



**Electoral Commission  
of Namibia**

**PROMOTING INCLUSIVE PARTICIPATION**

# ANNUAL REPORT 2019/2020





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# PART ONE: GENERAL INFORMATION

## 1.1 ABBREVIATIONS AND ACRONYMS

<b>AG</b>	Auditor General
<b>CSO</b>	Civil Society Organisations
<b>CENI</b>	Independent National Electoral Commission
<b>DDB</b>	Division Democracy Building
<b>ECN</b>	Electoral Commission of Namibia
<b>ECF-SADC</b>	Electoral Commissions Forum of SADC countries
<b>EMB</b>	Electoral Management Body
<b>ESNSA</b>	Election Support Networks of Southern Africa
<b>EVM</b>	Electronic Voting Machine
<b>EXCO</b>	Executive Committee
<b>HR</b>	Human Resources
<b>IDEA</b>	International Institute for Democracy and Electoral Assistance
<b>IFMS</b>	Integrated Financial Management System
<b>IFES</b>	International Foundation for Electoral Assistance
<b>IIIDEM</b>	International Institute of Democracy and Election Management
<b>IT</b>	Information Technology
<b>MDEA</b>	Management of Democratic Elections in Africa
<b>MURD</b>	Ministry of Urban and Rural Development
<b>NCO</b>	New Commission Orientation
<b>O/M/As</b>	Offices, Ministries and Agencies
<b>OPM</b>	Office of the Prime Minister
<b>PWDs</b>	People Living with Disabilities
<b>RMM</b>	Risk Management Matrix
<b>TNA</b>	Training Needs Analysis
<b>T&amp;D</b>	Training & Development
<b>UNDP</b>	United Nations Development Programme
<b>VVDs</b>	Voter Verification Devices

## 1.2 FOREWORD BY THE CHAIRPERSON

It is my distinct honour, on behalf of the Electoral Commission of Namibia (ECN) to submit the ECN Annual Report for the 2019/2020 financial year as required in terms of Section 15(1) of the Electoral Act, (Act No.5 of 2014). This report provides an account of the activities performed by the ECN during the period under review. In fulfilment of its mandate, the ECN is guided by the Namibian Constitution and legal frameworks governing constitutional and electoral democracy as well as international best practices on electoral and democratic processes.

The members of the Commission provide oversight in respect of the activities of the organisation to ensure effective implementation of the ECN's core mandate, strategic goals, objectives and facilitate the promotion of the principles of peaceful, free and fair elections. In exercising its oversight role, the Commission was able to achieve a number of key strategic initiatives during the period under review.

### **i. Independent Candidate Factor**

The 2019/2020 turned out to be one of the most complex and competitive election year in the Namibian history, since the entrance of two political actors on the political scene. The new actors include (i) the emergence of an Independent candidate who fiercely challenged the incumbent President in the Presidential election, and (ii) the formation of a new political party, namely, the Landless People's Movement (LPM), which emphasizes land redistribution and restitution of ancestral land. Due to the Proportional Representation system, the existing electoral law does not allow Independent candidates to contest in parliamentary elections.

### **ii. Supreme Court Judgement**

The year under review was further characterized by a number of court cases, culminating in the historic Supreme Court Judgement that was handed down by the Chief Justice on 05th February 2020. The



**Adv. Notemba Tjipueja**  
Chairperson

Supreme Court Judgement declared the use of Election Voting Machines (EVMs) without paper trail as unconstitutional. Although the 2019 Presidential and National Assembly elections were conducted using electronic balloting method, the implication of the court judgment meant that the ECN had to revert back to the manual ballot paper system during subsequent by-elections held in March 2020.

Prior to the abovementioned Supreme Court Judgment, there has been an outcry by a substantial number of political parties who were against the use of EVMs without Voter Verifiable Paper Audit Trail (VVPAT) within the Namibian electoral process. For these reasons, the ECN has engaged a full-fledge research on the VVPATs currently available on the market and whether they are compatible with our current EVMs.

A multitude of factors also had to be considered such as whether the current VVPATs would compromise our electoral process, the cost thereof and the development of prototypes. The findings in this regard, have been widely shared with political parties during consultative meetings, and it has been the position of the ECN that the current VVPATs available on the market are not suitable because of inherent errors that would be detrimental to our election process.

The ECN believes that the integrity of elections hinges on the strict observance of the rule of law and is thus committed to executing its sacred obligation of strengthening our constitutional democracy and the promotion of democratic electoral and referenda processes.

### **iii. Enforcement of Section 77(4) (a) of the Electoral Act**

Another legal matter which defined the year under review was the interpretation of Section 77(4) of the Electoral Act, read with Article 46(1)(a) of the Namibian Constitution, which provides for the qualification to be nominated as a candidate on a list of candidates for members of the National Assembly for the 2019 National Assembly elections.

The interpretation and enforcement of Section 77(4) of the Electoral Act, emerged as one of the contentious legal matter during the nomination process leading to the 2019 Presidential and National Assembly elections.

### **iv. Political Party Funding and accountability**

Political party funding and accountability relating to non-compliance by some political parties with certain provisions of the Electoral Act was another legal matter of concern during the year under review. In terms of Section 139 of the Act, registered political parties must submit to the Commission a declaration of assets and liabilities in the form of audited annual financial statements. All registered political parties must comply with section 140 of the Act, and all political parties who are represented

in parliament must comply with section 158 as well as 140 of the Act. Both sections stipulate specific timelines which must be adhered to, and it is tied to the end of a party's financial year.

In order to facilitate this, the Electoral Commission held consultative meetings with political parties to enable the parties to comply with the legislative provisions of the Electoral Act. However, it has been observed with grave concern that the political parties have gradually failed to comply with the provisions of the Act. Non-compliance by political parties continued in spite of consultative meetings held with political parties and the fact that the ECN also wrote letters to all political parties explaining their duties under the said Act, as well as the possible consequences for not complying.

The Commission is busy drafting relevant Regulations. Once the Regulations are in place, and the Commission will decide on a date for it to come into operation, renewed efforts will be made to ensure strict compliance.

### **v. Organisational Structure**

The non-responsiveness of the current ECN Organisational structure which was approved in 2006, was identified as one area which needed serious attention.

Due to limited human capital, the Organisational structure continues to be unresponsive to the current needs to transform the ECN into an institution of integrity, legally charged with the responsibility of conducting elections in a free, fair, transparent, credible and impartial manner. The current staff structure makes only provision for 53 permanent posts (12 positions are still vacant). The current 42 permanent staff members are complemented by a staff component of 147 temporary employees placed both at Head office and regional level. The temporary staff at Head office provide support services to the institution in different divisions and sections, while the majority temporary staff at regional level is charged with the provision of voter and civic education to the electorate and the public.



This matter is also linked to the decentralization of ECN operations to the regions as provided for in the Electoral Act, but no progress could be made in this regard due to the suspension of the Capital Projects in all Government Ministries and Agencies.

In spite of the political and legal complications, the ECN was able to carry out the following other activities during the year under review:

### **1. Annual Plan**

The 2019/20 Annual Plan was developed and successfully implemented by all divisions, despite some challenges. Implementation of the plan was monitored and quarterly reviews were done to evaluate performance against set targets and performance indicators.

### **2. Establishment of Governance**

#### **Sub-Committees**

During the financial year under review, the Commission established governance Sub-Committees. Sections 13 and 14 of the Electoral Act provide for the establishment of committees and the conduct of members of such committees. In order to meet its obligations, and in compliance with Section 13 (1) of the Electoral Act, the Commission during the year under review established the following governance sub-committees:

- Research, Voter, Civic Education & Media Liaison
- IT, Security and Legal Affairs
- Human Resources
- Finance, Audit and Risk Management

The sub-committee meetings are held on ad hoc basis.

### **3. Annual Budget**

The total 2019/2020 Annual Budget allocation for the 2019/2020 financial year amounted to N\$350,161,000. This total operation budget represents an increase of 22% compared to the 2018/2019

financial year of N\$78,718,000. The Commission is pleased to confirm that, during the financial year, the ECN disbursed 99.55% of its budget, which is a slight improvement compared to 99% the previous year. The ECN obtained unqualified audit opinion after the annual audit was conducted by the Office of the Auditor General. However, the following two major challenges were experienced:

### **4. Engagement with ECF-SADC countries and Consolidation and strengthening of democracy**

The Commission engaged different Electoral Commissions Forum of SADC Countries at regional level, by vastly contributing to consolidating and strengthening democracy in the region, through peer exchange of experience and expertise. It has thus hosted delegates from regional bodies for purposes of sharing best practices. In addition, the Commission continued its investment in membership of organisations such as the Electoral Commissions Forum of SADC (ECF-SADC) and the International Institute for Democracy and Electoral Assistance (International IDEA).

### **Conclusion**

In conclusion, the Commission would like to commend all our stakeholders for their continued cooperation and support which enabled the institution to deliver free, fair and credible 2019 Presidential and National Assembly elections, as well as the subsequent by-elections conducted during the period under review. Besides 2019/2020 being an election year, the abovementioned activities are proof that the ECN still managed to accomplish much more in fulfilment of its mandate.

