



Electoral Commission of Namibia



CIVIC EDUCATION IN NAMIBIA
UNDERSTANDING DEMOCRACY



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CHAPTER ONE: THE NAMIBIAN CONSTITUTION

1.1. Drafting of the Namibian Constitution

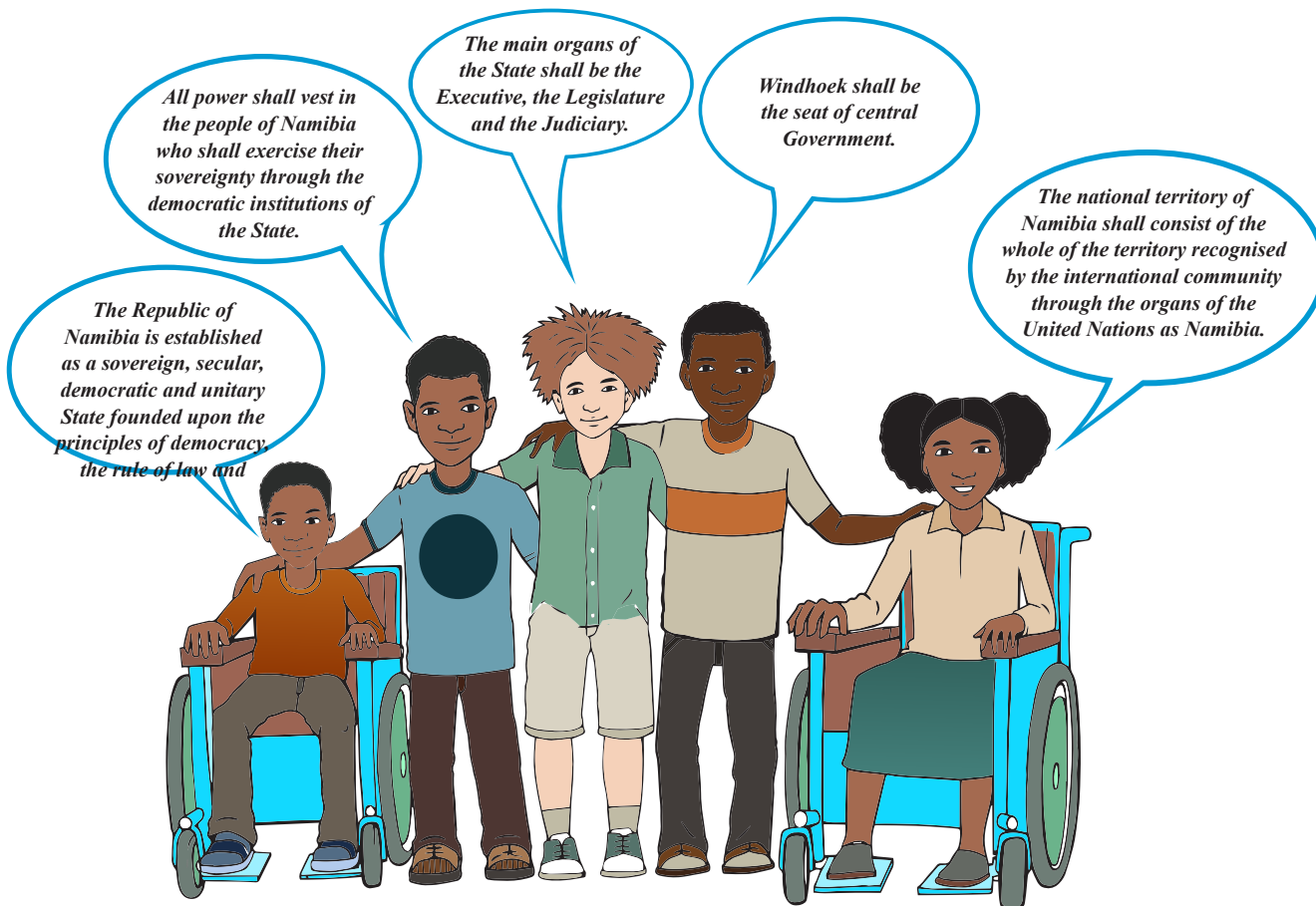
- 1.1.1 The Constitution is the Supreme Law of Namibia. The Namibian Constitution establishes the rule of law. All people and institutions are governed by laws that must be applied and enforced fairly.
- 1.1.2 Namibia's independence resulted from a long liberation struggle by Namibians. Namibia's first democratic, free, and fair elections were first held in November 1989 under the international supervision of the United Nations Transition Assistance Group (UNTAG).
- 1.1.3 During these elections, voters elected political parties whose representatives formed part of the Constituent Assembly, which was tasked to write the Namibian Constitution. This Assembly comprised 72 seats divided amongst seven political parties: South West Africa People's Organisation (SWAPO) with 41 seats; Democratic Turnhalle Alliance (DTA) with 21 seats; United Democratic Front (UDF) with four seats; Aksie Christelike Nasionaal (ACN) with three seats; while Namibia Patriotic Front (NPF), Federal Convention of Namibia (FCN) and Namibia National Front (NNF) had one seat each.
- 1.1.4 The Constitution resulted from debates between different political parties in the Constituent Assembly. It was drafted within 80 days by a committee comprising members of every political party and it was accepted unanimously by all members of the Assembly. The Constitution was signed by all members of the Assembly on 16 March 1990 and came into force when Namibia became independent on 21 March 1990.
- 1.1.5 The Constitution was adopted on 9 February 1990, annually celebrated as Constitution Day to keep the constitution alive as well as to remind Namibians about their rights, Government powers and the limits of both. The day signifies the importance of defending and protecting the rights of citizens, maintaining peace and unity, and encouraging citizens to embody its principles.



Fig 1: The Namibian Constitution

1.2. The Establishment of the Republic of Namibia

1.2.1 Article 1 of the Namibian Constitution provides for the establishment of the Republic of Namibia and the identification of its Territory based on:



1.3. The three branches of the State

1.3.1 The State has three branches referred to as ‘organs of the State’, namely, the Executive, Legislature and Judiciary derived from the Namibian Constitution.

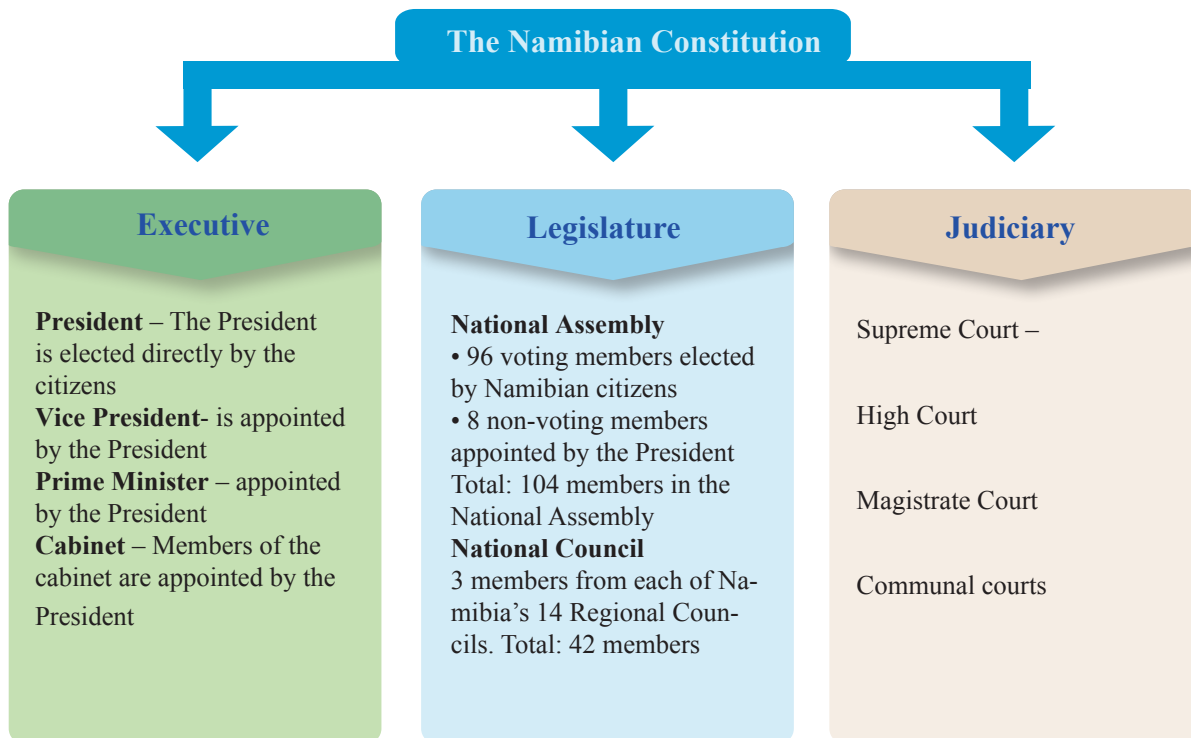


Figure 2: The three branches of the State

1.4. Establishment of the Electoral Commission of Namibia

1.4.1 Article 98B of the Namibian Constitution, in terms of the Third Amendment Act 2014 (No.8 of 2014), provides for the establishment of the Electoral Commission of Namibia (ECN). This Article gives effect to the enactment of the Electoral Act (Act No.5 of 2014) defining the powers, functions and duties of the ECN and gives it a constitutional mandate to:

- (i) Direct, supervise, manage, and control the conduct of elections and referenda, which are all subject to the Constitution and an Act of Parliament which shall further define its powers, functions, and duties.
- (ii) Be an independent, transparent, and impartial election management body.

1.4.2 In terms of Sections 4(2) of the Electoral Act, ECN has a statutory mandate, which is read together with various pieces of legislation including the Regional Councils Act (Act No.22 of 1992), and the Local Councils Act (Act 23 of 1992) to:

- i) Organise, direct, supervise, manage, and control the conduct of elections and referenda in a free, fair, independent, credible, transparent, and impartial manner.
- ii) Strengthen constitutional democracy.
- iii) Promote democratic electoral and referenda processes.

CHAPTER TWO: CITIZENSHIP

2.1. The meaning of citizenship

- 2.1.1 Citizenship is a status requiring an individual's loyalty to a country and in return, he/she has rights and protections provided by the government. Namibian citizenship is guaranteed in Chapter 2 of the Constitution and prescribed in the Namibian Citizenship Act (Act No 14 of 1990) as amended.
- 1.1.2 All citizens of Namibia have the right to participate in peaceful political activities, form and join political parties; participate in elections if they are 18 years and older, and stand for public office if they are 21 years and older.

2.2 Types and description of citizenship

Type of Citizenship	Description of Citizenship
a) Citizenship by birth	<ul style="list-style-type: none">i) All children born to Namibian parents are automatically citizens of Namibia.ii) Persons born in Namibia before 21 March 1990 whose parents were legal residents in Namibia become citizens.iii) A child born after 21 March 1990 in wedlock and of whom at least one parent is a Namibian citizen qualifies for Namibian citizenship irrespective of the country of birth.iv) A child born out of wedlock to a Namibian parent and an unknown or stateless parent qualifies for Namibian citizenship.
b) Citizenship by descent	<ul style="list-style-type: none">i) Children who were born outside Namibia, but whose parents qualify for Namibian citizenship may become citizens by descent.ii) Any person born outside Namibia on or after 21 March 1990 and adopted in terms of the provisions of any law regulating the adoption of children in Namibia, by a Namibian citizen or, in the case of a joint adoption, the adoptive father or mother is a Namibian citizen, such person is deemed as a Namibian citizen by descent.
c) Citizenship by marriage	<ul style="list-style-type: none">i) A foreigner married to a Namibian citizen in good faith and residing in Namibia for more than 10 years may apply for Namibian citizenship by marriage.
d) Citizenship by registration	<ul style="list-style-type: none">i) Persons who were ordinary residents in Namibia for a period of five years prior to independence could have applied for citizenship by registration within a period of 12 months after 21 March 1990.

