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## INFORMATION ABOUT NAMIBIA'S LAW

### Presidential Debates

Public debates between Presidential candidates are often seen as a benchmark of competitive and open elections. But such debates have not yet become entrenched in Namibia.

Prior to the 2019 elections, President Hage Geingob refused an invitation from Eagle FM to participate in Namibia's first-ever Presidential debate, and key challenger Panduleni Itula withdrew from the debate at the last minute. Five other opposition party candidates did take part. The debate took place before a packed house at the National Theatre in Windhoek and was streamed live on Facebook as well as being aired on radio.

Public debates allow voters to see how candidates perform when they are not simply reading from a prepared script, including assessing how they respond to challenging questions. Debates show how well candidates can think on their feet, how they cope under pressure and what facts they have at their fingertips. Most importantly, they expose candidates to public scrutiny, forcing them to explain their platforms, defend themselves against the criticism of opponents and motivate why they should be elected.

Debates between candidates have become an essential part of the electoral process in many countries, taking place in at least 78 countries worldwide.

In the **United States**, debates between candidates for public office date back to 1858, when Abraham Lincoln debated his opponent in the race for a Senate seat on seven different occasions. The first televised presidential debate in the US took place in 1960, between John F Kennedy and Richard Nixon – but the next such debate did not take place for another 16 years, due to the reluctance of sitting Presidents to participate, until Gerald Ford took on Jimmy Carter in 1976. Debates were arranged by negotiation between the candidates for the next two Presidential elections.

Then, in 1987, the US Commission on Presidential Debates was established with a view to making such debates a permanent part of the electoral process. This body is not a creature of statute, but an independent nonprofit corporation set up with the endorsement of the two major political parties in the US. It receives no government or party funding, sourcing its budget from various donors to protect its non-partisan profile. It organizes

debates between the leading presidential and vice-presidential candidates, and also provides technical assistance to other countries working to establish similar debate traditions.

Candidates in the US are not required by law to participate in debates, but the practice is so well-entrenched that it would be politically difficult for a major candidate to refuse to take part.

In **Argentina**, a law on Presidential debates was enacted by Congress in 2016. This law requires two Presidential debates before the election - one 20 days before the vote and one 7 days before. Candidates who refuse to participate forfeit their right to radio and television airtime, and their absence is highlighted by an empty chair onstage.

In the **United Kingdom**, *The General Election Leaders Debate Bill* proposed the establishment of an independent commission to arrange a series of mandatory debates between leaders of political parties prior to General Elections. This Bill was tabled in 2017 and again in 2019. Some MPs thought that mandatory debates would enhance accountability and openness, while others argued that they were more likely to be superficial and trivializing. The Bill did not gain sufficient traction to move forward on either occasion.

**Ghana** has been a leader in Presidential debates in Africa. Since 2000, Presidential debates have been organized by the Institute of Economic Affairs, an independent public policy think tank which asserts that “those who wish to govern must subject themselves to probing questions by the people, to ensure that they understand their concerns, and have the capacity to address them”. Participation is not mandatory, but some say that the ruling party candidate’s refusal to take part in the first debate in 2000 cost him the election.

In 2008, Ghana added a new approach called “Evening Encounters”, where candidates appear separately to present their policies and to respond to questions from civil society representatives. This was followed by a watershed moment in 2012, when an incumbent President participated in the presidential debates for the first time.

The Ghanaian debates have been credited with promoting issues-based voting, increasing the accountability of elected leaders, reducing political tensions, and contributing to peaceful elections. The participating candidates hold hands at the end of the debate and pledge to uphold peace before, during and after the elections, with video clips of this peace pledge being replayed to promote peaceful elections as a healthy contest of ideas.

Presidential debates have been gaining momentum in Africa in recent years. **Kenya**’s first Presidential debates took place in 2013. All eight Presidential candidates participated in the series of two debates, and millions of Kenyans reportedly watched or heard the debate, which was broadcast live on 42 local radio and TV stations, as well as YouTube. This debate reportedly helped to promote peace by exposing the electorate to the sight of the eight competing candidates shaking hands, disagreeing respectfully and pledging not to incite violence.

**Zambia** introduced live televised debates in 2016. **Uganda**'s first presidential debate in 2016 led to calls to amend the law to entrench the concept as part of the duties of the Independent Electoral Commission.

**Somalia** held its first televised presidential debate in 2017, although many of the 23 candidates were no-shows. The first televised Presidential debate in **Madagascar** took place in 2018, featuring the two finalists in the presidential run-off elections.

**Tunisia**'s first televised Presidential debate took place in 2019, with 26 presidential candidates facing off in three groups. The format limited direct candidate interaction, to make the event less confrontational – which some criticised, while others felt that it helped make the debate more about policies than personalities. **Senegal**'s first presidential debate was also held in 2019, although the incumbent is refused to take part.

**Nigeria** also held a much-anticipated televised presidential debate in 2019 - but, as in Namibia, both the incumbent and his top opponent were no-shows. One journalist suggested that Nigeria's Independent National Electoral Commission should make such debates compulsory and “disqualify dodgers”.

**South Africa**'s first Presidential debate was held in 1994, between Nelson Mandela and FW de Klerk, but this has not become a standard feature; in 2019, the ANC refused to participate in proposed debates, which were cancelled as a result.

Around the world, incumbents prefer to avoid debates, especially when they are leading in the polls, and there are difficult decisions to make about formats, moderators and principles for selecting which candidates are invited to participate.

In **Namibia**, the ACTION coalition, which consists of a range of activists, civil society groups and media organizations, recommends that “Presidential candidates should engage in debates in order for the electorate to get to know candidates and their platforms”.

Namibia could become the first country in Africa to make Presidential debates obligatory, by amending the Electoral Act to require that the Electoral Commission of Namibia must organize one or more televised debates in the run-up to the election. A model of respectful political debate between the candidates could encourage the electorate to adopt the same tone, as well as showcasing Namibia as an example of open and accountable democracy.

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