**Adv. Notemba Tjipueja**

Chairperson

October 2020



## 1.3 OVERVIEW BY THE CHIEF ELECTORAL OFFICER AND REFERENDA OFFICER

I take great pleasure to present an account of the manner in which the ECN has executed its mandate and functions during the period under review. This report is presented within the context of our mandate, vision and mission and will remain dedicated to strengthening constitutional and electoral democracy through free, fair, independent, credible, transparent and impartial elections and referenda.

During the period under review, the ECN has achieved a number of significant milestones and the following are the highlights:

### 1. Successful conduct of the 2019 Presidential and National Assembly Elections

During the period under review, the ECN focused on the preparations for the 2019 Presidential and National Assembly elections. Before any elections take place, the ECN prepares what is called an Election Calendar, this document guides the operations of the institution during the electoral cycle and ensures that preparations cover the full expanse of readiness within the institution inclusive of legislative, human capacity, technology infrastructure and logistics are in place to ensure free, fair and successful elections.

Among the key preparatory initiatives undertaken by the ECN during the year under review was the successful conduct of the Supplementary Registration of Voters (SRV) that was conducted between 08<sup>th</sup> -27<sup>th</sup> July 2019. During this period the ECN registered a primary figure of 271,193 eligible voters registered, inclusive of Namibians who registered abroad at Namibian Diplomatic Missions. Of these number 123 448 were new applicants and 147 745 were voters making corrections to their details.

The preparation of the final voters' register required the execution of several integrity checks which included the Automatic Fingerprints Identification System



**Theo Mujoro**  
Chief Electoral & Referenda Officer

(AFIS) to remove duplicate entries and the manual adjudications and removal of deceased persons. In terms of the statistics, the total number of registered voters for the 2020 national elections was 1,358 468. In total, there were 717,809 females and 640,659 male registered voters.

The 2019 Presidential and National Assembly elections were, without a doubt, one of the most complex elections held in an independent Namibia. The emergence of independent candidates and the formation of a new political party - Landless People's Movement (LPM), all combined to make the 2019 national elections the most competitive of record.

## **2. Successful conduct of a record 8 regional by-elections**

The Electoral Act read together with the Regional Councils Act mandates the ECN to conduct a by-election in all instances where a vacancy occurred in a said constituency. The ECN conducted (8) eight by-elections during the year under review. This had a significant impact on both the financial and human resources of the institution. The institution had to reprioritise and identify savings and request additional funding from Treasury to ensure sufficient funding to meet its needs during the financial year.

Elections are complex processes, nonetheless the ECN makes it a point to ensure inclusiveness and credibility through all the various phases of the electoral process by engaging our various stakeholders in an open and transparent manner in order to increase trust and confidence amongst the electorate, political parties, civil society and the Namibian public at large.

## **3. Successful change of balloting method**

Following the Supreme Court ruling which declared the use of Electronic Voting Machines (EVMs) unconstitutional, the ECN had to adapt very quickly to ensure that the institution is ready to conduct the next election using the manual paper ballot method.

The re-introduction of the manual voting system required a mindset shift which calls for new innovative ways of voter education that ensure that all registered voters are able to cast their votes in confidence, promote secrecy of the vote and reduce rejected and spoiled ballot papers.

Indeed, the next elections happened soon after the Supreme Court ruling. The Supreme decision declaring the use of EVMs without paper trail and

the enforcement of the provisions of Section 77(4) (a) of the Electoral Act by the ECN resulted in the resignation of regional councillors and the holding of five (5) regional by-elections during January 2020 (one of the five regional by-elections was uncontested).

This meant that the ECN had to change from the electronic balloting method using the EVMs to a manual paper ballot method literally within weeks. The ECN managed to successfully re-train the ECN election officials and to re-educate the entire eligible voting population in the country to cast their votes using the manual paper ballots again. Despite these challenges, the ECN managed to deliver free, fair and credible elections.

We are indebted to the public/electorate, media houses, community/church leaders, political parties for the support provided to the ECN and voter education officers in particular while performing the electoral activities for the 2019 Presidential and National Assembly Elections and the record number of regional by-elections.

Ones again, the ECN has delivered upon its mandate during the period under review and remains committed to furthering the principles of electoral democracy in our nation.

**Mr. Theo Mujoro**

Chief Electoral and Referenda Officer

October 2020

## PART TWO: STRATEGIC OVERVIEW

Part two expounds on the Mandate and Core Values of the ECN. This report is based on the constitutional and legal mandate. Execution of the electoral mandate is administered and managed in accordance with an electoral cycle approach.

This electoral cycle advocates for cyclical approach which include a pre-electoral, electoral and post-electoral phase. Administration and management of elections therefore is not an event but a continuous process in which the different phases are interrelated.

### 2.1 CONSTITUTIONAL AND LEGAL MANDATE

In terms of Article 94B of the Namibian Constitution Third Amendment Act, (No.8 of 2014), the ECN was established as a constitutional body, exclusively mandated to direct, supervise, manage and control the conduct of elections and referenda, subject to the Constitution, and an Act of Parliament which further define its powers, functions and duties. The

Act also states that the ECN shall be an independent, transparent and impartial body.

The Electoral Act of 2014 (Act No. 5 of 2014) on the other hand mandates the ECN to organise, direct, supervise, manage and control the conduct of elections and referenda in a free, fair, independent, credible, transparent and impartial manner. It further obliges the ECN to strengthen constitutional democracy and to promote democratic electoral and referenda processes.

In addition, Section 15 (1) of the Electoral Act stipulates that *“Not later than 60 days after the end of June in every year, the Commission must submit to the Speaker of the National Assembly a report in respect of its activities and the activities of committees performed during the preceding year or in respect of any other matter relating to elections and referenda under this Act which it thinks necessary in the public interest to report thereon.”* Therefore, this report is based on this provision.

### 2.2 VISION, MISSION AND VALUES

#### Vision

To be a center of excellence in electoral management by **2022**

#### Mission

To conduct and manage electoral and referenda processes for Namibian citizens with a view to consolidate electoral democracy

#### Values

In execution of the constitutional and legal mandate, the ECN is guided by the following core values:

- i) **Secrecy of the vote:** Adhere to the secrecy of the vote, thereby instilling confidence in the process and outcome of elections and referenda processes;
- ii) **Accountability:** Account to the

electorate, Parliament and Namibian nation;

- iii) **Non-Partisanship:** To maintain political neutrality and refrain from deliberately advancing or prejudicing the interest of a given political party and/or other stakeholders;
- iv) **Professionalism:** Demonstrate the highest level of competence, skills and acumen in the delivery of its mandate;
- v) **Integrity:** Uphold honesty and transparency in the electoral process;
- vi) **Inclusiveness:** Involve stakeholders in the delivery of service;
- vii) **Innovation:** Adopt new and progressive ways of conducting electoral processes and,
- viii) **Respect for the rule of law:** Adhere to the Constitution and the enabling legislation.



## PART THREE: THE COMMISSION



**Back row, from left to right:** Commissioner Evaristus Evaristus, Commissioner Gerson Tjihenuna and Commissioner Ulrich Freyer. **Front row, from left to right:** Commissioner Elsie Nghikembua and Chairperson Adv. Notemba Tjipueja

### 3.1 THE COMMISSION

The members of the Commission provide oversight in respect of the activities of the Organisation, and facilitate the promotion of the principles of peaceful, free and fair elections.

The Commission is constituted in terms of Article 94B of the Namibia Constitution, which provides for the composition of five Commissioners, including the Chairperson who are appointed by the President with the approval of the National Assembly.

The objective of the Commission as per Section 3 of the Electoral Act is to organise, direct, supervise, manage and control the conduct of elections and referenda in a free, fair, independent, credible, transparent and impartial manner as well as to strengthen constitutional democracy and to promote democratic electoral and referenda processes. The Commission has further powers and functions to -

- (a) supervise, direct and control the registration of voters for the purposes of any election or referendum;

- (b) supervise the preparation, publication and maintenance of a national voters' register and local authority voters' register;
- (c) supervise, direct and control the registration of political parties and organisations;
- (d) supervise, direct and control the conduct of elections and referenda;
- (e) supervise, direct, control and promote voter and civic education in respect of elections and referenda, including the cooperation with educational or other bodies or institutions with a view to the provision of instruction to or the training of persons in electoral and related matters;
- (f) supervise, direct and control electoral observers amongst others as per Section 4 of the Electoral Act.

The members of the Commission provide oversight in respect of the activities of the organisation to ensure effective implementation of the ECNs core mandate, strategic goals, objectives and facilitate the promotion of the principles of peaceful, free and fair elections.