Type of Citizenship	Description of Citizenship
e) Citizenship by naturalization	i) Persons who are ordinarily residents in Namibia for a period of at least ten years and have renounced their previous citizenship are eligible to apply for citizenship by naturalisation.
f) Honorary citizenship	i) Namibian citizenship may be conferred on persons with special skills and who have made a special contribution to Namibia.

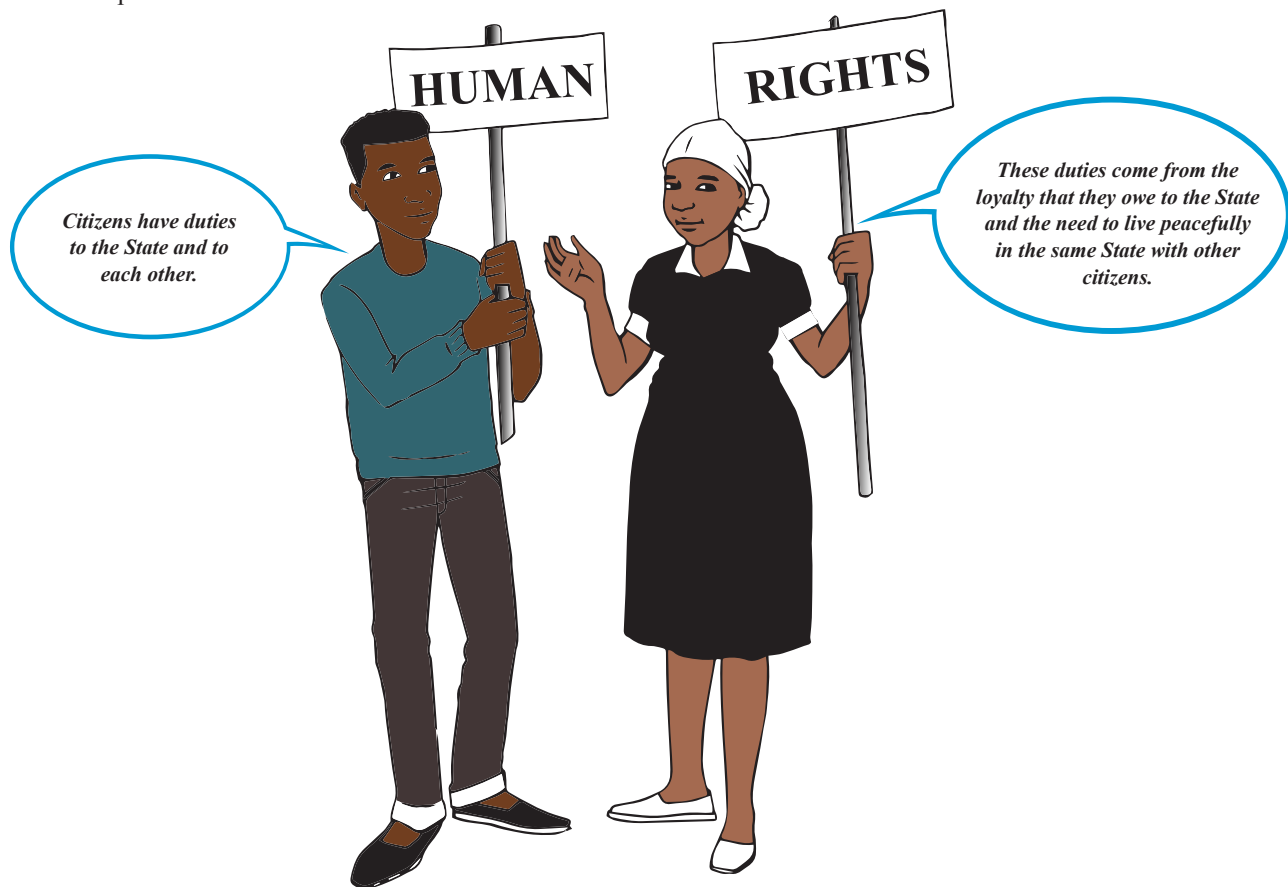
Table 1: Types of citizenship as provided in the Namibian Constitution and the Namibian Citizenship Act (Act No 14 of 1990)

- 2.2.2 Namibian citizens may renounce their citizenship by signing a voluntary declaration of renouncement. However, any person who, after having renounced his/her Namibian citizenship and does not become a citizen of any foreign country within one year from the date of registration of his/her declaration of renunciation, shall be deemed to have remained a Namibian citizen, and will resume his or her former Namibian citizenship.
- 2.2.3 The Namibian Citizenship Act (Act No 14 of 1990) prohibits dual citizenship in terms of Section 26. However, Article 4 of the Namibian Constitution states that “no person who is a citizen of Namibia by birth or descent may be deprived of Namibian citizenship. The High Court of Namibia issued rulings in 2008 and 2011 confirming that Namibian citizens by birth or descent cannot be deprived of their nationality.

CHAPTER THREE: FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

3.1. Articles on Fundamental Human Rights and Freedoms

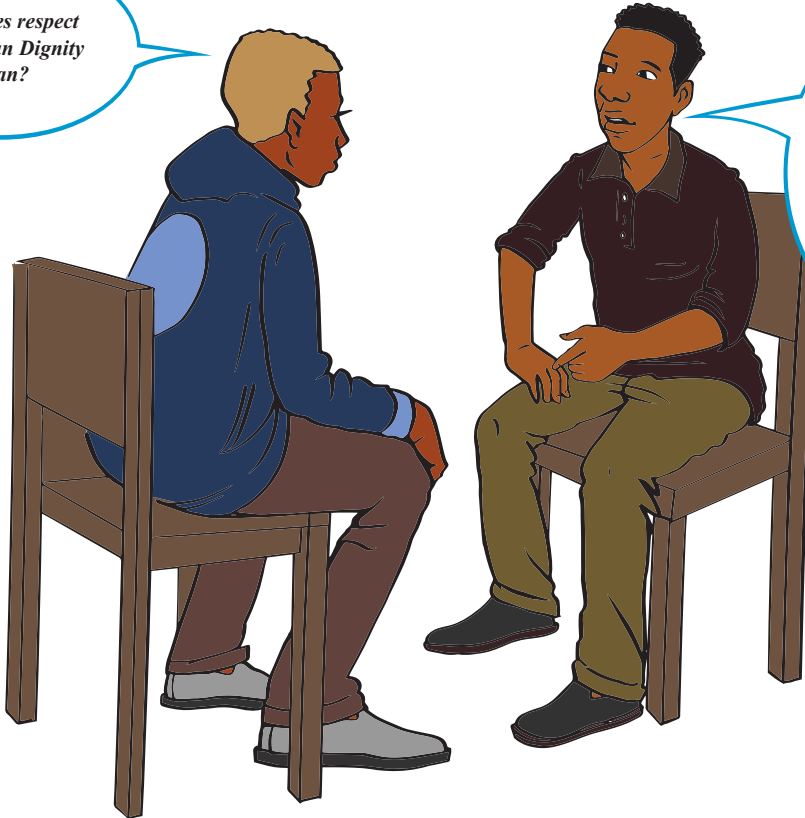
- 1.1.1 Fundamental rights are rights derived from international treaties/agreements between countries recognised to protect human dignity. These rights and freedoms enshrined in the Namibian Constitution shall be respected and upheld/supported by the Executive, Legislature and Judiciary and all organs of the Government and its agencies and where applicable to them, by all natural and legal persons in Namibia, and shall be enforceable by the Courts as prescribed.



- 3.1.2 Democracy is based on the rule of law guaranteeing the existence of a social contract/agreement between citizens and the State. The social contract entails both rights and duties for both parties; citizens have duties to obey the laws of the State and in return, they enjoy certain basic rights and freedoms.
- 3.1.3 Some of the basic rights that all Namibian citizens have are:
- i. The right to take part in the affairs of the State. This right strengthens the democratic principles on which Namibia is founded.
 - ii. Exercise the right to vote and to be elected to public office – none of these rights apply to non-Namibian citizens.
- 3.1.4 Other rights and freedoms are contained in the following articles:
- (a) **Article 6; Protection of Life:** The right to life shall be respected and protected. No law/court may prescribe death as a competent sentence. This means that the death sentence cannot be used in Namibia as punishment for any crime.
 - (b) **Article 7; Protection of Liberty:** No persons shall be deprived of personal liberty except according to procedures established by law. Liberty is the right to be free. This means that the law must be followed whenever a person is arrested.

(c) Article 8; Respect for Human Dignity:

What does respect for Human Dignity mean?



The dignity of all persons in Namibia must be respected. Government bodies and courts must treat people who appear before them with respect. Torture or cruel punishment is not allowed, not even for those convicted of a crime.

- (d) **Article 9; Slavery and Forced Labour:** No person shall be held in slavery or servitude or required to perform forced labour. No one can be held against their will and be forced to perform work under threat.



- (e) **Article 10; Equality and Freedom from Discrimination:** All persons in Namibia are equal before the law, and no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed, or social or economic status.
- (f) **Article 11; Arrest and Detention:** No persons shall be subject to arbitrary arrest or detention. A person can be arrested only if there is fair reason and if the right legal steps are followed. Arrestees must be told the reason for their arrest in a language they understand. Those detained in custody must be brought before the nearest Magistrate or another judicial officer within 48 hours of their arrest.

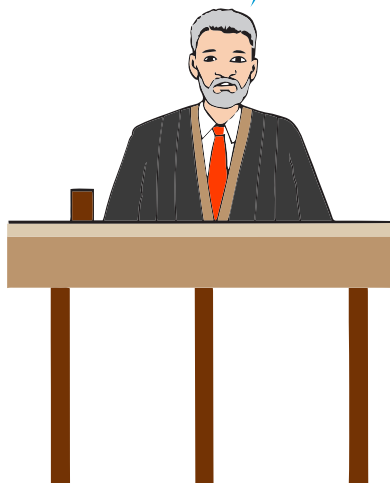
Inmate

"A person can be arrested only if there is a fair reason and if the right legal steps are followed. Anyone who is arrested must be told the reason for the arrest in a language he or she understands."



Magistrate

"This will give the person a chance to ask for bail, or to tell the magistrate about any mistreatment"



Lawyer

"This will give the person a chance to ask for bail, or to tell the magistrate about any mistreatment"



- (g) **Article 12; Fair Trial:** Anyone charged with a crime or involved in a dispute has a right to a fair trial by an independent, impartial and competent court. A trial shall take place within a reasonable time, failing which the accused shall be released. Judgments in criminal cases shall be given in public, except where the interests of juvenile persons or morals otherwise require.

Anyone charged with an offence shall be presumed innocent until proven guilty according to law, after having had the opportunity of calling witnesses and cross-examining those called against them. All persons shall be afforded adequate time and facilities for the preparation and presentation of their defence, before the commencement of and during their trial, and shall be entitled to be defended by a legal practitioner of their choice.



- (h) **Article 13; Privacy:** All persons have a right to privacy in their homes. The government cannot open anyone's letters or listen to their telephone conversation without consent. However, there are exceptions to this rule for reasons of national security or safety or protection of a community. Searches of homes or persons must be properly authorised by a court, or in accordance with laws designed to prevent abuses of power.

