

December 12, 2019

## **MEDIA STATEMENT**

### **Serious access to information concerns that dogged electoral governance before, during and after the November 27 elections**

Elections are highly sensitive periods in any democracy. Every effort should be made by relevant authorities and stakeholders to ensure the integrity of electoral processes and institutions, as electoral governance has an irrefutably immense impact on political and socio-economic, not to mention substantive democratic, outcomes in societies, especially in relatively young countries such as Namibia.

The ACTION Coalition has identified five issues of particular concern, namely:

#### **1. Electronic Voting Machines (EVMs)**

- 1.1 The Electoral Commission of Namibia (ECN) has still not sufficiently set the public's mind at ease over the issue of missing electronic voting machines;
- 1.2 On polling day, there were reports of EVMs malfunctioning at a number of polling stations; polling points opening late; the secrecy of the vote at some polling stations which was compromised; slow voting procedures leading to long queues and queue management issues; and mobile polling stations packing up and moving on, or not arriving at all at some locations;

#### **2. Voting (voter education, voting and counting)**

- 2.1 Voter education on how to cast a vote via the EVMs was insufficient, and reports emerged on and after polling day of scores of people, especially the elderly, not knowing how to vote using the EVMs;
- 2.2 On polling day it became clear that many were ill-informed about the verifying and voting steps inside polling stations;
- 2.3 On voters' cards, it emerged on polling day that people were turned away from polling stations because they were in possession of pre-2014 (old laminated paper) voters cards. This indicates a lack of adequate voter education around what constituted a valid voters' card;
- 2.4 Regarding voting hours, it was widely reported that voting at some polling stations only ended in the early hours or on the morning of 28 November 2019. The ECN has still not adequately addressed this issue in public.

#### **3. Verification and Election results**

- 3.1 Observers reported on malfunctioning or wrongly-operated voter verification devices (VVDs);
- 3.2 Concerning the vote counting process, indications are that the public was not adequately informed about the processes inside constituency collation centres, as well as the collation centre at the Central Elections Results Centre (CERC), at ECN headquarters in Windhoek;
- 3.3 As the voting ended, without notice to the public, the ECN launched an elections results website (elections.na) that it struggled to update in the days following polling day;
- 3.4 On the evening of 30 November 2019, the ECN announced the 'final results' of the 27 November 2019 presidential and National Assembly elections, but on 2 December 2019 the final results were still not posted on the ECN's results website;
- 3.5 On 3 December 2019, the final, complete results still hadn't been released by the ECN;
- 3.6 On 4 December 2019, various figures on the ECN results website did not tally with support for political parties, and the ECN, after media intervention, 'fixed' the issues. There has been no official explanation from the ECN how this transpired;
- 3.7 Also on 4 December 2019, anomalous vote allocations were picked up for the Windhoek Rural constituency, and on 5 December 2019 the results of the constituency were overturned. There has been no official explanation from the ECN how this mix-up occurred.

#### **4. Political finance**

4.1 The ECN's deficient handling of political finance issues has been thrown into stark relief during the campaigning period ahead of the presidential and National Assembly elections of 27 November 2019;

#### **5. Interactions with media and other electoral observers**

5.1 With regard ECN engagements with the media during and after 27 November 2019, as issues emerged on polling day and the counting days up to the evening of 30 November 2019, they failed to proactively communicate with the media or to provide timely responses to media queries and did not have regular media briefings or information dissemination sessions around results collation and announcement;

5.2 On polling day, media and observers were denied access to pre-testing of EVMs at some polling stations and throughout the day media and local observers reported being denied access to some polling stations. It was therefore evident that there had been a lack of communication with and training of ECN's regional coordinators and polling station presiding officers over who had access to polling stations and other ECN facilities;

5.3 The media and observers were denied access to the collation centre at the CERC, despite ECN chief electoral officer Theo Mujoro having publicly stated in the presence of the whole commission, at a meeting with civil society organisations on 24 October 2019, that the media and local observers would have access to the CERC collation centre;

All of the above issues have arguably significantly contributed to stoking and exacerbating a preexisting climate of confrontational distrust – marked by a flood of viral online mis- and disinformation and warnings of military intervention – deepening around not only the Electoral Commission of Namibia, but also Namibia's democratic commitment following the 27 November 2019 elections.

It is clear that many of these issues could have been avoided or mitigated had the ECN been more proactive throughout this period. It can therefore be concluded that the ECN did not live up to the standards set by its founding law, which clearly circumscribes its access to information obligations.

#### **Thus, we call on the ECN to:**

- Be open about all the issues that affected the voting process at individual polling stations on election day, 27 November 2019;
- Transparently account for the vote counting and collation processes following polling day, up to the announcement of 'final' results on the evening of 30 November 2019;
- Also provide a comprehensive explanation of the functionalities, operating, maintenance and back-end roles of its election results website (elections.na);
- Inform the public when a comprehensive report of the 27 November 2019 elections will be made publicly available.
- Devise a workable voter education campaign that addresses all aspects of electoral processes, with information that is easily accessible and understandable.

#### **We also call on candidates and political parties which participated in the 27 November 2019 elections to:**

- Respect the freedom of the media, the safety of journalists, and grant access to post-election events to all media, as well as proactively engage with the media to reach the public;
- Desist from engaging in the spread of mis-/disinformation, hate speech and ethnic incitement, and all manner of aggressively divisive propagandising of electoral issues in the pre-election period;
- Take a public stand against hate speech and ethnic incitement on post-election platforms;
- Proactively comply with political finance provisions of the Electoral Act of 2014;
- Demand accountability from electoral authorities and government in general over the handling of electoral processes before, during and after 27 November 2019.

#### **Finally, we call on President Hage Geingob:**

- As commander-in-chief of the armed forces, to recall all armed military personnel and rather support civilian institutions, such as the police and judiciary, to exercise their duties and mandates effectively.

*Issued by:*

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