### 3.1.1 SUB-COMMITTEES

To meet its obligations, and in compliance with Section 13 (1) of the Electoral Act the Commission has established the following governance sub-committees:

- Research, Voter, Civic Education & Media Liaison, convened by the Chairperson Mr. Gerson Tjihenuna
- IT, Security and Legal Affairs, convened by Chairperson Mr. Ulrich Freyer
- Human Resources, convened by Chairperson Mrs. Elsie Nghikembua
- Finance, Audit and Risk Management convened by Chairperson Mr. Evaristus Evaristus.

The purpose of these sub-committees is to assist the Commission in carrying out its oversight responsibilities in respect of various functional areas in the organisation, and to ensure that it fulfils its obligations as outlined in the Constitution and other relevant legislation. The sub-committee meetings are held on ad hoc basis. In accordance with the Electoral Act, the Commission meets at the dates, times and places as determined by the Commission. The office of the Chairperson undertook the following activities for the year under review:

### 3.1.2 New Commissioners Orientation, Pretoria, 18<sup>th</sup> – 22<sup>nd</sup> August 2019

Elections are the largest and most complex logistical undertakings that a country faces every few years. Regardless of where they take place, election management bodies (EMBs) face numerous challenges in organizing them. In order to respond to these challenges, it is critical that EMBs rely on committed, ethical and professional officials capable of delivering a wide range of tasks related to the Organisation of an election.

Professional electoral administrators are key to delivering well-organized, credible and genuine elections. EMBs perform best when their leadership has thorough understanding of the mechanics, principles and good practices in electoral administration. Across the continent, EMBs are struggling to bring the capacities of commissioners and staff to the desired level – a difficulty compounded by fixed-term appointments, and many cases, the absence of trust between electoral stakeholders. Despite strong credentials and distinguished reputations of integrity in their previous positions, newly appointed commissioners often lack knowledge of key issues in electoral administration. Even with reputations for integrity, many electoral administra-



**From left to right:** Commissioner Albertina Nangolo, Commissioner Ulrich Freyer, Commissioner Barney Karuombe, Commissioner Elsie Nghikembua, and Chairperson Adv. Notemba Tjipueja.



tors find their independence questioned on a regular basis in the discharge of their mandate. These challenges are exacerbated by a variety of emerging challenges to electoral processes such as the integration of ICTs in elections, the impact of social media on public political discourse and the threat of elections-related violence.

In this context, the Electoral Commissions Forum of SADC Countries (ECF-SADC) and the International Institute for Democracy and Electoral Assistance (International IDEA) have joined hands to promote the capacities through the delivery of the New Commissioners Orientation (NCO) training. The initiative is in line with the ECF-SADC Strategic objective of strengthening/promoting the culture of electoral democracy in the region as a key priority area where the building of capacity of EMBs and stakeholders is considered a crucial element.

Commissioners Evaristus Evaristus, Gerson Tjihenua and Mr. Theo Mujoro, attended the NCO held in Pretoria, South-Africa from 19<sup>th</sup> – 22<sup>nd</sup> August 2019.

### 3.1.3 ENGAGEMENTS WITH THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES

#### Executive Committee Meetings (EXCO)

In line with the Constitution of the Electoral Commissions Forum of SADC (ECF-SADC) the Executive Committee is expected to convene at least two meetings per annum to discuss matters relating to the conduct of the Forum. During 2019 the Forum met in February 2019 in Gaborone, Botswana and in Cape Town, South Africa. Both meetings were attended by the Chairperson, Adv. Notemba Tjipueja, Commissioner Ulrich Freyer and the Chief Electoral & Referenda Officer, Mr. Theo Mujoro. Following his appointment, Commissioner Evaristus Evaristus also attended the EXCO meeting held in Cape Town.

Some of the key issues deliberated on during these meetings included the need for the review of the Principles for Electoral Management, Monitoring and Observation (PEMMO, 2003). The Electoral



ECN Commissioners on ECF-SADC observer mission.

Institute for Sustainable Democracy in Africa (EISA) in cooperation with the ECF-SADC who jointly developed the document in 2003 composed a team comprising of Commissioners, legal experts and technical staff to undertake this exercise. Namibia was represented by Commissioner Ulrich Freyer. Due to the evolving issues since the introduction of the PEMMO in 2003, the EXCO recommended that a holistic review of the document be undertaken.

#### **3.1.4 21<sup>st</sup> Annual General Conference (AGC)**

In 2019, the Forum marked 21 years of its establishment and unwavering commitment to ensuring the credibility and integrity of electoral processes in the region and on the continent at large. Since its establishment, the ECF-SADC has been provid-

ing support to EMBs in the SADC region in order to deliver credible elections and contributed to the evolution of legal and electoral reforms in the continent. The 21st Annual General Conference (AGC) was held in Malawi, Lilongwe and hosted by the Malawi Electoral Commission (MEC) from the 22<sup>nd</sup> - 27<sup>th</sup> September 2019.

On the sideline of the 21st AGC the ECF-SADC convened a seminar focusing on the theme; ***Enhancing the credibility of elections through election observation***. The Forum expressed its sincere appreciation to MEC for its willingness to conduct the AGC despite the recently concluded Tripartite Elections and the pending Court Case challenging the election outcome.



## PART FOUR: IMPLEMENTATION OF MANDATE

### 4.1 THE SECRETARIAT

Part Four provides the major activities of the ECN. The Secretariat is the engine and the implementation organ of the ECN as mandated. Therefore, this sub-section focuses on the major activities of the (1) Office of the Chief Electoral Officer, (2) Directorate Operations: Divisions of Planning and Registration and Democracy Building, (3) Division General Services (Finance, Information Technology (IT), Auxiliary Services, and Human Resources). The details of the achievements and under-achievements are reflected under each relevant programme in this report

### 4.2 OFFICE OF THE CHIEF ELECTORAL AND REFERENDA OFFICER (CEO)

The Chief Electoral and Referenda Officer (CEO) is appointed by the Commission in terms of Section 17 of the Electoral Act. The CEO is the head of the administration and is also the Commission's Accounting Officer. The office of the CEO is responsible for the overall coordination and implementation of the ECN's strategic objectives, outputs and overall operations and policy implementation of the mandate. It works to improve

the effective and efficient functioning of the Commission.

The year under review was an election year and most of the activities were geared towards the planning and delivery of free, fair and credible elections. The following activities carried out during the period under review are worth reporting on:

#### 2019/2020 Annual Plan

The 2019/20 Annual Plan was developed and successfully implemented by all divisions, despite some challenges. Implementation of the plan was monitored and quarterly reviews were done to evaluate performance against set targets and performance indicators.

#### Namibia's Electoral Experience shared with Member States

The Commission has immensely contributed to consolidating and strengthening democracy in the region, through peer exchange of experience and expertise. It has thus hosted delegates from regional bodies for purposes of sharing best practices. Below are the bodies that visited the Commission during the year under review.

*Table 1: Namibia's Electoral Experience shared with Member States*

No	Country	Date	Areas of Engagement
1	Zanzibar Electoral Commission	11 <sup>th</sup> – 15 <sup>th</sup> November 2019	To learn best practices for Special Voting
2	Independent Electoral Commission of Lesotho	20 <sup>th</sup> – 30 <sup>th</sup> November 2019	To learn best practices in electoral processes and other operations.
3	Independent Electoral Commission of South Africa	25 <sup>th</sup> -30 <sup>th</sup> November 2019	Electoral Voting System

In addition to the above, the Commission continued its investment in membership of organisations such as the Electoral Commissions Forum of SADC (ECF-SADC) and the International Institute for Democracy and Electoral Assistance (International IDEA).

#### Political Party Liaison Committee (PLC)

During the period under review, the Commission

strengthened its relationship with stakeholders. The Political Party Liaison Committee (PLC) was maintained as a link between the Commission and political parties chaired by the Chairperson of the ECN. The platform is aimed to share and keep the political parties informed on any development on electoral matters to promote transparency and accountability. The forum strives to promote and uphold the principles of free, fair and democratic

electoral processes. In addition, the PLC serves as a platform through which political parties raise their concerns and proposals. In terms of the Standard Operations Procedure (SOP) document, political parties are involved in all critical stages of the electoral process (e.g. printing of EVM ballot papers, EVMs First Level Check, EVM Candidates and Parties Setting, and dispatching of all election material). The PLC served as a critical engagement forum for the 2019 Presidential and National Assembly Elections.

Up until 2019, Namibia had 17 registered political parties, however, during the year under review, two (2) new political parties were registered under the current Electoral Act, bringing the total number of registered political parties to nineteen (19). After a rigorous verification process, the Commissions endorsed the applications of the Landless People's Movement (LPM) and National Empowerment Fighting Corruption (NEFC) on 08<sup>th</sup> February 2019 and 04<sup>th</sup> February 2020 respectively to be registered as political parties.