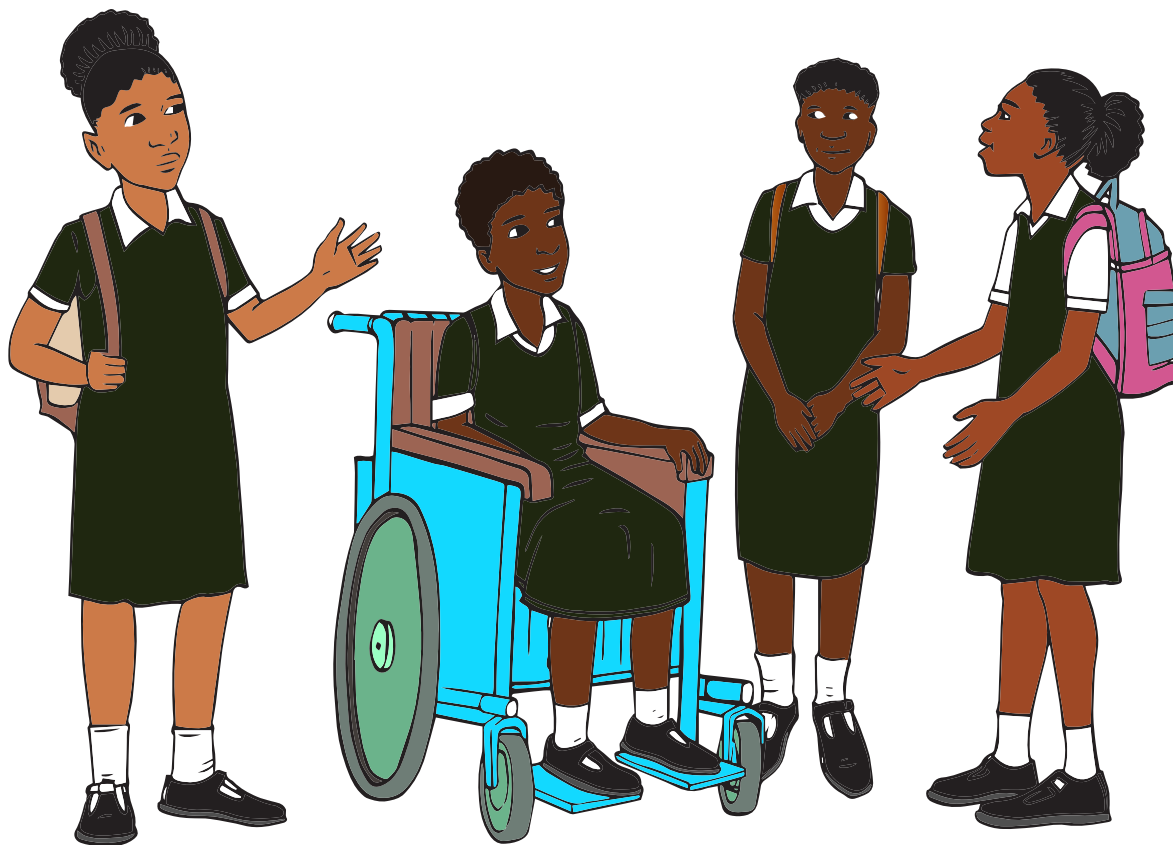


- (i) **Article 14; Family:** All adult men and women have the right to marry and have children, irrespective of their race, colour, ethnic origin, nationality, religion, creed, social or economic status. People – male or female – cannot be forced to marry against their will. They shall be entitled to equal rights to marriage, during and at its ending (divorce).
- (j) **Article 15; Children's Rights:** All children have the right from birth to a name and nationality. They have the right to know and be cared for by their parents. Children under the age of 16 years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous; interfere with their education; and harmful to their health, physical, mental, spiritual, moral and social development.
- (k) **Article 16; Property:** All persons have the right to acquire, own and dispose of all forms of immovable and movable property in any part of Namibia.

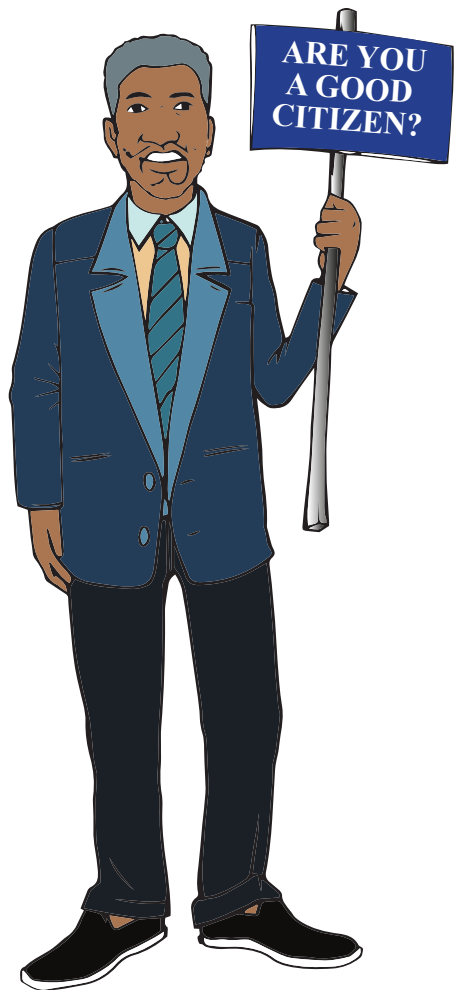
- (1) **Article 17; Political Activity:** All Namibian citizens have the right to participate in peaceful political activity intended to influence the composition and policies of the Government. This includes the right to form and join existing political parties and to participate in public affairs, whether directly or through freely chosen representatives.



- (m) **Article 18; Administrative Justice:** Administrative bodies and officials shall act fairly and reasonably and comply with the requirements imposed upon such bodies and officials by law and any relevant legislation. All persons who have been treated unfairly have the right to seek redress before a competent Court or Tribunal.
- (n) **Article 19; Culture:** All persons in Namibia have the right to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion. No one has the right to interfere with the rights of any other person or the national interest.
- (o) **Article 20; Education:** All persons shall have the right to education. All children must go to school until they have completed their primary education or have turned 16 years old, whichever is sooner.



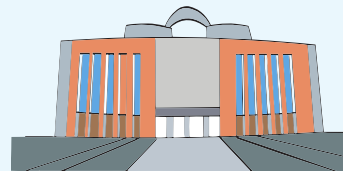
- (p) **Article 21; Fundamental Freedoms:** All persons shall have the following rights:
- (i) freedom of speech and expression, which shall include freedom of the press and other media. *Freedom of speech ensures that important issues are freely discussed and debated by all Namibians;*
 - (ii) freedom of thought, conscience, and belief, which shall include academic freedom in institutions of higher learning. *All people are free to think and believe whatever they wish as long as it does not interfere with the rights of anyone else;*
 - (iii) freedom to practice any religion and to manifest such practice. *The government cannot prohibit the practice of any religion. All people are free to worship as they wish;*
 - (iv) assemble peaceably and without arms. *People are free to come together for meetings or gatherings, as long as they are peaceful and without any weapons;*
 - (v) freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties;
 - (vi) withhold their labour without being exposed to criminal penalties. *The Government cannot declare unlawful a legal strike for better working conditions by employees;*
 - (vii) move freely through Namibia. *No one can be restricted to a particular area. Everyone in Namibia is free to travel to any part of Namibia at any time;*
 - (viii) reside and settle in any part of Namibia. *No part of Namibia can be reserved for people of a single ethnic group. Everyone is free to live in any part of Namibia;*
 - (ix) leave and return to Namibia. *All persons have the right to visit other countries and return to Namibia;* and
 - (x) practice any profession, or carry on any occupation, trade or business. All jobs and professions must be open to any person who has the necessary skills, regardless of race, ethnic origin, or sex.
- 3.1.5 Parliament or any legislative authority shall not make any law, and the Executive and the agencies of Government shall not take any action which abolishes or abridges the fundamental rights and freedoms.
- 3.1.6 Aggrieved persons who claim that a fundamental right or freedom guaranteed by the Namibian Constitution has been infringed or threatened shall be entitled to approach a competent Court to enforce or protect such a right or freedom and may approach the Ombudsman to provide them with such legal assistance or advice as they require. The Ombudsman shall have the discretion to provide such legal or other assistance as he/she may consider expedient.



Do you know your rights, freedoms and obligations as a citizen as contained in the Namibian Constitution?



Do you adhere to your social contract between you and the State?



Do you live peacefully with other citizens in Namibia?



Do you exercise your right to vote?



CHAPTER FOUR: CITIZENS DEMOCRATIC PARTICIPATION

4.1. The meaning of Democracy

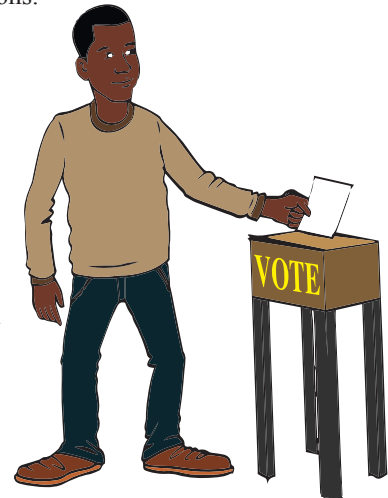


4.1.1 Democracy is a system of government where supreme political power rests with the citizens. In Namibia, people elect representatives periodically to make decisions and govern on their behalf. However, citizen participation in the governance of the country is limited as they do not have power in policy and decision-making processes in the absence of empirical evidence supporting this. Thus, greater accountability from elected representatives is required. This can only be achieved through the active participation of citizens in public affairs and making their demands known to their leaders whom they have elected to make decisions on their behalf.

4.1.2 This form of democracy is practised in modern states because it is difficult to involve everybody due to the scale of area and population. Thus, people exercise their power through elected representatives. In Namibia, the President, members of Parliament and Councillors are elected to make decisions on behalf of citizens. This mandate is reviewed and renewed after every five years through democratic elections.

