of the determination on the political party applying for registration and against whom the objection has been lodged, and the person who lodged the objection. In rendering its determination, the Commission may either allow the objection and permit the political party applying for registration to rectify the defect within 30 days or dismiss the objection.

## **REGISTRATION PROCESS OF THE TWO PARTIES CONCERNED**

5. We now deal with the party-specific registration process followed and the Commission's specific details of engagement with the newly registered political parties in question.

### **ACTION DEMOCRATIC MOVEMENT PARTY (ADM)**

5.1 The Commission received ADM's application for registration as a political party on 28 August 2023 and conducted the due diligence process enumerated above. Upon the Commission's satisfaction of its requirements, the party objection notice was published on 18 April 2024. No objections were noted during the 30 days' period which lapsed on 18 May 2024. However, on the 22 May 2024, the Commission received about 10 complaints from individuals alleging that they never signed a declaration in support of ADM's registration as a political party and that their names/signatures were obtained fraudulently. The number of complaints subsequently increased to 25. The Commission notes that the complaints disguised as "objections" in a strict sense were lodged with the Commission after the prescribed time frame of 30 days of objection notice. Regarding the Act specific provision, the Commission opined that the:

- a) Electoral Act is silent on the consideration of objections lodged outside the prescribed time of 30 days and whether same can be characterised as objections proper under the circumstances;
- b) complainants be informed and advised why the Commission could not consider their complaints as objections proper;
- c) complaints be referred to the Namibian Police for further investigations and if fraudulent conduct is so proven, the Commission will reconsider its position and at the opportune time, deregister the political party in accordance with the relevant provisions of the Electoral Act.

The Commission thus approved the registration of this party premised on the above conclusions and action items.

### **AFFIRMATIVE REPOSITIONING (AR)**

5.2 The Commission received AR's application for registration as a political party on 26 June 2023. To ensure compliance with the requirements of section 137 (1)(i)<sup>1</sup> of the Electoral Act, the Commission engaged in a protracted engagement process with the applicant premised on the fact that the name AR was already in existence at the time of application and registered as an organisation. This prompted the applicant to embark upon change of the name of the organisation, which by law also requires 30 days publication notice. Following satisfactory compliance, the application was presented to the Commission for approval which was followed by prescribed *Gazette* notice. Notice was placed in the *Gazette* and published on 08 May 2024, with the 30-day objection period lapsing on 08 June 2024. During the period of objection, the Commission noted 3 objections/complaints by individuals alleging that they never signed a declaration in support of AR registration as a political party.

The Commission considered and disposed off the complaints within the prescribed period of 14 days. In its consideration of the application, the Commission took into account the concerns of the objectors particularly for their complaints that they never signed the declaration in question and further alleged that their names were obtained fraudulently included in the requisite declaration. In view of this, the Commission resolved that the:

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<sup>1</sup> This section provides that an applicant's name should not be identical to an already registered political party or organisation.

- a) complainants be informed and advised that the Commission considered their objections and upheld them, however, owing to the fact the applicant satisfied the minimum number of supporters-requirement (excluding the complainants) in the respective regions where objectors/complainants reside in, there did not exist a need for rectification by the applicant.
- b) complaints should be referred to the Namibian Police for investigation and if so proven, at the opportune time, deregister the political party in accordance with the relevant provisions of the Electoral Act.

The Commission's approval of the registration of this applicant as a political party was premised on the above considerations.

#### **MEMBERSHIP OF A POLITICAL PARTY VIS-A-VIS DECLARATION IN SUPPORT FOR THE REGISTRATION OF A POLITICAL PARTY / ORGANISATION**

6. The Commission notes that the complaints and objections received largely resonate on the denial of membership to the body of an applicant / aspiring political party. The Commission opines that a declaration by a registered voter in support of an application for the registration as a political party as required by section 136 (1)(d) of the Act is as the word suggests, *an expression of support*. The Commission holds the view that this does not necessarily equate to an individual's membership to the applicant entity which acquisition and disposal of same is regulated by that entity's Constitution. The Commission holds the view that an applicant *sensu stricto* only becomes a legal entity in the form of a political party following its enrollment in the Register of registered political parties. The Commission nonetheless reiterates and cautions that in the event that fraudulent conduct on the part of the registered political parties is proven, it will invoke the relevant provisions of the Electoral Act.

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