*The table below provides information on the meetings held with PLC members and its purpose:*

Date	Purpose of the meeting
02 <sup>nd</sup> April 2019	Discussions on Political Party Funding: Compliance to the regulations of the Electoral Act; and Formalization of the PLC Forum Framework
24 <sup>th</sup> April 2019	New Submissions on EVM/VVPAT
31 <sup>st</sup> July 2019	Request from PLC on EVM hacking challenges
01 <sup>st</sup> October 2019	Preparations for the Presidential and National Assembly Elections
09 <sup>th</sup> and 10 <sup>th</sup> October 2019	Qualification requirements for nomination to party list for the National Assembly election; and Nomination procedures in respect of political party membership

#### **Political Party Funding in Compliance with Certain Sections of the Electoral Act 2014, (Act No 5 Of 2014)**

The Electoral Act 2014 contains certain sections that all registered political parties must adhere to. All registered political parties must comply with section 140 of the Act, and all political parties who are represented in parliament must comply with section 158 as well as 140 of the Act. Both sections stipulate specific timelines which must be adhered to, and it is tied to the end of a party's financial year.

In terms of Section 139 of the Act, registered political parties must submit to the Commission a declaration of assets and liabilities in the prescribed form. In terms of the Electoral Act, "prescribe" means prescribe by way of regulations. Both section 139 and

section 141 of the said Act refer to a "prescribed form" as well as a "prescribed amount". In order to facilitate this, the Electoral Commission held consultative meetings with political parties to enable the parties to agree on this "prescribed amount" as referred to in section 141.

Since the Electoral Act, Act No. 5 of 2014 came into operation in 2014, a number of the parties complied to submit audited financial records. The Electoral Act came into operation in October 2014 and parties were obliged to submit audited financial statements for the 2014/15 financial year. According to the records of the Electoral Commission of Namibia the submissions since 2014 of respective political parties are as follows:

## Political Parties Audited Financial Statements Submitted

Name of Political Party	End of Party Financial Year	2014/15	2015/16	2016/17	2017/2018	2018/19	2019/20
<b>Audited Financial Statements</b>							
<b>All People's Party (APP)</b>	31 March	Did not submit	Yes	Yes	Yes	Yes	At the time of publication the APPs financial year had not ended.
<b>National Unity Democratic Organisation of Namibia (NUDO)</b>	31 March	Did not Submit	Yes	Yes	Did not submit	Did not submit	At the time of publication NUDOs financial year had not ended
<b>Popular Democratic Movement (PDM)</b>	31 March	Did not submit	Yes	Yes	Yes	Yes	At the time of publication the PDMs financial year had not ended
<b>Rally for Democracy and Progress (RDP)</b>	28 February	Did not submit	Yes	Yes	Yes	Did not submit	Did not submit
<b>Republican Party (RP)</b>	28 February	Did not submit	Yes	Yes	Yes	Did not submit	Did not submit
<b>SWANU of Namibia (SWANU)</b>	28 February	Yes	Yes	Did not submit	Did not submit	Yes	Did not submit
<b>SWAPO Party of Namibia (SWAPO)</b>	31 March	Yes	Yes	Yes	Did not submit	Did not submit	At the time of publication SWAPOs financial year had not ended
<b>United Democratic Front of Namibia (UDF)</b>	30 September	Yes	Yes	Yes	Did not submit	Did not submit	At the time of publication UDFs financial year had not ended
<b>United People's Movement (UPM)</b>	28 February	Did not submit	Yes	Yes	Yes	Did not submit	Did not submit
<b>Workers Revolutionary Party (WRP)</b>		Did not submit	Did not submit	Did not submit	Did not submit	Did not submit	Did not submit
<b>Unaudited Statements</b>							
<b>None</b>							
<b>Published Statements</b>							
<i>The respective accounting officers of a represented political party is responsible to publish such reports in two daily newspapers and currently the political parties do not inform ECN when they publish such reports.</i>							

It is worth noting that, besides the consultative meetings, the ECN wrote letters to all political parties explaining their duties under the said Act, as well as the possible consequences for not complying. Despite the efforts by ECN, not all parties have complied with the provisions of the Act, however, the ECN will on a continuous basis remind the parties to comply with the relevant provisions of the Act and efforts will be made to ensure strict compliance. Once the regulations are in place, and the Commission will decide on a date for it to come into operation, renewed efforts will be made to ensure strict compliance.

### Legal Services

The year under review was an election year, and the office of the Legal Services was occupied with drafting Proclamations, Government Notices and General Notices for the by-elections and the national elections, provision of legal opinion and advice to the Commission and Management. The office was also occupied with reviewing legislation, facilitating registration of new political parties, drafting and review of Service Level Agreements (SLA), Memorandum of Understanding (MoU) and contracts with various service providers and stakeholders. A number of court cases were lodged against the ECN in respect of the recently concluded by-elections and the national elections. The office of the Legal Advisor had to facilitate engagements with the Government Attorney, assist with research and the compilation of heads of argument, assist in drafting of affidavits and ensure commissioning thereof.

A few weeks before the nominations for the 2019 Presidential and National Assembly elections, the Office of the Legal Advisor advised the Commission on the correct interpretation of Section 77(4) of the Electoral Act, read with Article 46(1)(a) of the Namibian Constitution, which entailed that certain people would have to resign in order for them to be eligible to stand as candidates of a particular political party. Article 46 of the Constitution provides for the composition of the National Assembly and Article 47 provides for the qualification of members of the National Assembly identified in latter Articles. Article 47 states that no person may become members of

the National Assembly if they are (i) remunerated members of the public service of Namibia, or (ii) are members of the National Council, Regional Councils or Local Authorities.

Section 77(4)(a) of the Electoral Act provides for the exclusion of some persons from nomination on the list of candidates for the National Assembly. The Commission's interpretation of this exclusion, which was collaborated by the legal opinion sought from legal practitioners, was that such persons had to resign their positions in order to qualify as candidate for the National Assembly, political parties were informed accordingly. It was the first time that this provision was enforced by the Commission, and it was not well received by some affected persons and political parties. This was the bone of contention during the nomination processes.

A Supreme Court Judgement was handed down by the Chief Justice on 05th February 2020 on the Presidential elections that took place on 27<sup>th</sup> November 2020 in CASE NO: A 1/2019. The judgement declared the use of EVM without paper trail as unconstitutional. The implication of that court judgment means that ECN has to revert back to the manual ballot paper system.

Prior to the Supreme Court Judgement, the Electoral Court/Tribunal ruled that section 97(3) and (4) of the Electoral Act, which provides for the utilization of a VVPAT, is not in force and therefore there is no obligation on the ECN to use the VVPAT with the EVMs.

Furthermore, the court found that the ECN did in fact take a decision to use EVMs, and that decision was published in Government Gazette No, 5524 of 01<sup>st</sup> August 2014. The court also ruled that the Electoral Tribunal has no jurisdiction to adjudicate a matter which involves the reviewing of a decision by the ECN. As a result, the application was dismissed. The Independent Candidate, P.F. Itula attempted to appeal to the Electoral Court on the 26<sup>th</sup> of November 2019, but the matter was removed from the roll.

## Internal Audit Section

The internal audit section is tasked with the provision of audit services designed to help the institution to meet its strategic goals. The section further ensures effectiveness of internal controls and compliance with relevant legislation with a view to enhance the integrity and efficiency of the Commission, as well as the system of internal control and financial reporting. This is done through monitoring risks, assessing mitigation processes and fraud detection, establishing effective internal controls, processes and procedures and reduce cost with a view to improve the institutions internal operations. Internal auditing at the Commission is conducted in accordance with the Institute of Internal Auditors (IIA) Standards, Public Sector Internal Audit Policy and the Internal Audit Charter, which is in compliance to sections 14 and 15 of State Finance Act (Act 31

of 1991). IIA membership of the internal Auditor has been activated on the 23rd August 2019 as per the Audit Committee recommendation.

The activities of the internal audit section were guided by the internal audit annual plan for the 2019/2020 financial year. The auditable scope area as per the approved Internal Audit annual plan were five (5) including the follow-up audits of the previous financial years audited systems. Two planned Audit Activities have been completed which are: (1) System audit (Procurement Audit) (2) The observation of election processes for the Presidential and National Assembly election. Planned activities are not concluded, which are DSA system audit and follow up audit of the two previously audited systems (Leaves and attendance register and Telephone/ Cellphone Bills Audit).

The following activities as carried out during the period under review by the internal audit section:

Ref #	Reporting from July 2019-March 2020	Scope of work and summary of outcome from Internal Audit
3.1	Induction	One-day induction on procurement audit by Mr. A. Nowaseb, the Chief Internal Auditor from National Council of Namibia was conducted as per approval of the Audit Committee.
3.2	Ad hoc assignments	<b>The internal Audit plan for FY 19/20 makes provision for additional hours for ad hoc assignments</b> The internal audit section was assigned the responsibility to assist the institution with the development of a Risk Management Matrix Risk Management register for ECN was developed presented and endorsed by to Management on Wednesday, 07 <sup>th</sup> August 2019.
3.3	Procurement Audit	Audit completed, draft report was issued to the Deputy Director of Finance and a copy to the CEO. Response on findings still pending, hence, the final report could not be produced.
3.4	Observation of Election process	2019/2020 Internal Audit Annual Plan (IAAP) planned for the observation of Election processes during the Presidential and National Assembly election. During October-November 2019, the Internal Auditor visited all departments of ECN with the intention to observe what they do during election. Action plan was drafted, permission to work overtime was obtained, and this activity was completed successfully. Risk and control matrix has been updated after audit.
3.5	DSA Audit	Audit planning of the DSA Audit commenced on the 01 <sup>st</sup> October 2019, interview with the responsible staff members was finalized, however, the audit couldn't be conducted during the 3 <sup>rd</sup> Quarter as planned. Subsequently, the activity was postponed to the 4 <sup>th</sup> Quarter, however, the Finance department had other pressing commitments and thus the audit could not go ahead. allow the Audit to go ahead. This activity has been moved to the 2020/2021 annual plan.
3.6	Follow-Audits	The follow up audit for Leaves and Attendance register systems and Telephone/ Cellphone bills systems was planned to take place during Quarter 4. These activities could not be completed due to delay of the DSA system audit.