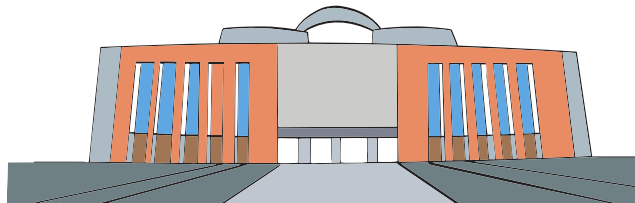


Government by the people, exercised through elected representatives



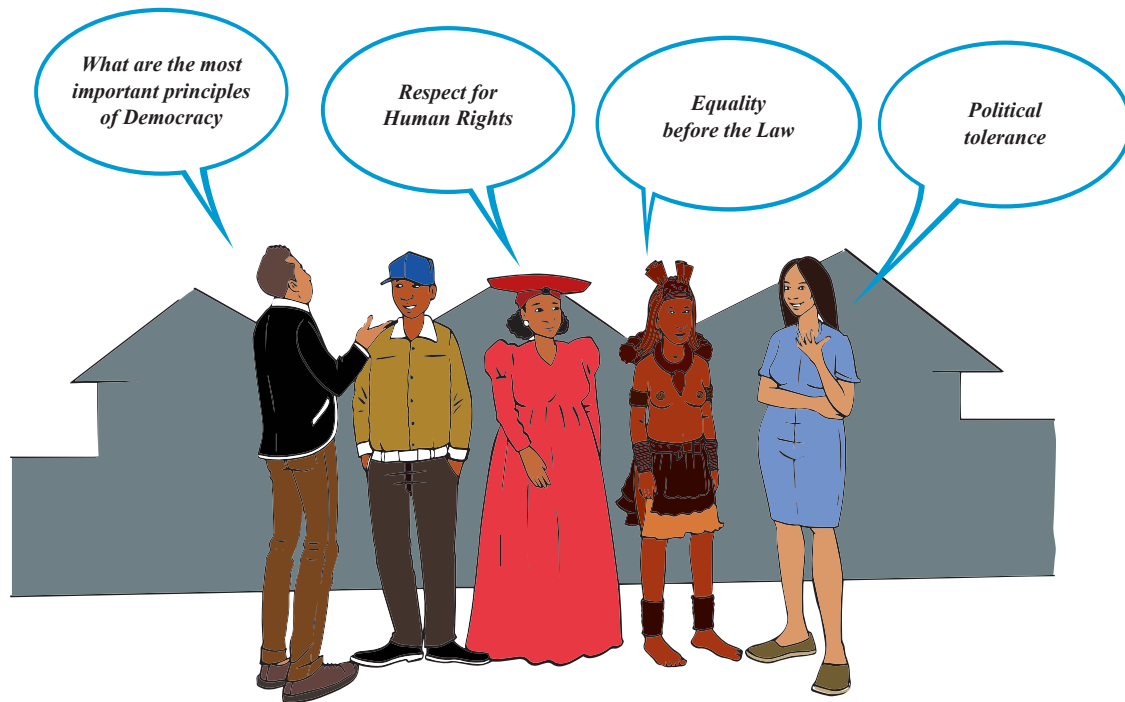
Secret ballot casts through regular periodic elections (Presidential, National Assembly, Regional Councils)

Government (political leaders/elected representatives)



- 4.1.3 Democracy recognises that people are the highest authority. Article 1(2) of the Namibian Constitution specifically states that “*all power shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the state*”.
- 4.1.4 Namibians are the source of power, and all laws, rules and decisions must reflect their will. In a democracy, citizens are primarily responsible for their country’s agenda. The democratic agenda must be based on the needs and priorities of all citizens. This can only happen when citizens are active in public affairs and when they make their demands known to their elected representatives.
- 4.1.5 There is a strong relationship between democracy and elections. Through elections, people choose their representatives. People have the right to freely decide how they want to be governed. Effective democracy depends on citizens’ participation in elections either as voters or candidates.

4.2. Principles of democracy



4.2.1 The following are some of the principles supported by people in most democracies:

Principle	Description
Citizens' Participation	Involves standing for elections; voting at elections; debating issues freely; attending community or civic engagements; being members of private voluntary organisations; paying taxes and protesting peacefully to demonstrate disagreement with the government on certain issues.
Human Rights and Freedoms of the Individual	Democracy emphasises the value of human beings. Human rights include the right to life and personal liberty; protection from slavery, forced labour, and from deprivation of property; freedom of conscience, expression, and movement; protection from discrimination on the grounds of race, sex, colour, or belief.
Political Tolerance	The rights of both the majority and minorities must be protected. Individuals must learn to tolerate others' viewpoints and respect others' freedoms and rights.
Regular Free and Fair Elections	Citizens express their will through elected representatives. In a democracy, elections are held regularly. Elections need to be free, fair, and transparent.
Acceptance of Election Results	Elections need to be free, fair, and transparent for results to be accepted. A free, fair and transparent election is one in which the outcome reflects the freely expressed choices of the people.
Equality before the Law	All individuals are valued equally and should not be discriminated against on the grounds of race, religion, ethnicity, or sex.
Control of Abuse of Power	There should be control of the abuse of power such as corruption and discriminatory use of public resources or facilities by the government, institutions, or individuals.
Peace and Stability	There must be peace and stability in the country for democracy to thrive.

Table 2: Principles of Democracy

4.3. Multi-Party Democracy

- 4.3.1 A multi-party system comprises political parties which operate freely and have the right and capacity to gain control separately or in coalition with other parties.
- 4.3.2 In a multi-party system, all citizens can form and join any political party provided that its aims do not contradict the Constitution and are not against public interest and good morals. Namibia embraces a multi-party system where all parties participate in political and electoral processes if they are registered with the Electoral Commission of Namibia.

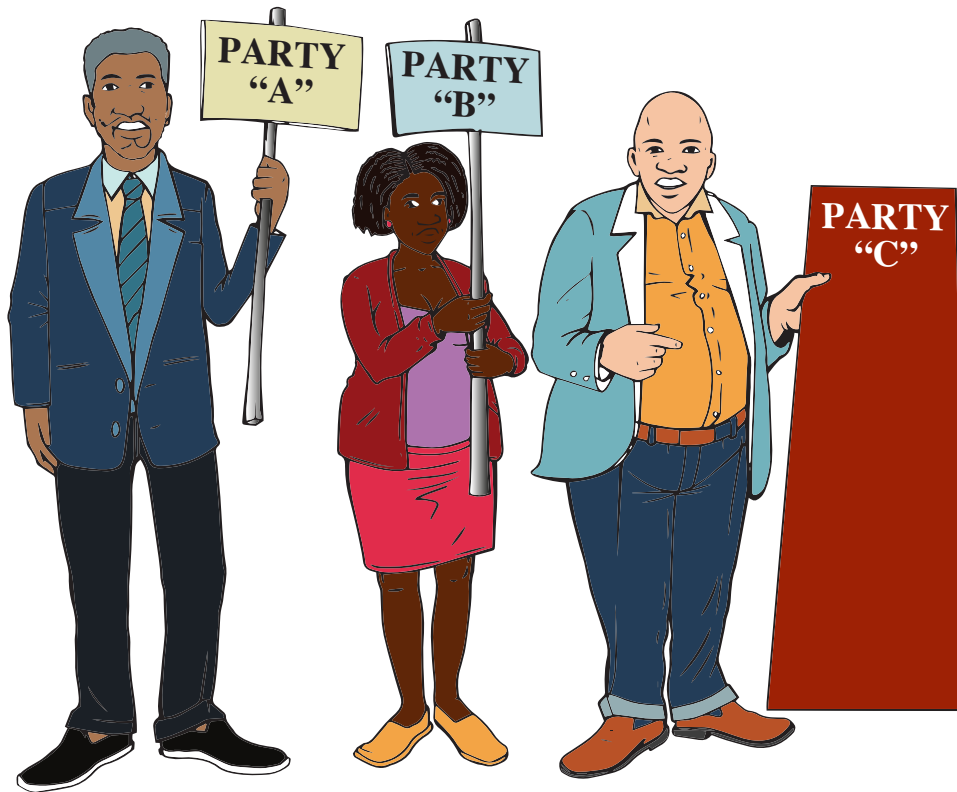


Figure 3: Different political parties

CHAPTER FIVE: ELECTIONS IN NAMIBIA

5.1 The Constitution and Democratic Elections

5.5.1 The Namibian Constitution makes provision for several issues related to elections. It proclaims that the government is to be composed of freely elected representatives of the people.

5.2 First Democratic Elections

5.2.1 Elections make democracies function properly. Namibia's first internationally recognised elections took place in November 1989. Voter registration was conducted from July to September 1989 which saw a total of 701,483 voters being registered.

5.2.2 Voting took place from 7 to 11 November 1989. The Voter turnout was 682,787 representing 97.3% of the registered voters. On 14 November 1989, UN Special Representative in Namibia, Martti Ahtisaari, certified the elections as "free and fair". All parties accepted the outcome and went on to negotiate a Constitution for Namibia in a spirit of compromise and within a matter of weeks.



5.2.3 The election outcome saw the first democratically elected President of Namibia and Members of the Constituent Assembly, now the National Assembly, as well as the adoption of the Namibian Constitution. Since the elections of 1989, Namibia has held regular elections including Presidential and National Assembly (PNA) and Regional Council and Local Authorities (RCLA) elections as illustrated below:

a) Presidential Elections

Category/Election Year	1989	1994	1999	2004	2009	2014	2019
Registered Voters	701,483	654,189	878,869	977,742	1,181,802	1,241,194	1,358,468
Number of votes cast	682,787	497,508	545,465	833,165	812,233	875,232	826,181
Voter turnout	97.3%	76.1%	62.1%	85.2%	68.7%	70.5%	60.8%

Table 3: Presidential elections results

b) National Assembly Elections

Category/Election Year	1989	1994	1999	2004	2009	2014	2019
Registered Voters	701,483	654,189	878,869	977,742	1,181,802	1,241,194	1,358,468
Number of votes cast	682,787	497,499	541,114	829,269	811,143	893,643	820,227
Voter turnout	97.3%	76.1%	61.6%	84.8%	68.6%	72%	60.4%

Table 4: Assembly elections results

c) Regional Council Elections

Category/Election Year	1992	1998	2004	2010	2015	2020
Registered Voters	470,006	534,278	952,308	1,172,060	1,051,471	1,408,670
Number of votes cast	381,041	213,433	547,756	449,548	384,258	526,373
Voter turnout	81.1%	40%	57.5%	38.4%	36.5%	38.3%

Table 5: Regional Council elections results

d) Local Authority Elections

Category/Election Year	1992	1998	2004	2010	2015	2020
Registered Voters	156,795	188,302	359,152	418,292	410,045	451,870
Number of votes cast	128,973	63,543	163,398	140,313	162,491	195,072
Voter turnout	82.3%	33.8%	45.5%	33.5%	39.6%	43.2%

Table 6: Local Authority elections results

5.3 Presidential Elections

5.3.1 According to Article 28(2) of the Namibian Constitution, the President is elected by direct, universal, and equal suffrage. The plurality system is used for Presidential elections, whereby the winning candidate must obtain more than 50% of the votes cast. Where no candidate receives more than 50% of the votes, a second ballot shall be conducted in which the two candidates with the most votes in the previous ballot shall participate. The candidate who receives the most votes in the second ballot shall be duly elected.

5.4 National Assembly Election

5.4.1 The proportional representation electoral system is used during these elections based on a party list. Each contesting political party submits a list of at least 32 but not more than 96 nominated prospective Members of the National Assembly.

5.4.2 The formula used to calculate the number of seats a political party has obtained in the National Assembly is provided for in Article 4 of the Namibian Constitution as a determined quota which is used to determine the seats for each party.

To fill the 96 seats in the National Assembly pursuant to the provision of Article 46(1) (a), the total number of valid votes cast in a general election for these seats shall be divided by 96 and the result shall constitute the quota of valid votes per seat.

FOR EXAMPLE: The number of votes counted in respect of a National Assembly election is **824,929** and there are **96 seats** for allocation. The **quota** shall be: **824,929 divided by 96** which would equal **8,593 votes per seat**.

The total number of votes cast in favour of a registered political party shall be divided by the quota of votes per seat and the result shall, subject to the allocation of the surplus as outlined below, constitute the number of seats to which the political party shall be entitled in the National Assembly.

FOR EXAMPLE: Five political parties contested the election and the results were recorded as follows:

FULL NAME OF POLITICAL PARTY IN ALPHABETICAL ORDER	NUMBER OF VOTES RECORDED
PARTY A	136 576
PARTY B	38 956
PARTY C	536 861
PARTY D	98 956
PARTY E	13 580

Table 7 (a) Determination of seats

After dividing the total number of votes recorded for each political party by that quota, the following result is obtained:

FULL NAME OF POLITICAL PARTY IN ALPHABETICAL ORDER	NUMBER OF SEATS ALLOCATED (EVEN IF NONE)
PARTY A	15
PARTY B	4
PARTY C	62
PARTY D	11
PARTY E	1
Total number of seats:	93

Table 7 (b) Seat allocation for National Assembly elections without the surplus votes

Ninety-three are thus distributed to political parties after the first round of seat allocation, leaving a surplus of three seats. The undistributed seat(s) is/are, therefore, in a sequence of the highest surplus votes or highest number of unallocated votes awarded as follows:

- Party A: one seat
- Party B: one seat
- Party E: one seat

Surplus votes

Some parties may not get a seat during the first round when this calculation is done but may get a seat from the second round using a surplus method. Surplus is what is left after the total number of votes recorded per party has been divided by the quota. The Party(s) with the next highest surplus votes in descending order is/are allocated the remaining seat(s).

