



PRELIMINARY STATEMENT

BY

THE HEAD OF THE SAHRL ELECTION OBSERVER MISSION (SEOM)

TO

**THE 2024 PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS OF THE REPUBLIC OF
NAMIBIA**

**PROF. TALENT RUSERE HIGH COMMISSIONER OF THE SOUTHERN AFRICA HUMAN RIGHTS
LAWYERS**

WINDHOEK, NAMIBIA, 30TH NOVEMBER 2024

Hon Commissioner, Dr Oscar Johannes, *Human Rights Commissioner of The Southern Africa Human Rights Lawyers and Head of the SAHRL Election Observer Mission to the Presidential and National Assembly Elections of the Republic of Namibia.*

Hon Commissioner, Tapshinga Mugore, *Human Rights Commissioner of The Southern Africa Human Rights Lawyers and the SAHRL Election Observer Mission to the Presidential and National Assembly Elections of the Republic of Namibia.*

Hon Commissioner, Mrs Anita Ruswa Rusere, *Human Rights Commissioner and Chief Administrator of The Southern Africa Human Rights Lawyers and the SAHRL Election Observer Mission to the Presidential and National Assembly Elections of the Republic of Namibia.*

Hon Commissioner, Ms Grace Kajai, *Southern Africa Human Rights Lawyers Commissioner in Botswana;*

Hon Commissioner, Mr Ezekiel Gwangwava, *Southern Africa Human Rights Lawyers Commissioner in Zimbabwe;*

Hon Commissioner, Mr Gwesu, *Southern Africa Human Rights Lawyers Commissioner in Zambia;*

Your Excellencies, Heads and Representatives of the Diplomatic Missions accredited to the Republic of Namibia;

Members of the SAHRL Electoral Advisory Council;

SAHRL Election Observers & Coordinators;

Leaders and Representatives of Political Parties;

Religious Leaders and Members of the Civil Society;

Members of the media;

Distinguished Guests;

Ladies and Gentlemen.

I. INTRODUCTION

On behalf of the Southern Africa Human Rights Lawyers (SAHRL) it is my honour to welcome you to the release of the Preliminary Statement of the Southern Africa Human Rights Lawyers Election Observer Mission (SAHRL-EOM) on the conduct of the 27-29 November 2024 Presidential and National Assembly Elections in the Republic of Namibia.

As Head of Mission, I am supported by representatives from the Republics of Botswana, South Africa, Namibia, Zimbabwe, Mozambique and Zambia. The EOM received expert advice from the SAHRL High Commission on Electoral Observation (SAHRL-HCEO).

The Mission comprises 8 Commissioners from five SADC Member States, namely, the Republics of Botswana, Zimbabwe, Mozambique, South Africa, and Zambia. These observers were deployed across all fourteen regions of the Republic of Namibia. The Mission observed the Presidential and National Assembly Elections in accordance with the Revised UN & SADC Principles and Guidelines Governing Democratic Elections and the Constitution and Electoral Act of the Republic of Namibia.

As part of its mandate, Our Mission engaged key stakeholders in Namibia, including the Electoral Commission of Namibia (ECN), the Government of Namibia specifically, Diplomatic Missions accredited to the Republic of Namibia; political parties, civil society organisations, faith-based organisations, academia, and the media.

This Preliminary Statement covers the Mission's observations of the pre-election period and voting day activities. The SAHRL-EOM final report will include our observations of the post-election processes, which include the results management and announcement processes.

AI. SUMMARY OF KEY FINDINGS

The SAHRL-EOM observed the following:

(a) The Political and Security Environment

The Mission observed that the country was calm and peaceful during the pre-election and election day. Political campaigns were conducted peacefully.

The Mission noted submissions from stakeholders that the country was experiencing active involvement of the youth in politics.

(b) Electoral Legal Framework

The Presidential and National Assembly Elections are mainly governed by the Constitution of the Republic of Namibia and the Electoral Act 5 of 2014 (Electoral Act).

The Mission noted that according to Article 28 (2) of the Constitution, the President is elected by direct, universal and equal suffrage on obtaining

more than fifty (50) per cent of the valid votes cast. If more than fifty (50) per cent is not secured, the President is elected in the second ballot between the two candidates who would have obtained the highest votes in the previous ballot. According to Section 109 (4) of the Electoral Act, if no presidential candidate attains more than fifty per cent of the votes, the second ballot must be conducted within 60 days of announcement of the results.

According to Article 46 (1) (a) of the Constitution, the National Assembly is composed of ninety-six (96) members to be elected by the registered voters through direct and secret ballot. The election of the members in terms of Article 46(1)(a) is based on political party lists and in accordance with the principle of proportional representation.

(c) Management of the Electoral Process

The Mission observed that the elections are managed by the Electoral Commission of Namibia (ECN), which, according to the law, is the exclusive body that directs, supervises, manages and controls elections and referenda.