## Internal Audit Committee

The Internal Audit Section of the ECN was previously not operational up until 2017 when the internal auditor was appointed on the 01<sup>st</sup> December 2018. The ECN appointed its first internal audit committee on 10<sup>th</sup> October 2018 and the committee convened four (4) meetings.

The Audit Committee was appointed by the Former CEO, however, the committee was dissolved by the Commission on the substance that it was appointed unlawfully. Section 4 of the Electoral Act No.5 of 2014 provides for the powers and functions of the Commission, including the power to create its own Organisational structure to allow its leadership to take full control of all its operations to strengthen

areas where operational effectiveness is lacking. In particular, sections 13 and 14 of the Electoral Act provide for the establishment of committees and the conduct of members of such committees.

In terms of the above provision, the Commission discussed the formulation, operations and implementation of the ECN Audit Committee at its Ordinary Meeting held on 01<sup>st</sup> October 2019. The Commission resolved that the ECN Audit Committee should cease its operations, effective from 08<sup>th</sup> November 2019.

In order to fulfil its legal mandate, the Commission at its meeting held on 14<sup>th</sup> February 2020 appointed the Finance, Audit and Risk Management Sub-Committee.

### *Finance, Audit and Risk Management Sub-Committee Members:*

Name Of Member	Portfolio	Qualifications
Commissioner Evaristus Evaristus	Chairperson	Master's Degree in Public Administration, Bachelor of Arts Degree in Politics and Sociology from the University of Namibia, Change Management Certificate from the University of Cape Town.
Commissioner Gerson Tjihenuna	Member	Master's Degree in Public Policy and Administration, BA Degree in Political Science.
Commissioner Elsie Nghikembua	Alternate Member	Postgraduate qualifications in Public Administration and Management and a Senior Executive Fellows Programme Certificate from the Harvard Kennedy School.

The members of the Secretariat, including, the CEO, Head of Finance and Administration and the Internal Auditor serve as technical resource persons to the committee to assist the Chairperson of the committee to perform certain functions.

## Challenges

- Late approval of the 2019/2020 annual plan meant the delay in the implementation of the plan.
- Due to delay from system owners, system audit takes more time than planned.
- Some activities had to be put on hold because of the non-existence of an Audit Committee. The Audit Committee has the mandate to recommend a number of programmes before implementation
- Currently only one personnel in office and additional human resources is needed to review documentation and effective implementation of activities.

## Communication and Public Relations

The Communications and Public Relations office actively supports the ECN's efforts to strengthen electoral democracy and ensure free and fair elections through strategic communication. Stakeholder engagements provide the Commission with opportunities to strengthen relationships with key stakeholders. The Communication and Public Relations office also seeks to ensure a high level of knowledge and understanding of the electoral process to enhance participation.

Information dissemination is one of the crucial activities of the Commission. In terms of Section 4 (2) of the Electoral Act (Act 5 of 2014), the ECN is required to establish and maintain liaison and cooperation with political parties, the media, CSOs and the public. The ECNs communication activities for the year under review were geared towards ensuring that the electorate fully understood the supplementary registration of voters' processes and communications

activities relating to the eight (8) by-elections during this financial year and a range of organisational and operational activities largely in preparation for the 2019 Presidential and National Assembly elections. To this end, the Communication and Public Relations office successfully conducted the following activities during the year under review:

### Media Relations

During the period under review, a media relations program was conducted in support of the various campaigns and operational activities of the ECN. Maintaining an open and transparent relationship with a wide variety of media is crucial to managing both the flow of information to the public as well as the reputation of the ECN. Given the critical role of the media in information dissemination and feedback, the ECN considers the media to be both a key stakeholder and an enabler. Without successful media relations, the achievements of the 2019 Presidential and National Assembly elections would not have been possible.

A four-phase media action plan was implemented from 01<sup>st</sup> July 2019 until the announcement

of election results on 30<sup>th</sup> November 2019. Each election presents a challenge in that its successful conclusion is dependent largely on the awareness of the public at large. In order for elections to be considered free and fair, and in order for them to reflect the wishes of the majority of the citizenry, it is critical for the populace to be informed of both the importance of the voting process and the logistics surrounding it. This action plan was linked to the election calendar, and had specific activities and desired outcomes.

Activities included the following:

- The issuing of twenty-five (25) media releases and four (4) public information notices
- Radio, television interviews
- Digital capturing of events for record keeping.
- Media briefing session
- Management of Media Centre - Central Election Results Centre (CERC)

### Stakeholder Engagements

The ECN has a range of key stakeholders that need to be consulted, briefed and informed about electoral activities and processes. Election management bodies face the formidable challenge of ensuring that all



National and international observers.



stakeholders have trust in the electoral process and perceive and experience them as credible institutions. The ECN is responsible for ensuring equitable access to timely, accurate information to all external stakeholders, to this end, the Commission has been engaging with O/M/As and other stakeholders on matters relating to:

- Safety and Security of Election Materials
- Provision of air and boat transport
- Provision of venues for elections

During the year under review, the Commission has consistently engaged with public and private stakeholders such as:

- Political Parties
- Civil Society Organisations
- The Media
- Parastatals and private entities.

- The Marginalized communities
- Regional and traditional authorities

Stakeholders were consulted on varied topics pertaining to the preparations of elections and to solicit input to ensure the successful conduct of the 2019 Presidential and National Assembly elections.

### Social Media

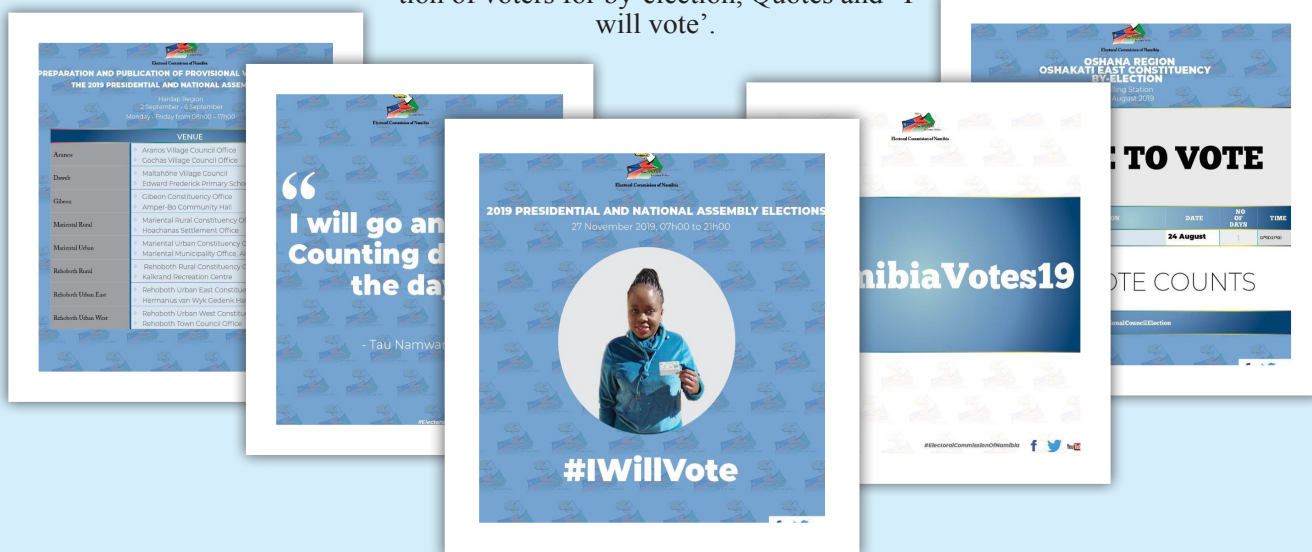
During the 2019/2020 financial year, the ECN ensured an all-encompassing approach when engaging with eligible voters on social media to ensure the institution reached as many eligible voters as possible with accurate and up to date information on elections. The ECN used the same platform to dispel any mis-information that may have been circulated to the public through the media.

