



**GOVERNMENT GAZETTE**  
OF THE  
**REPUBLIC OF NAMIBIA**

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WINDHOEK — 3 September 1990

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**PROCLAMATION**

by the

**PRESIDENT OF THE REPUBLIC OF NAMIBIA**

No. 12

1990

**ESTABLISHMENT OF THE FIRST DELIMITATION  
COMMISSION AND THE DUTIES THEREOF**

Under the powers vested in me –

(a) by Article 137 of the Namibian Constitution I hereby –

(i) establish the first Delimitation Commission;

(ii) determine that the said Delimitation Commission shall discharge its duties subject to the provisions of the Namibian Constitution and the provisions of this Proclamation as set out in the Schedule below;  
and

- (iii) require the said Delimitation Commission to commence its work forthwith and to report to me within nine (9) months from the date of publication of this Proclamation; and
- (b) by Article 104 of the said Constitution I hereby appoint the following persons as members of the said Delimitation Commission:
  - (i) The Honourable Mr. Justice G.J.C. Strydom, who shall be the Chairperson;
  - (ii) Mr. Martin L. Shipanga;
  - (iii) Prof. Gerhard K.H. Töttemeyer.

Given under my Hand and Seal of the Republic of Namibia at Windhoek this 23rd day of August, One Thousand Nine Hundred and Ninety.

Sam Nujoma

President

BY ORDER OF THE PRESIDENT-IN-CABINET

## SCHEDULE

### *Duties of the Commission:*

1. It shall be the duty of the Delimitation Commission -
  - (a) to determine the boundaries of the regions and, subject to the provisions of Article 102(4) of the Namibian Constitution, the boundaries of Local Authorities, into which Namibia is to be divided for the purposes of holding Local Authority and Regional Council elections;
  - (b) to determine the number of persons of which each Regional Council shall consist;
  - (c) to determine the number of constituencies into which each region shall be divided and;
  - (d) to fix the boundaries of each such constituency.

### *Factors to be taken into account in determining the boundaries of regions and Local Authorities:*

2. The delineation of the boundaries of the regions and Local Authorities by the Delimitation Commission shall, in accordance with the provisions of Article 102(2) of the Namibian Constitution, be geographical only, without any reference to the race, colour or ethnic origin of the inhabitants of such areas.

*Method of and factors to be taken into account in dividing regions into constituencies:*

3. (1) For the purposes of the delimitation of a region into constituencies in accordance with the provisions of Article 106(1) of the Namibian Constitution, the Delimitation Commission shall have regard to the number of persons who are ordinarily resident in the areas concerned and are eligible to vote in terms of Article 17(2) of the Constitution.

(2) Subject to the provisions of subsection (3), the Delimitation Commission shall fix the boundaries of each constituency in such a manner that the number of eligible voters residing in the various constituencies falling in the same region are as nearly equal as is reasonably practicable.

(3) The Commission may for the purposes of subsections (1) and (2), determine the number of persons who are ordinarily resident in any area and the number of such persons who are eligible to vote, by way of estimates based on such information as may be reasonably available to it or can reasonably be obtained by it.

(4) The Delimitation Commission may depart from the provisions of subsection (2) if it is deemed necessary due to any one or more of the following factors -

- (a) the geographical features of the region concerned;
- (b) the demographical distribution of eligible voters within the region;
- (c) the relevant infrastructure and resources in the region.

*Meetings of Commission:*

4. Where, in regard to any matter, the members of the Delimitation Commission are not unanimous, the view of the majority shall prevail.

*Appointment of persons to assist the Commission:*

5. The Delimitation Commission may from time to time, as circumstances may demand and with the approval of the President or any Minister designated by the President, acquire the services of any person to advise the Delimitation Commission on any matter relating to its functions.

*Secretarial and administrative work of the Commission:*

6. The secretarial and administrative work of the Delimitation Commission shall be performed by an officer or employee in the Public Service designated by the Permanent Secretary for the Office of the Prime Minister for that purpose.

*Report to the President:*

7. (1) The report of the Delimitation Commission contemplated in Article 137 of the Namibian Constitution shall include -

- (a) a list of the various regions determined by the Delimitation Commission, with recommendations in respect of the names of such regions and a definition of the boundaries thereof;
- (b) the number of constituencies into which each such region is to be divided, with recommendations in respect of the names of such constituencies and a definition of the boundaries thereof;
- (c) a list of the Local Authorities of which the boundaries have been determined by the Delimitation Commission, with recommendations in respect of the names of such Local Authorities and a definition of the boundaries thereof;
- (d) a map showing the regions, constituencies and Local Authorities into which Namibia is to be divided; and
- (e) such further particulars as it may consider necessary.

(2) The President may refer to the Delimitation Commission for its further consideration and final recommendation any matter relating to its report or arising out of the powers and duties of the Delimitation Commission.

(3) In the event of any discrepancy between the description of the boundaries of any region, constituency or Local Authority and the map referred to in subsection (1)(d), the description shall prevail.

*Application of Commissions Act, 1947:*

8. The provisions of the Commissions Act, (Act 8 of 1947), shall apply with reference to the Delimitation Commission.