Using the quota above (**8,593 votes per seat**), the following result is obtained:

FULL NAME OF POLITICAL PARTY IN ALPHABETICAL ORDER	NUMBER OF SEATS ALLOCATED (EVEN IF NONE)	SURPLUS VOTES/ TOTAL VOTES	FINAL SEAT ALLOCATION
PARTY A	15	1	16
PARTY B	4	1	5
PARTY C	62	0	62
PARTY D	11	0	11
PARTY E	1	1	2
Total number of seats:	93	3	96

Table 7 (c) Final seat allocation for National Assembly elections

5.5 Regional Councils Elections

5.5.1 Regional Council elections are conducted according to the **majoritarian** or **first-past-the post electoral system**. In this system, the candidate with the most votes wins. Therefore, he/she will be elected to the Regional Council. For the Regional Council elections, voters can only vote in the constituency in which they are registered.

1.1.2 A person may be nominated as follows:

- i) As a candidate for election as a member of a regional council if nominated as a member of a registered political party, by the political party, or
- ii) As an independent candidate whose nomination is supported by at least 150 registered voters in the constituency for which the nomination is intended.

1.1.3 The election of Regional Councillors in each of the 14 regions of Namibia:

- i) Aims for the Regional Councils to spearhead development in the region and to be the link between the central government and the citizens in the region.
- ii) Requires election of three regional councillors from each of the 14 regions to serve in the National Council.

5.6. Local Authorities Elections

- 5.6.1 Local Authority Elections are conducted in terms of the proportional representation system. The seats in the local authority council are allocated in proportion to the number of votes received. The more votes received by the party, organisation or association contesting in the elections, the more seats it will receive. During these elections:
- i) Registered voters vote for the political party, organisation, or association of their choice.
 - ii) The party, organisation or association appoints its representatives to the local authority on the proportional list system.
 - iii) Seats in the local authority council are allocated in proportion to the number of votes received. Thus, the more votes received by the party, organisation or association contesting in the elections, the more seats it will receive in the local authority council.
- 5.6.2 Local Authority Councillors are elected to serve the people in the various local authorities such as village councils, town councils and municipalities. Windhoek is the biggest local authority in the country.

5.7 Determination of seats for Local Authorities election

- 5.7.1 The formula used to calculate the number of seats a political party/association has obtained is based on determining a quota per seat. The quota is obtained by dividing the total number of valid votes counted by the number of seats available. To determine the seats for each party, the total votes recorded per party are divided by the quota.

FOR EXAMPLE: The number of votes counted in respect of a Local Authority election is **8350** and there are **7 seats**. The **quota** shall be **8350** divided by **7**, equalling **1193 votes per seat**.

Please Take Note:

- (i) Some parties may not get a seat during the first round when this calculation is done but may get a seat from the second round using a surplus method as demonstrated in the section on National Assembly elections.

5.8. What is a Referendum?

- 5.8.1 A referendum is a direct vote by the electorate on a proposal, law, or political issue. This may result in the adoption of a new policy or specific law, or the referendum may be only advisory. The primary purpose is to give voters an opportunity to approve or reject laws either proposed or enacted by the Legislature.
- 5.8.2 Referendums are similar to elections. On polling day, registered voters go to polling stations to cast their votes on ballot papers. During a referendum, voters are required to clearly write **'YES'** if they are in favour of the proposed amendment to be enacted or **'NO'** if they do not support the proposed amendment.

CHAPTER SIX: EXECUTIVE AND LEGISLATIVE POWERS AND FUNCTIONS

6.1 The President

- 6.1.1 The President is the Head of State and Government. He/she is also the Commander-in-Chief of the Namibian Defence Force as provided by Chapter 5, Article 27 of the Namibian Constitution. Executive power is vested in the President and Cabinet. The President signs the bills passed by both houses of the legislature into law.

6.2 The National Assembly

- 6.2.1 The National Assembly has 104 members composed of 96 elected members (voting members) and 8 non-voting members appointed by the President in terms of Article 32 (5) (c) of the Constitution. Voting members of the National Assembly are elected based on party lists. The term of office of Members is 5 years.

6.3 Powers and Functions of the National Assembly

- 6.3.1 The National Assembly is the **legislative power** of the Republic of Namibia. It passes laws with the approval of the President as provided by Chapter 7, Article 44 of the Constitution. It has the power to make and repeal laws for the peace, order and good governance of the country and in the best interest of the citizens.
- 6.3.2 It has powers to approve budgets for effective governance and administration of the country; provide for revenue and taxation; agree to the ratification of or accession to international agreements; receive reports on the activities of the Executive, including state-owned enterprises, and require any senior official thereof to appear before any of its committees to account for and explain his/her acts and programmes; to initiate, approve or decide to hold a referendum on matters of national concern; and to debate and advise the President on any issue.

6.4 The National Council

- 6.4.1 The National Council is the upper Chamber of Namibia's Parliament. It consists of 42 members, comprising three members from each Regional Council. The 3 are voted by Councillors of each region from amongst themselves. Members of the National Council also serve as councillors for their respective constituencies. The term of office for members of the National Council is 5 years.

6.5 Powers and Functions of the National Council

- 6.5.1 Article 74 of the Constitution empowers the Council to consider in terms of Article 75 all bills passed by the National Assembly:
- (i) to investigate and report to Assembly on any subordinate legislation, reports and documents which under the law must be tabled in the National Assembly and which are referred to it for advice,
 - (ii) to recommend legislation on matters of regional concern for submission and consideration by the National Assembly, and
 - (iii) perform any other functions assigned to it by the Assembly or by an Act of Parliament.
- 6.5.2 The council is empowered to establish committees and to adopt its own rules and procedures to exercise its powers and perform its functions. A committee of the National Council shall be entitled to conduct hearings and collect evidence as it considers necessary for the exercise of its powers of review and instigations and shall have the powers referred to in Article 59 (3) of the Constitution. Additionally, it is empowered to make its rules and procedures provided for disclosure as may be considered appropriate regarding the financial or business affairs of its members.
- 6.5.3 The Council is required to perform duties to maintain its dignity during sittings and in its members' acts and activities outside the Council. Members are servants of the people and must desist from any conduct of corruption or alienation from people.

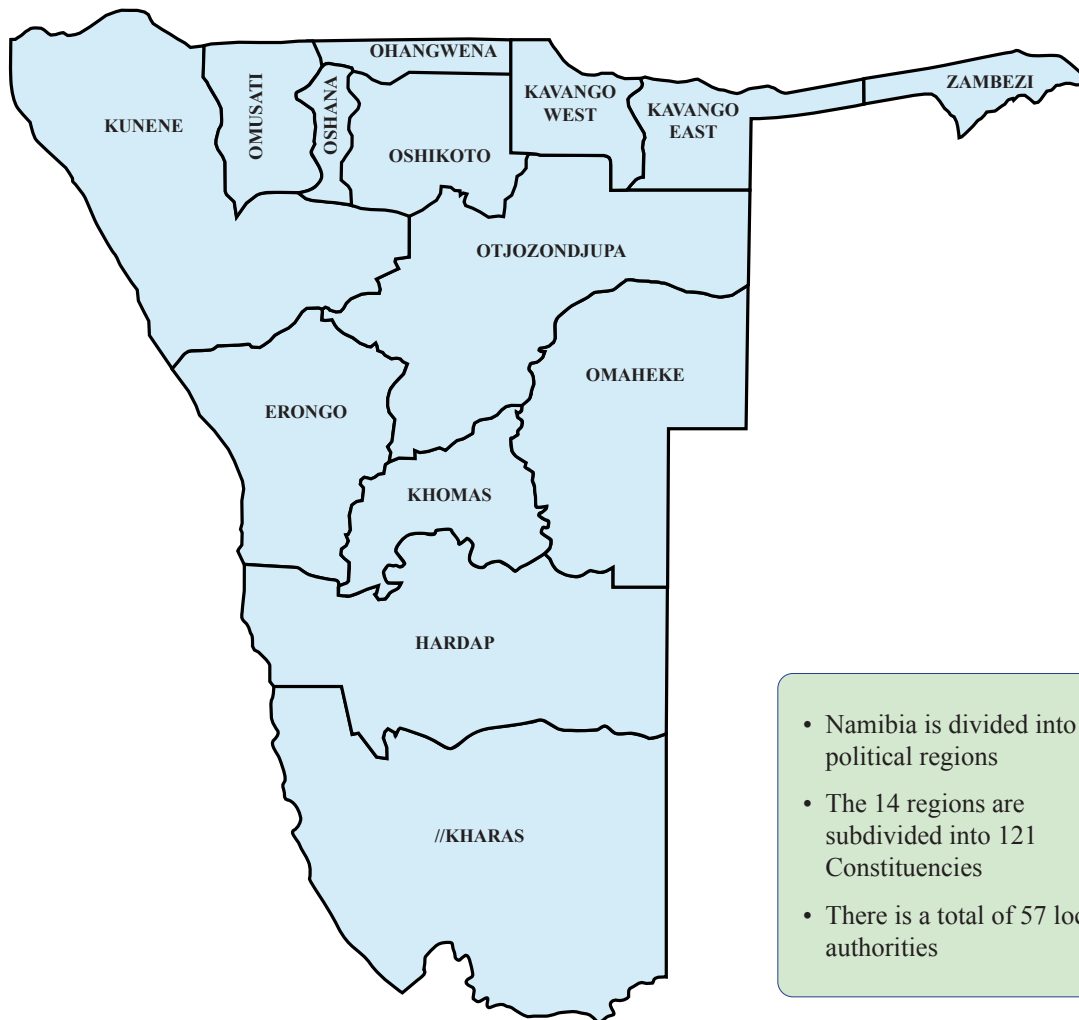
6.6 The Law making process

- 6.6.1 Article 75 of the Constitution requires all bills passed by the National Assembly to be referred by the Speaker to the Council. The Council is to consider bills referred to it under Sub-Article (1) and submit reports with its recommendations to the Speaker. If it confirms a bill in its report, the Speaker is to refer it to the President to enable the President to deal with it under Articles 56 and 64.
- 6.6.2 If the Council in its report to the Speaker recommends that the bill be passed subject to amendments, such bill is to be referred by the Speaker back to the National Assembly. If a bill is referred back to the Assembly under Sub-Article 75 (4) (a), the National Assembly is to reconsider the bill and may make any amendments, whether proposed by the Council or not. If the bill is again passed by the National Assembly, whether in the form in which it was originally passed, or in an amended form, the bill may not again be referred to the Council, but to the Speaker who will refer it to the President to enable it to be dealt with under Articles 56 and 64.