Between 01<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020, the ECN obtained significant growth on key social media platforms as outlined below:

Social Media Platform	30 <sup>th</sup> April 2019	31 <sup>st</sup> March 2020
Facebook	18 383	45 348
Twitter	4773	5068
Instagram	274	600
LinkedIn	5	40

## Content posted in October

**Artwork creation:** Supplementary Registration of voters for by-election, Quotes and “I will vote”.



**ECN activities and additional content:**  
Update of the supplementary registration of voters for by-elections, first level check of the EVM and activation content.



- Facebook likes increased from 18 383 followers at the start of the financial year in April 2019 to 45 348 followers at the end of the financial year in March 2020.
- The number of Twitter followers grew from 4773 in April 2019 to about 5068 at the end of March 2020.
- The Instagram photo-sharing platform has had a total of 600 followers from 274 followers at the end of March 2020.

### **Internal communication**

Efficient and effective communication is a vital tool within any Organisation. It lies at the heart of how the staff members of the Electoral Commission work together to achieve their shared goals and objectives, as individuals, teams, divisions, and ultimately as an institution.

In addition to the existing quarterly internal newsletter issued electronically to staff, regular memos were sent to staff concerning important events, news, and other operational issues.

### **Media monitoring**

The Electoral Commission monitors a variety of print, broadcast and online media for coverage of the Organisation, electoral processes and other areas of interest. The division ensures that information is accurate and fair and to intervene where necessary in order to protect and maintain the credibility of the institution as well as faith in the electoral process.

### **Challenges**

Inadequate human resources in the office to ensure the effective and timely implementation of communication programmes and activities.

### **DIVISION: SECURITY & RISK MANAGEMENT**

The Division Security & Management is responsible for the management, control, maintenance and monitoring of security services and systems. It is also tasked to provide expert advice, guidance and support to the Commission and Management with regard to matters related to security and risk management.

The office of the Deputy Director: Security & Management is currently attached to the Office of the CEO due to a lack of human resources. The division currently has (6) vacancies, but it was not filled due to the moratorium placed by the government on filling of vacancies. In line with the Cabinet Directive 1st/14.02.17/003, issued on 16<sup>th</sup> May 2017, the ECN has on several occasions requested for clearance from the Secretary to Cabinet to fill the afore-mentioned positions. However, the clearance was not granted as government introduced measures to contain the size of the wage bill in the public service. This has affected the execution of day-to-day operations of the division. In order to enhance security measures at the ECN, the Commission recruited the Deputy Director for Security & Risk Management in November 2019 to spearhead and oversee the security arrangements at the Commission.

### **Risk Assessment and Management**

The Commission does not have a defined Risk Management Policy, however, extensive ground-work was done to identify risks associated with the mandate of the ECN to enable the Commission to make informed decisions. The identification of the risks enables the Commission to implement control measures to eliminate/minimize any risks that may hamper the effective implementation of the mandate of the ECN.

In identifying and addressing risks associated with its operations, the ECN undertook the following:

- Risks associated with the mandate of the ECN were identified during the development of the five-year Strategic Plan (2017/18-2021/22) to be further cascaded into a detailed risk matrix.
- The risk assessment matrix was developed during a risks identification workshop conducted by International IDEA, attended by Commissioners, Senior Management and staff members held from 23<sup>rd</sup> - 24<sup>th</sup> April 2018.
- The workshop report was reviewed during a Strategic retreat session held in June 2019, where the Commission issued a directive for the development of the ECN Risk Management Matrix (RMM). The RMM was developed and presented to the Management in August 2019.

- As part of the risks management process, each directorate/division/section/unit was expected to cascade the identified risks into their respective annual plans and daily operations. However, due to concurrent by-elections and the preparations for the recently concluded 2019 Presidential & National Assembly elections, the RMM could not be fully executed as required.

However, the Commission is currently still developing a Risk Management Framework that will provide information and guidance on institutional risk management.

To this end, the division successfully conducted the following activity during the year under review. The division carried out a benchmarking exercise with other institutions to learn new approaches in the security area. The result of which has been that it is very important to re-activate the CCTV cameras and access control systems to counter most of the security threats.

### **Achievements**

A risk management matrix was developed and endorsed by the Commission.

### **Challenges**

The following two challenges were experienced due to budgetary constraints:

1. Delay in the appointment of a security officer.
2. Delay in the implementation of the Surveillance and Access Control System.

## **4.3 DIRECTORATE OPERATIONS**

The Directorate of Operations has two main divisions, namely, Division of Planning and Registration and Division Democracy Building (DDB).

### **4.4 DIVISION: PLANNING AND REGISTRATION**

The Division Planning and Registration is responsible for planning and implementation of the registration of voters, the preparation and maintenance of the voters' register, coordinating and facilitating the planning process of election administration. It also

oversees logistical and administrative aspects pertaining to elections. The major activities during the period under review were the conduct of Presidential and National Assembly elections as well as eight (8) by-elections.

During the period under review, the ECN conducted the Presidential and National Assembly elections in terms of Section 63 (1) (a-b) as contemplated in Article 29(1)(a) and Article 50 of the Namibian Constitution. In light of the above and in compliance with section 25 (2) of the Electoral Act, Supplementary Registration of Voters (SRV) were conducted prior to the Presidential and National Assembly elections and the by-elections in all eight constituencies.

## **PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS**

### **Supplementary Registration of Voters (SRV)**

The Supplementary Registration of Voters was conducted in all 14 regions and 121 constituencies and also to all Namibian missions abroad as from 07<sup>th</sup> – 27<sup>th</sup> July 2019, in terms of section 38 of the Electoral Act, (Act No. 5 of 2014). A total of 271 193 eligible voters were registered in the country and abroad during this period.

The purpose of supplementary registration of voters before holding an election is to include in the voter's register persons:

- Who have since turned 18 years of age after the last registration;
- Who have moved from one constituency to another; or
- Whose voter registration cards are reported lost or destroyed; and
- Any other applicant who qualify for registration in terms of section 22(1) of the Electoral Act.

The preparations for the 2019 Supplementary Registration of Voters commenced when a team comprised of staff members from ECN the division planning and registration in conjunction with the staff members from Ministry of Land Reform division of survey and mapping was commissioned.



The team travelled to all 14 regions and 121 constituencies for the purpose of boundary clarifications and determination of registration points in compliance with section 22 and 23 of the Electoral Act, (Act No. 5 of 2014). The Electoral Commission established 4 076 registration points countrywide and at all Namibian missions abroad.

The programme for boundary clarifications and determination of registration points was carried out as from March – May 2019. The activities included:

- carry out site visits to constituencies with affected boundaries;
- produce report on verifications of registration points and boundary clarifications;
- oversee mapping and production of updated constituency maps;
- compile the final registration points.

### **Provisional Voter's Register**

In terms of section 31 of the Electoral Act, after the successful completion of the SRV, the provisional voter's register was prepared, published and displayed for possible objections against the names of persons included in the PVR at gazetted venues in all 121

constituencies and all missions abroad as from 02<sup>nd</sup> -06<sup>th</sup> September 2019. No objections against any name of person included in the PVR was received on the PVR.

### **Nomination of candidates**

Section 64 (3) of the Electoral Act provides for the commencement period of submission for nominations of candidates for political parties or independent candidates and also the last day of nomination, known as the nomination day. In the context of the 2019 Presidential nominations and National assembly nominations, this process was from 01<sup>st</sup> -18<sup>th</sup> October 2019. The last day of nomination for independent candidate was on the 16<sup>th</sup> October 2019 and for political parties' presidential nominees and list of national assembly was on 18<sup>th</sup> October 2019.

One independent candidate submitted his nomination together with eight (8) other candidates from political parties. For the National Assembly election, eleven political parties submitted their party lists to the ECN.



ECN commissioners during a stakeholders engagement.

## BY-ELECTIONS

The ECN is obliged in terms of Section 10 (3) of the Regional Act, (Act. No 22 of 1992), a by-election be held in a constituency where a vacancy, for whatever reason occurred. Such a by-election must be held within 90 days after the vacancy occurred.

Constituency	Date vacancy occurred	Election date occurred	Election dates	Registered Voters	Votes casted	% Votes casted
Ondangwa Urban	18 <sup>th</sup> March 2019	18 <sup>th</sup> March 2019	15 <sup>th</sup> June 2019	16 000	3 792	23%
Oshakati East	27 <sup>th</sup> May 2019	27 <sup>th</sup> May 2019	24 <sup>th</sup> August 2019	18 385	3 413	19%
Gobabis	18 <sup>th</sup> October 2019	18 <sup>th</sup> October 2019	15 <sup>th</sup> January 2020	13 457	2 339	17.3%
Keetmanshoop Urban	18 <sup>th</sup> October 2019	18 <sup>th</sup> October 2019	15 <sup>th</sup> January 2020	11 534	3 556	30.8%
Walvis Bay Urban	18 <sup>th</sup> October 2019	18 <sup>th</sup> October 2019	15 <sup>th</sup> January 2020	23 169	3 593	15.5%
Khomasdal	18 <sup>th</sup> October 2019	18 <sup>th</sup> October 2019	15 <sup>th</sup> January 2020	25 550	2 104	8.2%
Otiwarongo	10 <sup>th</sup> December 2019	10 <sup>th</sup> December 2019	9 <sup>th</sup> March 2020	21 786	4 682	21.5%
Opuwo Rural	12 <sup>th</sup> December 2019	12 <sup>th</sup> December 2019	9 <sup>th</sup> March 2020	7 391	3 161	42.8%

## LOGISTICS SECTION

The logistics section is responsible for: updating and maintaining the inventory, planning and coordinating the acquisition, storage, distribution and dispatching of all election materials required to conduct registration and polling processes. These include amongst others, printing of election forms, ballot papers, stationeries, all types of equipment and devices as well as accessories.

