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## The 2014 National Assembly and presidential elections in Namibia



Maximilian Weylandt\*

*Department of International Development, University of Oxford, 3 Mansfield Road, Oxford OX1 3TB, UK*

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On 28 November 2014, Namibians voted jointly in presidential and National Assembly elections for the fifth

time since independence. In the weeks leading up to the election, it seemed that SWAPO,<sup>1</sup> which has won every election it has contested, might lose some ground – though no-one questioned their eventual victory. Regardless of SWAPO's exact share, this election was set to bring about changes. The ruling party had implemented a gender quota, guaranteeing an uptick in women's representation. In addition, this would be the first time Namibia used electronic voting machines (EVMs) for a national election, a subject of great controversy this election season. On Election Day, SWAPO defied naysayers by running up their highest margin of victory: the party won 80 percent of the

\* Tel.: +44 75 22120754.

E-mail address: [Maximilian.weylant@qeh.ox.ac.uk](mailto:Maximilian.weylant@qeh.ox.ac.uk).

<sup>1</sup> This used to be an acronym, but has become the name of the party. The same has happened with SWANU. Other acronyms used in this article: APP – All People's Party, DTA – Democratic Turnhalle Alliance, EFF – Economic Freedom Fighters, EVM – Electronic Voting Machine, NA – National Assembly, NEFF – Namibian Economic Freedom Fighters, NUDO – National Unity Democratic Organisation, RDP – Rally for Democracy and Progress, UDF – United Democratic Front of Namibia, WRP – Workers Revolutionary Party.

vote, while their presidential candidate managed almost 87 percent – an astounding figure for democratic elections.

## 1. Background

Since independence, Namibia has enjoyed an uninterrupted string of free and fair democratic elections. However, its political system is one characterised by one-party dominance: liberation party SWAPO has won more than two-thirds of the vote in every election since 1994. While the ruling party has cemented its support, the state of the opposition has been characterised by a lack of continuity and increasing fragmentation. The last four parliaments had three different official oppositions, and the number of parties participating increased from eight in 1994 to 16 in 2014, with most of the smaller parties garnering negligible levels of support. It seems clear that, as the opposition has been unable to convince SWAPO voters to jump ship, they mostly compete for the same limited pool of opposition voters. Thus, everyone expected SWAPO to once again carry the day. The only question for observers concerned the extent to which the party would dominate. Internal spats as well as a series of negative headlines made the party seem weakened in the run-up to the election (see Section 3). In addition, this was the youngest-ever electorate. Almost half of voters were younger than 35 years, and 20 percent of voters were of the ‘born free’ generation, who had not grown up under apartheid. Perhaps they would have less of an allegiance to SWAPO than older voters, who credit SWAPO for Namibia’s liberation from apartheid.

## 2. Rules

Elections for the National Assembly (NA) and the Presidency always run concurrently in Namibia. For both elections, the nation acts as a single constituency. National Assembly members are elected using a proportional representation system with closed party lists. There is no minimum vote threshold for parliament, and Namibia uses the largest-remainder method of allocating seats. This means that very small parties can acquire a seat: for example, in 2009, SWANU managed to win a parliamentary seat with only 0.6 percent of the vote (Cooper, 2014, p. 121). The President is elected by simple majority.

In 2014, electoral rules changed somewhat as SWAPO both amended the constitution and passed a comprehensive Electoral Act. Civil society criticized the constitutional amendments because they were pushed through within a matter of weeks and lacked public consultation (Mongudhi and Kahiurika, 2014). Meanwhile, the electoral act was only tabled a short while before the election, giving the Electoral Commission little time to prepare for polling. Given SWAPO’s dominance in parliament, however, passage of both was assured and virtually uncontested. The constitutional amendments increased competitive seats in the National Assembly from 72 to 96, while presidential appointments to the NA doubled from four to eight. The largely toothless National Council was enlarged from 26 to 42 seats (New Era, 2014a). Critics alleged the increase was due to SWAPO’s implementation of a gender quota, which pushed some of its male members further down the party list. To

prevent these from losing their seats, parliament was enlarged. Further, the amendments created the position of Vice-President, to be appointed by the President. The administration argued this position was needed for ‘nation building,’ hinting that it could be used to create an ethnic balance at the helm of the state (Gaeb, 2014). For the presidential elections, the constitution now provides for a run-off in the case that no candidate wins outright. Previously there had been no guideline on how to deal with this – admittedly unlikely in this context – scenario.

The Electoral Bill of 2014 finally set out a comprehensive electoral regime to replace what had been a patchwork of many separate provisions. The Bill created the Electoral Court, which will be able to adjudicate challenges more swiftly than the High Court, to which challengers had previously addressed their claims. It also provided a framework for referenda, as well as addressing several smaller issues from registration to election day procedural matters (Ndeunyema, 2014). The most controversial section provides for the use of Electronic Voting Machines. Proponents argued for EVMs on grounds of efficiency: with EVMs voting could be completed on one day, rather than being spread across several, and results announced within 24 h (Haidula, 2014). Given the delays encountered in some recent elections (notably in 2004, when Namibians had to wait five days to hear the results) that would certainly be desirable. At trial runs during local by-elections, the machines performed satisfactorily (Shaanika, 2014).

The second benefit was that these machines would be more difficult to tamper with than paper ballots. This was the greatest point of contention, and many remained sceptical that they were tamper-proof – even members of the ruling party (Haidula, 2014). While the law provides for a ‘paper trail’ that allows voters to confirm their choice was recorded, the machines Namibia purchased do not have this capability. The news that the Minister of Local Government would have the authority to set aside this part of the law for the current election did not sit well with many in the opposition. In the end the Rally for Democracy and Progress (RDP), together with the Workers’ Revolutionary Party (WRP), filed a case in the Electoral Court just a few days before the election, asking for elections to be postponed until February 2015. However, the court dismissed the challenge and the election went ahead (Tjihenua, 2014).

## 3. Campaign

SWAPO made headlines – even internationally – when it announced that it would introduce a 50 percent gender quota for its parliamentary list. Not only are 50 percent of candidates female, but the implementation of a ‘zebra-style’ method of ranking ensures that men and women alternate, so that women would not be pushed to the bottom of the list (O’Riordan, 2014). Also newsworthy was that, for the first time, SWAPO’s presidential candidate would not be from the majority Aawambo ethnic group from which the party draws the majority of its support. SWAPO also made news in rather less flattering ways. The party congress at which the final list was drawn up was marked by deep splits and fierce lobbying. As various factions vied to get their candidates to the top of the list, the

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