- 6.6.3 If a majority of two-thirds of all the members of the Council objects to the principle of a bill, this should be mentioned in its report to the Speaker. In that event, the report shall also indicate whether or not the Council proposes amendments to be made if the principle of the bill is confirmed by the National Assembly under Sub-Article 75 (5) (b), and if amendments are proposed, details shall be set out in the report. If the National Council in its report objects to the principle of the bill, the National Assembly shall be required to reconsider the principle. If upon such reconsideration the National Assembly reaffirms the principle of the bill by a majority of two-thirds of all its members, the principle of the bill shall no longer be an issue. If such two-thirds majority is not obtained in the National Assembly, the bill shall lapse.
- 6.6.4 If the National Assembly reaffirms the principle of the bill under Sub-Article 75 (5) (b) by a majority of two-thirds of all its members, and the report of the National Council proposed that in such event amendments be made to the bill, the National Assembly shall then deal with the amendments proposed by the National Council, and in that event, the provisions of Sub-Article 75 (4) (b) shall apply *mutatis mutandis*. If the National Assembly reaffirms the principle of the bill under Sub-Article 75 (5) (b) by a majority of two-thirds of all its members, and the report of the National Council did not propose that in such event amendments be made to the bill, the National Council shall be deemed to have confirmed the bill, and the Speaker shall refer the bill to the President to be dealt with under Articles 56 and 64.
- 6.6.5 Sub-Articles 75 (5) and (6) shall not apply to bills dealing with the levying of taxes or the appropriation of public monies.
- 6.6.6 The Council shall report to the Speaker on all bills dealing with the levying of taxes or appropriations of public monies within 30 days of the date on which such bills were referred to it by the Speaker; and all other bills within 3 months of the date of referral by the Speaker, failing which the Council will be deemed to have confirmed such bills and the Speaker shall then promptly submit to the President to deal with the bills under Articles 56 and 64.
- 6.6.7 If the President withholds his/her assent to any bill under Article 56 and 64 and the bill is then dealt with in terms of that Article and is again passed by the National Assembly in the form in which it was originally passed by the National Assembly or in an amended form, such bill shall not again be referred by the Speaker directly to the President to enable the bill to be dealt with in terms of Articles 56 and 64.

6.7 Regional Councils

- 6.7.1 Chapter 12, Article 103 of the Constitution stipulates that Namibia will be demarcated into “regional and local units” which are currently called regions, constituencies, and local authority areas. The demarcation into these units ensures that the Government is closer to the people, and there is easy management and sharing of national resources. For election purposes, residents in a particular constituency can register and vote in such constituency or local authority area. Regions and constituencies are divided by political boundaries to differentiate them from traditional boundaries.
- 6.7.2 The leadership of regions falls squarely on regional council members, who are elected for a period of 5 years in terms of the Regional Councils Act (Act 22 of 1992, as amended), as provided for by Article 70 of the Constitution.
- 6.7.3 Regions are divided into not fewer than 6 and not more than 12 constituencies. The demarcation of regions and constituencies is political and may cut across traditional and tribal borders. Regions and their boundaries can change on recommendations by the Delimitation Commission. Namibia has 14 regions demarcated into 121 constituencies as graphically illustrated in the map on the next page.



- Namibia is divided into 14 political regions
- The 14 regions are subdivided into 121 Constituencies
- There is a total of 57 local authorities

Figure 4: Demarcation of regions in Namibia

6.8 The Delimitation Commission

The Delimitation Commission is established by the President in terms of Article 137 of the Constitution to determine the boundaries of regions and local authorities for purposes of holding Local Authority and Regional Council elections. The demarcation of the boundaries of regions and Local Authorities by the Delimitation Commission shall, in accordance with the provisions of Article 102 of the Constitution, be geographical only, without any reference to the race, colour or ethnic origin of the inhabitants of such areas.

6.9 Duties of Regional Councillors

6.9.1 Sections 28–32 of the Regional Councils Act (Act No 22 of 1992 as amended) spell out the duties and functions of the regional councils that consist of constituency councillors.

1.1.2 The functions include undertaking, with due regard to the powers, duties and functions of the National Planning Commission referred to in Article 129 of the Constitution and any other law relating to planning and development of the region for which it has been established with a view to:

- (i) the physical, social and economic characteristics of such region and, in so far as any neighbouring region has or is likely to have any effect on the above-mentioned characteristics of the region.
- (ii) the distribution, increase, movement and urbanisation of the population in such region; the natural and other resources; and the economic development potential of such region;
- (iii) the existing and the planned infrastructure, such as water, electricity, communication networks and transport systems, in such region; the general land utilisation pattern; and the sensitivity of the natural environment.

6.9.3 To exercise in connection with its region these powers, and to perform duties/functions regarding such powers, as may be delegated by the President to the Regional council in terms of section 29; and subject to the provisions of Part VII of the Regional Councils Act 22 of 1992 as amended, to establish, manage and control settlement areas; to make recommendations to the Minister of Urban and Rural Development in relation to a local authority situated in its region within any power conferred upon the Minister under the Local Authorities Act, 1992, or any other law; and to advise the President or any Minister on any matter referred to the Regional council by the President or such Minister.

6.9.4 To assist any Local authority council in the exercise or performance of its powers, duties /functions and make recommendations for expenditure purposes presented to the National Assembly as provided by the Constitution, to the Minister of Finance relating to matters concerning its region. To establish committees deemed necessary to advise it regarding its powers, duties/functions and to appoint committee members as it may deem fit. To acquire or hire, or hypothecate, let, sell, or otherwise dispose of movable property.

6.10 Local Authorities

- 6.10.1 Local Authorities are elected under the Local Authorities Act No. 23 of 1992 as amended and provided for by the Namibian constitution. Local authorities' members are elected by residents of that specific local authority who are Namibian citizens.
- 6.10.2 Namibia is divided into 14 regional councils and 57 local authorities comprising 13 municipal councils, 26 town councils and 18 village councils. The municipal councils are further subdivided into three 'Part I' municipalities (cities) and 15 'Part II' municipalities (towns) as follows:
- (i) **Municipalities:** The geographical size of the municipality determines whether it is a city or a town. Swakopmund, Walvis Bay and Windhoek are referred to as Part I municipalities and they have 10–15 seats. Meanwhile, Part II municipalities are Gobabis, Grootfontein, Henties Bay, Keetmanshoop, Mariental, Okahandja, Omaruru, Otjiwarongo, Tsumeb and Outjo and they have 7 seats.
 - (ii) **Town Councils:** A town council consists of elected representatives of not more than seven. There are 27 town councils across Namibia such as Eenhana, Ongwediva, Arandis, Rehoboth, Katima Mulilo, Rundu, Nkurenkuru, Outapi, Omuthiya and Khorixas.
 - (iii) **Village Councils:** A village council consists of elected representatives of not more than 5 members. There are 17 village councils across Namibia such as Divundu, Aranos, Otjinene, Kamanjab, Otavi, Uis, Tses, Stampriet, Witvlei, Leonardville, Okongo and Oshikuku.

6.11 Duties and Functions of Local Authority Councils

- 6.11.1 The duties and functions of Local Authority councils are specified in section 30 of the Local Authorities Act 23 and include:
- i) supplying water to the residents for household, business or industrial purposes; and to provide and maintain a system of sewerage and drainage;
 - ii) providing and maintaining services for the removal, destruction or disposal of night soil, rubbish, slop water, garden and stable litter, derelict vehicles, carcasses of dead animals and all other kinds of refuse or otherwise offensive or unhealthy matter;
 - iii) constructing and maintaining streets and public places including cemeteries, and to supply electricity or gas to its residents;

- iv) establishing and maintaining sand, clay, stone or gravel quarries and works for the manufacture of bricks and tiles, and to dispose of this material exploited or manufactured from such quarries; and
- v) establishing and maintaining a public transport service; and with the approval of the designated Minister, a housing scheme, whether by itself or in conjunction with any other person.

6.12. Holding Elected Representatives Accountable

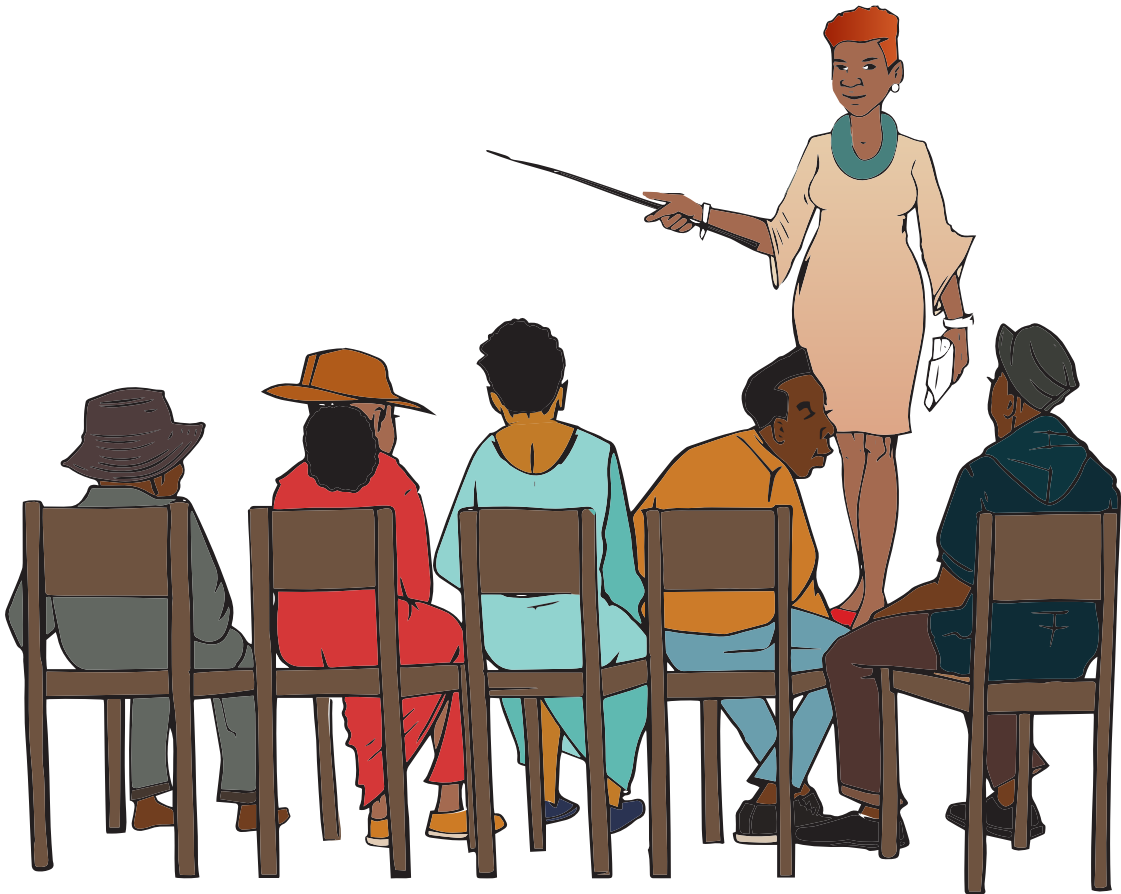
CASE SCENARIO – MR JOHN DOE: COUNCILLOR OF MUKUSILAND

*Once upon a time, there were seven political parties in Mukusiland. All political parties registered with the Electoral Commission in that country and duly campaigned to be voted to power. Mr John Doe belongs to political party **B**. He won the election and became a councillor. During the first month, he was kind and assisted his community. From the second month onwards, Mr Doe became busy - he was no longer available. When people asked for help, Mr Doe was always out of the office - he was nowhere to be found. He would tell people that he was attending meetings in the capital city. At meetings with fellow councillors, Mr Doe never proposed anything for his community. Other councillors would argue for development projects and better living conditions. People suffered quietly in Mr Doe's constituency but managed to survive on their own.*

When the next elections approached, Mr Doe went to the electorate campaigning for votes by making promises. Irrespective of his performance, he thought that he would win again. Surely, Mr Doe was once again elected as a councillor. He felt good about his victory regardless of his performance.