During the year under review, the Logistics Section ensured that the election materials for all eight (8) by-elections were delivered on time and in good condition. This section ensured the efficient delivery of election materials and distribution for the 2019 Presidential and National Assembly elections.

Below is a summary of the activities undertaken during the 2019/2020 financial year for the 2019 general elections:

### Election materials and distribution

Non-sensitive election materials were procured three (3) months in advance prior to the polling day in accordance with the annual procurement plan and the needs of each polling stations.

### Special Voting and Voting Abroad:

The dispatch of special voting materials to the regions commenced as early as 28<sup>th</sup> October 2019 starting with the non-sensitive materials. One or two teams were allocated to each constituency. All the materials were distributed using Government trucks between 28<sup>th</sup> October 2019 to 11<sup>th</sup> November 2019. All election materials were distributed with the escort of the Namibian Police.

The distribution of materials to foreign missions took place between 6<sup>th</sup> and 12<sup>th</sup> November 2019. All materials destined for foreign missions were transported by air and escorted by the Namibian police, with the exception of Minongue and Ondjiva destinations in Angola where the materials were escorted to the borders by road.

### Domestic Election Materials:

Nineteen (19) Trucks were requested from different Offices/Ministries/Agencies (OMA to assist the

Commission to distribute the sensitive and non-sensitive materials. The consignments were big to the extent that some regions required up to three trucks at a time.

The transportation of sensitive and non-sensitive consignments took place from 21<sup>st</sup> to 25<sup>th</sup> November 2019. All regions received their materials on time. The planning for transporting the materials to different routes was well-coordinated, with trucks departing at the same time. By the 26<sup>th</sup> November 2019 the logistics section distributed items that were on request, such as additional cable, power inverter, generator plus etc. Despite some reported shortfalls, both foreign and domestic election materials reached their respective destinations on time.

### Printing of EVM and Manual Ballot Papers:

All EVM Ballot papers were printed at Solitaire Press under the watchful eye of Political Parties, Independent candidate representative, the Namibian Police and the Electoral Commission personnel.

The following number of ballots papers were printed for the 2019 Presidential and National Assembly elections:

### Foreign Missions

- 92 x books containing 9 200 manual ballots papers for Presidential Election
- 92 x books containing 9 200 manual ballots papers for National Assembly Election
- 250 x EVM ballot papers for special voting
  - – Presidential Election
- 250 x EVM ballot papers for special voting.
  - – National Assembly Election
- 3 000 x ballot papers for the Presidential Election on Election day, 27<sup>th</sup> November 2019.
- 3 000 x ballot papers for the National Assembly election on Election day, 27<sup>th</sup> November 2019.

Concerning the printing of ballot papers, it is important to note the following:

- **NOTE:** 1 000 ballot for National assembly as well as 1 500 for Presidential printed were used as mocked ballot papers to be used for campaigns by political parties and voter's education purposes.
- After printing of all the ballot papers, proper



record and physical counting was conducted by all political parties and the Independent candidate by recording all the serial numbers of all the ballots.

- Ballot papers were then closed in the ballot boxed and a record of the respective boxes were recorded.
- The police then escorted the ECN staff to head-office for the safe keeping of the ballot papers in the strong room.
- For transparency and safe guarding, all the keys for the strong room were handed over to the CEO in the presence of the Police and the party representatives until the time of candidate setting.



Briefing by Major General Oscar Peter Embubulu  
to ECN stakeholders

### Security Arrangements

Security is the first priority for the ECN. A formal letter was addressed to the Inspector General of the Namibian Police with the Commissions detailed election calendar during the pre-electoral phase of the Commissions activities and programmes.

Before dispatching of materials, police officers were deployed at the ECN building to ensure law and order. Strict control of movement was the order of the day and all visitors and employees alike had to go through a screening procedure before entry into the building was allowed.

During the process of the dispatching materials to

the 14 regions, all EVMs and other election materials were recorded by both the Namibian police on the Occurrence Book (OB) and the Issue Vouchers by the Logistics personnel. It was a slow process but necessary to safeguard election materials and for proper record keeping.

The same method was used after the election, where checks and balances was used by both the Namibian Police and the ECN officials and no lost or misplacement of EVMs was reported during the receiving of the materials back from the regions.

### 4.5 DIVISION: DEMOCRACY BUILDING

ECN is mandated to provide voter and civic education to all eligible voters in terms of Section 49 of the Electoral Act. Voter and civic education is designed to cater to different segments of society generations (the youth and the elder) special focus groups such the marginalised and People living with Disabilities (PWDs). In addition, voter and civic education is often gender considerate and covers all nine (9) local languages.

The division focuses on ensuring that all eligible voters are aware of electoral matters, events, and processes on time and through mediums that are accessible and adequate to each eligible voters. Under the theme “*inclusive participatory democracy*” DDB ensured that the following activities were conducted to cater to democratic processes and to ensure inclusiveness and participation of all eligible voters.

This section seeks to highlight the voter education activities rolled out by the ECNs Division Democracy Building in the regions and constituencies for the 2019 Presidential and National Assembly elections, the achievements and challenges. Furthermore, the report gives an overall outline of the general voter and civic education to the public and electorates aimed at providing information regarding the electoral processes and civic education as provided for in the Namibian Constitution and reinforced by the Electoral Act, Act 5 of 2014.

### **Aims and Objections:**

The objectives of the voter and civic education programmes include the following:

- To build capacity on voter education and participation
- To provide information on voting/registration processes and regulations
- To create political and democratic awareness among the communities and the public at large
- To provide information and education on electoral systems and processes
- To design and produce voter education materials relevant to electoral activities for easy references
- To encourage and promote partnership and collaboration with stakeholders such as political parties, government ministries, non-governmental Organisations and the civic society
- To encourage popular civic participation in the electoral processes, before, during and after any electoral activities (registrations of voters, polling, boundary clarifications of constituencies and regions, amongst others, etc.)

### **Voter and Civic Education Programs**

The division rolled out voter education activities and programs in the one hundred and twenty-one (121) constituencies, the aim was to intensify the voter education campaign for the eligible voters to fully participate in the electoral processes.

In view of the 2019 Presidential and National Assembly elections, the DDB recruited special individuals including ninety-four (94) youth ambassadors including people living with disabilities and marginalized communities with the objective to reinforce the voter education programmes. This strategy proved successful looking at the high turnout of youth, people with disabilities and marginalized communities at polling stations on 27<sup>th</sup> November 2019.

The voter educators in the regions made efforts to ensure that communities and the electorate in particular have opportunities to practice on the use of the EVMs during the face-face voter education sessions, especially the first-time voters and the voters in general before the elections day. This was a mammoth task for the voter educators as there were more

demands from key stakeholders such as the constituency councilors and communities.

The voter educators responded timeously to the demands by working irregular hours especially at bus stops, shopping malls, highly dense informal settlements and remote rural farms to ensure that everyone was offered a chance to have a touch of the EVMs before the polls.

The voter education program was intensified with the production and dispatching of voter education materials for further distribution during the month of October 2019. The electorate was mostly keen on two things – practicing the use of EVMs and the location of the specific polling stations where to cast their votes in their respective constituencies.

In this regards, reinforcements were sent to the regions to alleviate the pressure on the regional teams, especially where the demand was high in terms of distributing and pasting of the voter education materials in the regions.

The DDB in partnership with stakeholders and media houses developed comprehensive voter education materials such audio visuals, radio/newspapers advertisements, posters, fliers, pamphlets, billboards, banners among others targeting the eligible voters.

### **Achievements**

- The Division Democracy Building managed to cover all the constituencies with voter education activities.
- There was not a single area or area where information did not reach the residents or the electorate as the division used the multiple voter education campaign approaches.

### **Challenges**

- The voter education program experienced challenges in terms of low turnout at sessions and subsequently turnout at the polls.
- Communities expressed dissatisfaction with service delivery of their political leaders and constituency councilors, which is seen as the major contributing factor of voter apathy.
- The use of EVMs without the verifiable paper audit trail (VVPAT) devices was questioned during some sessions and voter education



officers found it hard to explain to the communities.

- Some farm owners refused voter education officers access to their farms which denied the farmer workers the right to participate in electoral processes.

Despite the challenges experienced, the voter education programmes were concluded successfully. The entire political environment and the conduct of the members of the communities was commendable.