The ECN consists of five Commissioners, including the Chairperson, appointed by the President with the approval of the National Assembly. In terms of Article 94B(2) of the Constitution, the ECN must be an independent, transparent, and impartial election management body.

(d) Matters arising from the stakeholder's engagements:

(i) Voter Registration

The Mission noted that the final voters' register indicated 1,449,569 registered voters, representing approximately 90% of 1,615,910 eligible voters from the 2023 census.

(ii) Civic and Voter Education

The Mission observed extensive civic and voter education by the stakeholders. Stakeholders shared several initiatives to inform citizens about the electoral process; however, some reports indicated that some remote areas may not have received adequate coverage.

(iii) Preparedness of the ECN

- (a) The Mission noted that the stakeholders had no confidence in how the elections had been conducted. Most stakeholders accused the ECN for being unprofessional and deceptive. Stakeholders also raised concerns citing inefficiencies within the ECN, which caused changes in the implementation of some of processes, such as the procurement method of the printing of ballot papers.
- (b) The Mission noted longing threats of polling staff to withdraw their services due to poor remunerations by the ECN. The Mission also noted that operational matters such as contracting the staff could have been done earlier to give enough room for negotiations. Nevertheless, the Mission appreciated that atlast, the ECN came to an agreement with the aggrieved staff.
- (c) The Southern Africa Human Rights Lawyers Election Observer Mission noted that the voting on 27 November 2024 was characterised by a lot of irregularities, violations of the electoral act, violation of the constitution, deliberate voters frustration and exclusive operational lapses by the Electoral Commission of Namibia such as shortages of ballot papers at polling stations, heating of tablets, running out of batteries for the torches and mobile polling stations forcing voters to leave without casting their votes. There were deliberate delays of voting processes in more than 63% of the total polling stations across the country. There were deliberate delays on the arrival of ballot

papers. Citizens started voting around 09:15am to 09:40am and by around 11:30am there were shortages of ballot papers in about 38% of the total polling station across the country.

(iv) Gender representation

The Mission noted that Namibia has a neutral representation of women in elected political positions, particularly in the National Assembly and, consequently, in the Cabinet. Our Mission also noted that most political parties implements policies to ensure gender representation.

(v) Media

The Southern Africa Human Rights Lawyers Election Observer Mission noted the general negative assessment of the media as the state media houses strived to cover only the ruling party; hence, there were so much concerns about unequal coverage in the state owned media. The Mission also noted that most if not all opposition parties relied on social media to communicate their political messages.

(vi) Electoral Law

The Mission noted that while the law clearly articulates procedures during and after elections, the Electoral Commission of Namibia failed to observe the basic electoral and legal frameworks, hence there were a lot of irregularities even if there were areas that could be improved to provide clarity and certainty, for instance, provisions on tendered votes, the period within which results ought to be announced and management of the period between the announcement of results and the swearing in of office bearers.

III. OBSERVATIONS ON ELECTION DAY

On Election Day, 27 November 2024, the Southern Africa Human Rights Lawyers Election Observer Mission the voting process across all Regions in Namibia. Our Mission covered about 219 polling stations and observed the following:

Opening procedures were observed in 16 polling stations:

- (i) 63% of polling stations opened late around, 0930 hours due to deliberate delays by the Electoral Commission which had 5 years to prepare for the election. There were no ballot papers in most of the polling station at the time opening and voters had to patiently wait for arrival of ballot papers. However, 37% opened on time an around 0700hrs.
- (ii) Long queues were observed at all polling stations before opening.
- (iii) In all the observed polling stations during the opening, the presiding officers showed the empty ballot boxes to all present before locking and sealing them.
- (iv) Our Mission noted that voters' roll was not displayed at any of the polling stations observed. Our observers were informed that the voters' roll was not displayed because voters were allowed to vote anywhere in the country.
- (v) Our Mission noted some voters' verification setups in all polling stations. Fingers were to be scanned to verify if they had not voted however the process was not 100% as there were challenges with the verification machines.

Polling procedures were observed in 219 polling stations:

- (i) The environment at the polling stations started calm and peaceful, and no significant incidents of violence or intimidation were observed. The voters started retaliating to deliberate delays and shortages of material by the ECN raising concerns on transparency and credibility. Some voters ended up leaving the polling stations without casting their votes.

