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Looking back: How Namibia's 2024 elections have shaped today and tomorrow

Namibian citizens showed up in numbers to fulfil their civic duties on the 13th of November 2024 for special voting, and on the 27th of November 2024, the whole nation went to cast their vote in the Presidential and National Assembly elections, in accordance with the Namibia Constitution, Articles 28(1) and (2) and 46 (1)(a).

Elections in Namibia are governed by the Constitution of Namibia and the Electoral Act No. 5 of 2014. These laws establish the framework for conducting elections at various levels – ranging from the presidential to the local authorities.

Elections are a central feature of democracy. For elections to express the will of the electorate, they must be 'free and fair'. Article 1(2) of the Constitution states that the power vests in the people. The electorate therefore mandate the organs of state to ensure that the tenets of the Supreme Law of Namibia, the Constitution (Article 1(6)) are followed. This mandate makes it an obligation for organs of state to ensure that constitutional and human rights are respected and upheld.

In a democracy like Namibia which means '*rule by the people*', it is of key importance that elections should be free and fair. What does this mean for an ordinary citizen and how does it play a pivotal role in an election?

'Free' means that everyone who is eligible to vote must be able to register to vote and must have the freedom to choose. Every Namibian citizen who is at least eighteen years old is eligible to vote. When you are free to choose your preferred candidate or party and cast your ballot without fear or intimidation, an election is said to be "free." Additionally, a "free" election is one in which you may be sure that the identity of the candidate you support will remain confidential.

'Fair' means that all registered political parties have an equal right to contest the elections, campaign for voter support and hold meetings and rallies. This gives them a fair chance to convince voters to vote for them.

A fair election is also one in which all voters have an equal opportunity to register, equal time and /or opportunity to cast their votes, where all votes are counted, and where the announced results reflect the actual vote totals. The electoral agency also has to ensure that it doesn't discourage its voters by either poor voting facilities such as long queues in unbearable heat and unhygienic environments.

The recent election has faced challenges and criticism regarding the freedom and fairness of the electoral process. The opposition parties alleged that the logistical failures, shortage of ballot papers and long waiting times, among other things, hindered many voters from casting their votes thus infringing on citizen's rights as per Article 17(1)(2) of the Constitution.

Some opposition leaders claimed that the Electoral Commission of Namibia ("the ECN") was deliberate in suppressing votes.

Let us look a little closer at a number of the issues of concern.

Due to the actual disenfranchisement suffered by voters caused by the logistical challenges, the ECN was constrained to extend the election period in order to allow for greater suffrage. The ECN requested the president to extend the voting period, with some law experts and political parties claiming that by doing so ECN acted *outside of its mandate* as they had no backing of the law nor was there a provision in the law that gave explicit power to the president to extend the voting while it is in progress.

According to Section 115 of the Electoral Act No.5 of 2014 "No election may be set aside by any competent court by reason of any mistakes or non-compliance with this part, if it appears to the court that the election in question was conducted in accordance with the principle laid down therein and that the mistake or non-compliance did not affect the results of the election."

The question to be answered is whether these irregularities were of such a magnitude that they might have had influenced the outcome of the results as stipulated in section 115 or not.

Over the past weeks the Independent Patriot for Change (IPC) and the Landless People's Movement (LPM) have brought an application to request the electoral court, (which is mandated by Section 170 (2) of the Electoral Act to determine all post-election matters within seven days before swearing in of elected officials, ensuring timely resolutions of electoral disputes) to grant them access to election materials in order to inspect them before taking further steps should they chose to do so.

The Southern Africa Human Rights Lawyers Election Observer Mission (SAHRL-EOM) reported irregularities in the 27-29 November 2024 Presidential and National Assembly Elections in Namibia, including lack of civic and voter education coverage in remote areas, threats of polling staff withdrawing services due to poor remunerations, and operational lapses by the ECN. The mission also noted voter frustration and delays in voting processes with 63% of polling stations opening late, 37% of polling stations opened on time, and 38% had shortages of ballot papers.

Obstacles still exist in the fight for accountability and transparency in our electoral process, as evidenced by the unrest among Namibians that centres on issues mentioned above.

It is clear that the 2024 Namibian elections faced significant challenges which undermined the core principles of free and fair elections, as voters were disenfranchised by long waits and disrupted voting processes. The Electoral Commission of Namibia (ECN) was criticized for its handling of the election, raising concerns about its competence and transparency which lead to legal questions. Ensuring accountability and addressing these concerns is a cornerstone to restoring public confidence in Namibia's democratic process.

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