Representatives can be held accountable through the following actions:

- (i) Citizens need to keep track of campaign promises and contact their representatives to inquire about service delivery;
- (ii) Citizens can attend community meetings, information sharing sessions, and forums and join different platforms where elected representatives provide updates and allow for discussions; and
- (iii) Citizens can use the media to voice opinions and concerns; hold protests that are organised in a peaceful and lawful manner and/or vote for a different party or candidate in the following elections.



CHAPTER 7: REGISTRATION OF VOTERS

7.1. Primary Purpose of Voter Registration

- 7.1.1 Voter registration ensures that everyone entitled to vote can do so. It prevents ineligible persons from voting and guards against multiple voting.
- 7.1.2 The accuracy of the voter's register is key in ensuring that all qualified voters enjoy the right to vote. People should not be denied registration as voters on the basis of race, sex, language or religion.

7.2. Importance of Voter Registration

- 7.2.1 Voter registration is important for democracies such as Namibia. The quality of the process can determine the outcome of an election and consequently the stability of democratic institutions.
- 7.2.2 Trust in democracy is promoted when the voter registration process is open and transparent and allows for the participation of all electoral stakeholders such as political parties, civil society organisations (CSOs), the media, security forces, and all potential voters.
- 7.2.3 **An efficient and effective voter registration system requires:**
- i) The population to be active in reporting changes of residency and other relevant aspects of their civil status;
 - ii) Eligible voters to be registered within the constituency or local authority where they reside; and
 - iii) ECN to determine how many ballot papers are to be printed for the planned elections, by knowing the number of voters registered in a constituency or local authority for a particular election.

7.3 Types of Registration Processes

- 7.3.1 **General Registration of Voters (GRV)** is provided for in terms of Section 25 of the Electoral Act No. 5 of 2014. This registration takes place every 10 years and provides for the total registration of eligible voters, regardless of whether they had been registered as voters in the past or not, and requires the discarding of existing national voters registers.
- 7.3.2 **Supplementary Registration of Voters (SRV)** is provided for in terms of Section 38 of the Electoral Act No. 5 of 2014. This registration takes place between the ten-year GRV period and before the holding of an election. This registration is determined by the President, upon recommendation of the ECN, and is occasioned in a constituency

by an occurrence of a vacant representation seat due to the death, incapacity, or resignation of a sitting councillor; the dissolution of a sitting council as provided for under the Local Authority act; or the proclamation of a new local authority area, town or village councils.

The purpose of supplementary registration before the holding of an election is to register those who have since turned 18 years of age; those who moved to another constituency/local authority area; those whose voter registration cards are lost or damaged; and any other applicant persons who qualify for registration.

- 7.3.3. **Continuous Registration of Voters (CRV)** is provided for in terms of Section 39 of the Electoral Act No. 5 of 2014. This registration of voters takes place throughout a calendar year and allows persons who qualify to register as voters but were not registered during GRV or SRV, and voters who have since moved from one constituency/ local authority to another, or voters whose cards have since been lost or destroyed, to be registered as voters at any time of their request, except in suspension periods during an election or by-election.

7.4. Persons who can register as voters in Namibia

- 7.4.1 Section 22 of the Electoral Act provides the following criteria for persons to register as voters in Namibia:

- i) Be a Namibian citizen;
- ii) 18 years or older; and
- iii) Be able to identify him/herself physically and by providing the required documents.

- 7.4.2. To register as a voter in a local authority area, a person must have resided in the jurisdiction of that specific local authority for a period of consecutive 12 months immediately before the registration.

- 7.4.3. Every person who wants to register as a voter must present proof of identity, age, and Namibian citizenship at the registration venue.

7.5. Registration of Voters Outside Namibia

- 7.5.1. In terms of Section 23 of the Electoral Act, Namibian citizens temporarily residing outside the country are allowed to register for Presidential and National Assembly elections only. Temporary registration points may be established at any Namibian diplomatic mission.

7.6. The Voters' Register

- 7.6.1. A Voters' Register is a list containing the names of all registered voters in all constituencies and local authority

areas. The Electoral Act requires the ECN to compile and maintain two registers:

- i) A National Voters Register compiled on a constituency basis of all voters in the country;
- ii) A Local Authority Voters Register of voters registered in each local authority area.

7.7. Preparation and Publication of Provisional Voters Register

7.7.1. In terms of Section 31 of the Electoral Act, the Chief Electoral Officer (CEO) must prepare a National Provisional Voters Register (PVR), in respect of voters registered in a constituency or local authority area. This PVR must contain the names, residential addresses, and voter's registration numbers. The PVR is published as per the timeframes provided for in the Electoral Act No.5 of 2014 as a notice in the government gazette specifying the:

- (i) Places and times during which copies of the provisional registers are available for inspection by registered voters; and
- (ii) Period within which objections may be made in respect of the names of voters appearing on any such register.

7.7.2 The Chief Electoral Officer must avail upon request to every registered political party or organisation, a copy of the provisional national or local authority voters register.

7.8. Objections Against Names Included in a Provisional Voters Register

7.8.1. In terms of section 32 of the Electoral Act, registered persons, political parties or organisations/associations may lodge an objection in writing to the electoral tribunal (designated magistrate offices) against the inclusion of the name of any other person on that register on the grounds that the person is not entitled or qualified to be registered as a voter or is not complying with the requirements in relation to residence. This should be done within the prescribed period of 14 days, after the publication of the provisional voters register.

7.9. Preparation, Certification and Publication of The Voters Register

7.9.1. In terms of section 36 of the Electoral Act, the Commission must publish a notice in the Gazette stating that a voters register has been completed and certified by the Commission; and specify the places where copies are kept for public inspection.

7.9.2. Upon the publication of the notice, the ECN's Chief Electoral Officer must avail, free of charge to every political party, a copy of the voters register.

CHAPTER 8: REGISTRATION OF POLITICAL PARTIES, ORGANISATIONS, ASSOCIATIONS AND INDEPENDENT CANDIDATES

8.1 Principles of Political Activity

8.1.1 Article 17 of the Constitution entrenches the right to political activity which guarantees all citizens the right to participate in peaceful political activity and to form and join political parties of their choice.

8.2 Requirements for Registration as a Political Party

8.2.1 In terms of section 136 (1) of the Electoral Act, all political parties intending to participate in elections must register with the ECN.

8.2.2 Registered political parties should participate in and promote elections, including nominating candidates for elections in accordance with the Act; canvassing of votes; and devotion of any of its funds to the election expenses or any candidate taking part in an election.

1.1.3 The objective of the political party or organisation contemplated in subsection 135 (2)

- i) may not be harmful to the security of the State, sovereignty and integrity; the public safety, welfare or the peace and good order and may not be contrary to the laws of Namibia;
- ii) may not exclude or restrict membership of the political party on the grounds of sex, race, colour, ethnic origin, religion, creed, social or economic status; and may not use or include words, slogans or symbols which could give rise to division;
- iii) may not accept or advocate for force or violence as a means of attaining its political objectives;
- iv) may not advocate or aim to conduct its political activities exclusively in one part of Namibia; and
- v) must provide for regular, periodic, and open elections of its office bearers.

8.3. Registration Process

1.1.1 An application to be registered as a political party should be in writing in the prescribed manner and be directed to the Commission. The application must be accompanied by:

- (a) Proof of registration payment;
- (b) Constitution of the party;

- (c) A declaration signed by at least 3,500 persons, distributed evenly from a minimum of 7 of the regions in Namibia, whose names appear on the national voters register to the effect that the persons support the registration of the political party, and the declaration must contain;
 - (i) The full names and voter registration numbers of the persons who have signed the declaration; and
 - (i) The names and numbers of the regions and constituencies in respect of which the signatories are registered; and
- (d) In addition to the particulars referred to above, the following should be included on the application form:
 - i) The name of the political party;
 - ii) An abbreviation of its name to appear on the ballot paper for an election concerned;
 - iii) The full names and the signature of the person who for the purposes of the Act is the proposed authorised representative of the political party;
 - iv) A complete list of the names and addresses of its other proposed office-bearers; and
 - v) The proposed business address and postal address in Namibia of the proposed office, which for the purpose of the Electoral Act is the office of the proposed authorised representative of the political party.

1.1.2 A registered political party or any other person may within 30 days of the date of publication of the notice in the Government Gazette lodge an objection to the ECN against any name of a person(s) who signed the declaration as a supporter(s) because:

- i) the name of the person does not appear on the national voters register; or
- ii) the name of the person appears on the declaration without the person having signed the declaration or having knowledge of the declaration and that his/her name and signature were fraudulently obtained and put on the declaration.

8.3.3 Before the political party is registered with the ECN, the Chief Electoral Officer is required by law to publish all the details of the party in the Government Gazette. This is to allow any registered party to lodge an objection to the suggested name, or the abbreviation or symbol of the new political party if it is too similar to that of its own such that it may confuse voters.

8.4. Changes of Political Party Details

8.4.1. The ECN must be informed of any changes to a party's details where:

- (a) The Chief Electoral Officer is required to publish any proposed changes in the Government Gazette and call on registered parties with objections to make their submissions within 30 days from the date of publication of the notice.

- (b) When an objection is lodged, the Commission must make within 14 days of receipt of the objection a determination; and serve or caused to be served as soon as reasonably possible a notice of the determination upon the registered political party whose particulars have been changed and against whom an objection has been lodged, as well as the registered political party who lodged the objection.
- (c) The Commission may either sustain the objection and allow the political party whose particulars are to be changed, to rectify within 60 days of receipt of the determination, the particulars against which an objection has been lodged; or dismiss the objection.
- (d) An application or an objector who is not satisfied with the decision made may appeal against the decision and the declaration of the Electoral Court on an appeal may appeal against that decision to the Supreme Court.
- (e) If the changes do not conflict with the initial conditions of registration, or resemble too closely the name, abbreviation or symbol of another party, the changes are registered and a new certificate is issued or a written notice to the party of the change is given.

8.5 Cancellation of a Political Party

8.5.1. Section 152 of the Electoral Act stipulates that a party's registration must be cancelled if:

- i) An authorised representative of the party informs the ECN of a resolution taken by an organ of the party having the power to do so, that the party has been dissolved or is going to be dissolved on a specified date;
- ii) The ECN, after hearing representations of the party on the matter, the party fails to comply with the terms of registration described above, or
- iii) The party conducts its activities in a way that discriminates on the basis of race, colour or ethnicity, or
- iv) The party fails to comply with guidelines for the conduct of political activities published by the ECN in the Gazette, and
- v) If a political party/organisation/association contravenes or fails to comply with Section 139 of the Electoral Act within 21 days after notice from the Commission in relation to the submission of a declaration of assets and liabilities.

8.6 Registration of an Organisation or Association to Take Part in The Local Authority Elections

8.6.1 Organisations or associations that are not political parties but want to participate in the local authorities elections

must register with the ECN to participate in such elections by meeting the following requirements:

- i) The aims of the association/organisation should not be harmful to the safety of the State, public welfare, peace or good order; and
- ii) Membership to such organisations/associations should be open to all regardless of sex, race, colour, ethnicity, religion, creed, social or economic status.

8.6.2 An association/organisation can only contest in Local Authority elections in a city, town or village in which such an organisation/association is registered.

8.6.3 A similar application process for political parties as explained above also applies to organisations/associations that want to register for local authority elections where such organisations/associations must:

- i) Produce proof of support or endorsement by 250 members (who must be registered voters in that local authority), and;
- ii) Pay the required registration fee.