- (ii) Over 63% of polling stations observed were not peaceful and drastically not conducive to voting. However, most polling faced issues such as poor crowd control and long queues, which were likely caused by the ECN's unpreparedness and a very slow processing of voters.
- (iii) At least 37% of polling stations observed adhered to regulations prohibiting campaign materials in their vicinity, reflecting strict compliance with electoral guidelines and ensuring a neutral voting environment.
- (iv) Security personnel were present at all polling stations, ensuring a safe environment.
- (v) There was not enough accessibility for persons with disabilities ensured at least 57.5% of polling stations were inaccessible. The inaccessibility was due to polling stations being located upstairs with no amenities for disabled persons or in areas with uneven terrain, which posed physical barriers.
- (vi) Our observers were not allowed full access to observe and interact with presiding officers at 66.5% of polling stations facing restrictions. In some cases, only one observer per group was allowed inside, while in other instances, Our observers were denied entry.
- (vii) 87.5% of party/candidate agents and observers were present and actively performing their roles at the opening of polls, while 12.5% were absent.
- (viii) Citizens and international observers were present at 50% of the observed polling stations.
- (i) The Southern Africa Human Rights Lawyers Election Observer Mission noted with concerns that most of the polling stations observed during opening had no necessary election material and were not prepared enough to start voting. Voters had to wait until they lost their patience and started protesting. We noted excessive voters frustration resulting in voters leaving polling stations without casting their votes. There was too much shortage of ballot papers polling stations from as early as 11am despite claims by the ECN that they had printed additional 400 000 extra ballot papers as contingency.

IV. PRACTICE

Due to voters turnout , Our Mission however commends stakeholders for extensive civic and voter education, particularly for initiatives such as the voters' booklet and the QR code on the accreditation cards, containing the necessary election information.

The ECN also failed the visually impaired to vote in secret through the introduction of braille ballot papers, relating to the spirit of Article 4.1.1, of the Revised SADC Principles and Guidelines Governing Democratic Elections, which *“Encourage the full participation of all citizens in democratic and development processes”*.

The Mission also commends all stakeholders for a gender inclusive recruitment of electoral personnel. Atleast 65.05 % of the polling officials were female.

V. RECOMMENDED IMPROVEMENTS IN THE ELECTORAL PROCESS

Our mission is continuing the process of electoral observation in the post-election phase. As such, the Mission will not render comprehensive recommendations or qualifications for the election at this stage. However, the Mission has observed the following areas of the electoral process and system that relevant stakeholders may wish to consider improving:

1. Transparent Communication Protocols

The ECN should establish transparent and clear protocols for engaging stakeholders, ensuring timely and transparent communication, particularly when making significant decisions such as changing counting venues or extending voting periods. Regular briefings or consultations with all

stakeholders, including political parties, civil society organizations, and observers, should be institutionalized to maintain trust and credibility.

(a) Tendered Votes

The Government should consider reforming its electoral system as the current system where the country is perceived as one constituency allowing voters to vote in any constituency irrespective of where they are registered creates logistical and administrative challenges such as shortage of ballot papers in many polling stations.

(b) Access to the voters roll:

In order to improve perceptions amongst the public, political parties and candidates, ECN is advised to strictly follow the provisions of the Constitution on transparency, access to information, and timeously avail the voters roll in accordance with the stipulations under the Electoral Act.

(c) State-owned media coverage:

The relevant media regulatory authorities are urged to ensure the implementation of measures that require impartiality in the coverage of political events by State-owned media.

(d) Voting materials:

ECN is urged to strengthen transparency in the procurement process , and delivery of all voting materials, including ballot papers, and put in place a monitoring system that includes the participation and verification by electoral stakeholders. In addition, there is need for the Electoral Act to be revised to put in place clear time-frames within which these processes should be completed.

Workshops and periodic engagement sessions with stakeholders can enhance mutual understanding and trust in the ECN's processes.

(e) Recruitment of staff

The ECN is advised to arrange contracting modalities for staff early to avoid last-minute contractual disputes.

(f) Establishment of Voting Streams

The ECN is also advised to establish multiple voting streams within polling stations to assist reducing the queues and frustration of voters.

CONCLUSION

In conclusion, the Mission observed that the pre-election and voting phases, on 27-29 November 2024 Harmonised Elections were peaceful, and calm. However, for reasons outlined above, the Mission noted that some aspects of the Harmonised Elections, fell short of the requirements of the Constitution of Namibia, the Electoral Act, and the SADC Principles and Guidelines Governing Democratic Elections (2021). The Mission commends the people of Namibia for maintaining a peaceful political environment during the pre-election period, and on voting days.

The Mission will release its final report after the validation and proclamation of final results, as provided for in the UN & SADC Principles and Guidelines Governing Democratic Elections. The final report will be shared with the ECN and all stakeholders. In terms of International Principles and Guidelines Governing Democratic Elections, our long term Independent observers will

remain on the ground to continue with the post-election observation until the 10th of December 2024.

The SAHRL shall return at an appropriate time, to undertake a postelection review to determine the extent to which the recommendations of SEOM have been 11 implemented and the nature of support, if any, that Namibia may require from the Southern Africa Human Rights Lawyers, to implement those proposals. In the event of any electoral disputes, Our Mission appeals to all contestants to channel their concerns through established legal procedures and processes. The Mission urges all political parties and the people of Namibia, and all other stakeholders to allow the ECN to announce the final results as legally mandated.

Thank you All

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Southern Africa Human Rights Lawyers
High Commissioner