8.7 Registration of an Independent Candidate

8.7.1 The Electoral Act and the Regional Councils Act provide for the fielding of independent candidates in Presidential and Regional Council elections in Namibia. To stand as an independent candidate in either of these elections, such a person must meet the requirements stipulated below:

Requirement	Presidential Elections	Regional Council Elections
1. Nationality	a) Namibian by birth or descent	i) Namibian by birth or descent
2. Age limit	a) 35 Years or older	i) 21 Years or older
3. Voter registration	a) Registered voter; and b) Qualifies to be elected as a member of the National Assembly	i) Registered as a voter for regional council elections; and ii) Qualify to be elected as a member of the National Council; and iii) Be ordinarily resident within the constituency for which she/he is standing or if not become an ordinary resident within three months after the election if elected.
4. Support base	a) 500 registered voters per region (7,000 in total)	i) 150 registered voters in the constituency

5. Nomination	a) To be signed by at least two persons on the supporters list	i) To be signed by at least two persons on the supporters list
6. Required deposit	a) N\$ 20,000.00 (refundable under certain circumstances) if a candidate receives the majority (more than fifty per cent) of votes cast as contemplated in Article 28 of the Namibian Constitution	i) N\$ 2,500.00 (refundable under certain circumstances)
7. Presiding officer	a) Presided over by the Chairperson of the Commission for a prescribed period on nomination day	i) Presided over by the Returning officer of the constituency for a prescribed period on nomination day

Table 8: Requirements to register as an independent candidate

8.8 Nomination of Candidates for National Assembly Elections

8.8.1 Political parties intending to participate in the National Assembly elections are required in terms of the provisions of section 77(1) of the Electoral Act, 2014, to submit to the Commission, a list of its candidates for election as members of the National Assembly.

A person may only be nominated on a list of candidates if they:

- i) Qualify to be elected as a member of the National Assembly in terms of Article 46(1) of the Namibian Constitution;
- ii) Is a registered voter; and
- iii) Is a member of a registered political party submitting the nomination.

8.8.2 Disqualification of Nominated Members

Article 47 of the Namibian Constitution stipulates that no person may become a member of the National Assembly if he/she is a:

- i) remunerated member of the public service of Namibia, or
- ii) member of the National Council, Regional Council or Local Authorities.

8.9 Code of Conduct of Political Parties

8.9.1 Section 145 of the Electoral Act 5 of 2014 states that the ECN must issue a Code of Conduct for Political Parties by

notice in the Government Gazette. This Code of Conduct is a set of guiding principles for the ethical behaviour of all political parties registered with the ECN, and to ensure that each political party is afforded the space and time to conduct their electioneering campaigns in a peaceful environment.

8.9.2 The ECN receives numerous inputs from political parties, various civil society organisations and relevant stakeholders in the drafting of the Code of Conduct.

8.10 Critical points contained in The Code of Conduct of Political Parties are as follows:

- i) Intimidation of any form is impermissible.
- ii) Parties shall avoid holding rallies, meetings, marches, or demonstrations physically close to each other during the same time of the day.
- iii) Speakers at political rallies may not use language which incites violence in any form against any other person, or groups of persons. Parties will not issue pamphlets, newsletters or posters which contain materials which incite people to violence.
- iv) Party members and supporters will not seek to obstruct other persons from attending the political rallies of other parties.
- v) All allegations of intimidation and other unlawful conduct in the elections campaign will be brought to the attention of the Police and to the attention of the ECN, at the place and time that they alleged to have occurred.
- vi) Parties will in their advertising and propaganda efforts take care not to disfigure the environment.

8.11 Process of Endorsing the Code of Conduct

The Code of Conduct is endorsed by signatures of duly authorised representatives of each political party registered with the ECN on a date agreed on by all parties. Each Political Party also provides the ECN with their party emblem which is printed on the Code of Conduct of Political Parties.

9. FREQUENTLY ASKED QUESTIONS

9.1. What is Democracy?

Democracy is a system of government where supreme political power rests with the citizens of the country. Simply put “*Democracy is a government by the people*”. In most democracies like Namibia, people do not govern themselves but elect representatives periodically to make decisions and to govern on their behalf. Namibia became an independent democratic state on 21 March 1990.

9.2. What are the key features of a Democracy?

Democracies give people a say in the governance of the country. There are many ways of making this principle a reality. Key features of our democracy are:

- Citizens’ participation in elections;
- Human rights and freedoms of the individual are guaranteed;
- Political tolerance;
- Regular free and fair elections;
- Acceptance of election results;
- Equality before the law; and
- Control of abuse of power.

There are many types of democracies in the world but all of them have certain key features in common.

9.3. Why is Civic Education important?

Civic Education enables active and democratic citizenship. It provides an understanding of democracy as well as the roles, responsibilities, and rights of citizens. It gives knowledge of a country’s political system and ensures good governance. Democracies depend on people that can hold their government accountable, claim their rights and live up to their responsibilities as enshrined in the Namibian Constitution.

9.4. What are Free and Fair Elections?

In a democracy, elections must be free and fair. This means that people can vote without fear or intimidation and parties enjoy equal rights and opportunities. Citizens express their will through elected representatives and elections are held regularly. Independent electoral commissions and other observers monitor the elections.

9.5. Why should I vote?

In representative democracies, politicians must represent their voters' interests. If few people vote, politicians only represent a small number of people. When citizens participate, democracies stay alive and healthy.

9.6. What is a Government?

A government consists of 3 branches: Legislature, Executive and Judiciary.

9.7. What is the Separation of Powers?

Separation of powers is a system where the three branches of Government monitor the power of the others to prevent one branch from taking over too much power.

9.8. What is the Executive?

The Executive is made up of the President, Vice president, Prime Minister, and Cabinet ministers. The Executive operates at a national level. It is responsible for the daily administration of the government and the execution of laws.

9.9. What is the Legislature?

The legislature, known as Parliament, creates, amends or repeals laws as the representative of the people. It also holds the executive accountable. It consists of the National Assembly and the National Council.

9.10. What is the Judiciary?

The judiciary interprets the law, decides disputes and applies the Constitution in the name of the state.

9.11. Why do we have a Constitution?

The Constitution is the supreme law and establishes the rule of law. This means that all people and institutions are governed by laws that must be applied and enforced fairly.

9.12. What is Justice?

Justice is what a society regards as “right” based on its moral concepts. Justice is related to the democratic principle of the “rule of law” which states that all decisions must be made in accordance with the law from which nobody is exempt.

9.13. What are Human Rights?

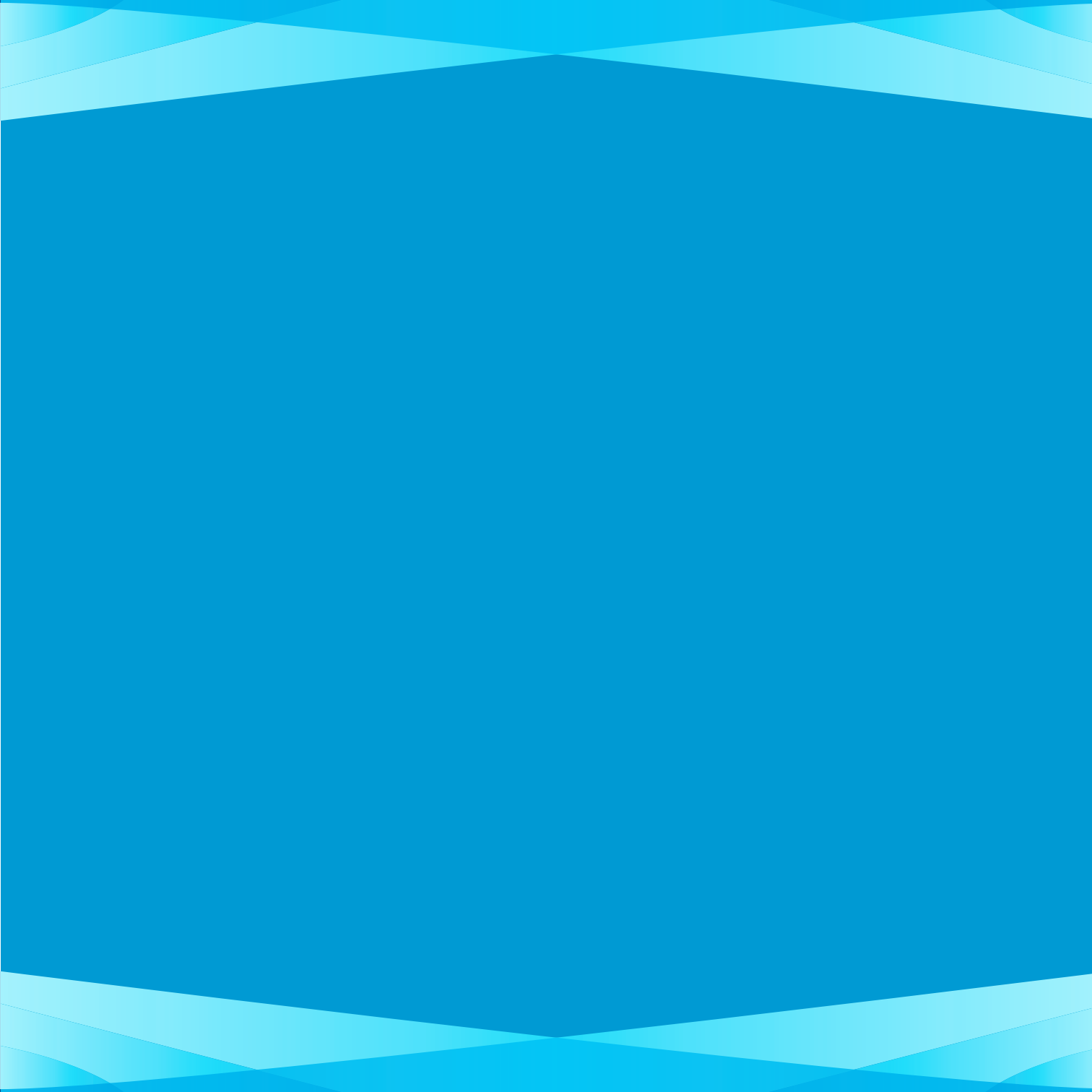
Human rights regulate those who exercise power. They aim to create a world where everyone enjoys dignity, freedom, and equality before the law. Human rights are a central feature of democracy and they are enshrined in the Constitution.

9.14. What are the Roles of the Local Authority councillors?

The main role of Local Authority councillors is to ensure that people living in local authority areas are represented, have the necessary services and that the area is developed. Services range from water, sanitation, health, and education.

10. References and Recommended Further reading

- 1) Constitution of the Republic of Namibia
- 2) Constitutional democracy in Namibia, A critical analysis after two decades, Konrad Adenauer Foundation, 2010
- 3) Democracy and You, A Community Manual on Governance and Participation in South Africa, Revised ed. Democracy Development Programme, 2016
- 4) Electoral Act of Namibia, Act 15 of 2014
- 5) Government Gazette of the Republic of Namibia, 3 September 1990, No. 69
- 6) Government Gazette of the Republic of Namibia, 17 October 1992, No. 503
- 7) Legal Assistance Centre, Dual Citizenship in Namibia, Law, and Policy Brief No. 1 February 2013,
- 8) Namibia Citizenship Act, Act 14 of 1990
- 9) Voter education and Elections in Namibia- Electoral Commission of Namibia,2012
- 10) The Facilitation Guide for Voter Educators – Electoral Commission of Namibia





Electoral Commission of Namibia

 Private Bag 13352 Windhoek

 +264 61 376200  +264 61 237618

 Toll Free 0819362  www.ecn.na

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