#### 4.6 DIVISION: GENERAL SERVICES

The Division General Services comprised of the following four sections, namely (i) Finance (ii) Information Technology (IT) (iii) Auxiliary Services and (iv) Human Resources (HR).

The division General Services is charged with the responsibility to render administrative and support services to the Commission and its main operations amongst others, that include policy coordination, budgeting, bookkeeping, human resource management, procurement and transport services.

#### Finance

The Finance section is responsible for the provision of administrative support services that includes budgeting, bookkeeping, facilitation, coordination, implementation of the budget, and budget discipline.

ECN is fully funded by the Government of the Republic of Namibia under budget Vote 28. The Commission was allocated an amount of two hundred and eighty-eight million three hundred and fifty-eight thousand Namibia Dollars (N\$288,358,000). During the budget review the Commission requested for additional funds to make it possible for the execution of the 2019 Presidential and National Assembly Election. An amount of sixty-one million nine hundred and ninety-two thousand Namibia Dollars (N\$61,992,000) was granted.

However, there was budget suspension of one hundred and eighty-nine thousand Namibia Dollars (N\$189,000) from remuneration bringing the total allocation for the 2019/2020 financial year to three hundred and fifty million one hundred and sixty-one thousand Namibia Dollars (N\$350,161,000).



Voters education officers conducting voter education session in the community.

The total operation budget of three hundred and fifty million, one hundred and sixty-one thousand Namibia Dollars (N\$350,161,000) represent an increase of 22% compared to the 2018/2019 financial year of seventy-eight million, seven hundred and eighteen thousand Namibia Dollars (N\$78,718,000).

2019-2020 Budget Analysis				
Division	Original Budget	Additional Budget	Suspension	Total Budget
Administration	63,394,340	-	(189,000)	63,205,340
Planning and Registration	176,053,611	61,992,000	-	238,045,611
Democracy Building	48,910,049	-	-	48,910,049
<b>Total</b>	<b>288,358,000</b>	<b>61,992,000</b>	<b>(189,000)</b>	<b>350,161,000</b>

### Achievements

- During the financial year ECN spent 99.55% of its budget, which is a slight improvement compared to 99% the previous year.
- The ECN obtained an unqualified audit opinion after the annual audit was conducted by the Office of the Auditor General.

### Challenges

The following two major challenges were experienced:

- Monthly thresholds provided by Ministry of Finance (monthly budget ceilings) affected the successful implementation/execution of the annual procurement plan.
- IFMS get disrupted most of the time, causing delay in the processing of payments especially during election.

### Human Resources Management (HRM) & Training

The section is tasked with the recruitment, well-being and staff development of ECN employees,

mainstreaming of HIV/AIDS and gender into core processes (including disability activities), ensure compliance to Affirmative Action requirements, compliance with Public Service Staff Rules, PSM Circulars implementation, and other HRM legislative framework aspects.

### Recruitment of temporary election officials for by-elections

The HR office administered the recruitment of temporary election officials for the (8) by-elections held during the year under review in the following constituencies:

- Ondangwa Urban
- Oshakati East
- Gobabis
- Khomasdal
- Keetmanshoop Urban,
- Walvisbay Urban
- Otjiwarongo
- Opuwo Rural

The table below reflects the number of temporary election officials recruited for both the SRV and polling processes for the aforementioned constituencies:

Constituency	Registration Officials	Polling Officials
Ondangwa Urban	45	105
Oshakati East	56	108
Gobabis	30	75
Khomasdal	25	108
Keetmanshoop Urban	17	46
Oshikuku	36	0
Walvisbay Urban	19	66
Otjiwarongo	36	133
Opuwo Rural	71	133

The HR Officials rendered HR related duties during the training of the election. The selection of officials was done from the database of officials who performed electoral activities within each of the respective constituencies for the ECN.

#### Supplementary Registration of Voters for the 2019 Presidential and National Assembly elections

The total number of four thousand and eighty-two (4082) Namibians (mostly youth) were recruited as the election officials in different positions during the supplementary registration of voters held from 28<sup>th</sup> June 2019 to 29<sup>th</sup> July 2019 as indicated in the table below:

Position	Total number of officials
Regional Coordinators	14
Assistant Coordinators	28
Supervisors of Registration	122
Foreign Mission	66
Regional IT	14
IT Field Support staff	322
Regional Logistics Officers	54
Computer Technicians	11
HR Administrator	11
Youth Ambassador	94
Transport Officer	1
Registration Officers	3345

#### Presidential and National Assembly Elections

A total number of fourteen thousand four hundred and nineteen (14 419) election officials were appointed as temporary election officials for the 2019 Presidential and National Assembly elections as indicated below:

Position	Total number of officials
Regional Coordinators	14
Assistant Coordinators	28
Returning officers	122
Foreign Mission	68
Regional IT	14
IT Field Support staff	324
Regional Logistics Officers	59
Computer Technicians	10
HR Administrator	6
Accounts Assistant	2
Administrative officers	2
Logistics officers	12
Youth Ambassador	94
Transport Officer	2
Polling Officers	11 385
Presiding officers	2277

### New Appointments:

The table below reflects new appointments made by the Commission during the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020:

No.	Title	Name	Surname	Duty Station	Rank	Grade	Date of Appointment
1.	Mr.	Charles M	Matengu	Windhoek	Deputy Director Security & Risk Management	4	1/11/2019
2.	Ms.	Lina M.K	Ndengu	Windhoek	Corporate Communications & Marketing Manager	4	01/01/2019
3.	Mr.	Bornwell S	Nzehengwa	Windhoek	ICT Manager	4	01/01/2020
4.	Ms.	Selma N	Ndove	Windhoek	Chief Accountant	6	1/8/2019
5.	Ms.	Selma L	Mumbala	Windhoek	Accountant	8	1/8/2019
6.	Ms.	Robyn	Vries	Keetmanshoop	Assistant Voter Education Officer	12	03/06/2019
7.	Ms.	Patricia	Dinyando	Rundu	Assistant Voter Education Officer	12	03/06/2019
8.	Mr.	Sylvia N	Moyo	Windhoek	Assistant Voter Education Officer	12	03/06/2019
9.	Mr.	Edward	Tjituera	Gobabis	Regional Voter Education Officer	10	01/04/2019 - 31/03/2021
10.	Ms.	Un-Maria	Amakali	Omuthiya	Assistant Voter Education Officer	12	03/06/2019
11.	Mr.	Nikita	Tsamaseb	Omuthiya	Assistant Voter Education Officer	12	03/06/2019
12.	Mr.	Koos	Soroab	Otjiwarongo	Assistant Voter Education Officer	12	03/06/2019
13.	Mr.	Samuel J	Uis – oab	Otjiwarongo	Assistant Voter Education Officer	12	03/06/2019
14.	Mrs.	Naem	Nghihalwa/Haihambo	Oshakati	Assistant Voter Education Officer	12	01/04/2019
15.	Ms.	Lunza A	Tuwelo	Katima Mulilo	Assistant Voter Education Officer	12	01/04/2019

### Terminations of employment

The table below contains a list of terminations made during the period 01<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020:

No.	Title	Name	Surname	Rank	Grade	Types of Termination	Last Working Day
1.	Ms	Mildred	Ngarinombe	Administrative Officer	12	Resignation	18/09/2019
2.	Ms	Junita J	Owoses	Cleaner	15	Resignation	31/03/2020
3.	Mr	Deon	Hekemo	Administrative Officer	12	Early Retirement	31/03/2020
4.	Mrs.	Aunie N	Gideon	Director	3	Resignation	16/04/2020



## Vacant Positions

The table below contains the list of existing vacancies not filled:

Position description	Grade	No of Position
Chief Security Operations Officer	6	1
Senior Security Operation Officer	7	1
Security Operations Officer	8	2
Security Operations Assistant	12	2
Chief Information Officer	6	1
Information Officer	8	1
Administrative Officer	12	2
Messenger	15	1

The two (2) positions for Administrative Officer Grade 12 positions were approved by the Secretary to Cabinet on 17<sup>th</sup> September 2018. The positions were advertised internally and interviews for these positions are yet to be conducted.

### Challenges:

- There were inconsistencies in the way in which the attendance registers were completed by some election officials which lead to a delay in the remuneration of the said officials.
- HR directives issued to regional managers were not conveyed to the election officials on time.

### Affirmative Action (AA) Report:

The Affirmative action report for the period 01st January until 31st December 2019 was compiled by the AA Committee and submitted to Public Service Commission and to the Equity Commission in January 2020.

### Wellness activities:

The wellness committee was established but no wellness activities were conducted due to preparations for the 2019/2020 national elections.

### Human Resource Development (Training):

Section activities overview (2019/2020)

The responsibilities of the section training and development include the following:

- Plan and design training interventions for Electoral Commission
- Coordinate Training Needs Analysis (TNA) for Electoral Commission as the need arises and submit report to the Chief Electoral Officer
- Analyze any training materials related to Training & Development (T&D)
- Compile annual statistics, reports and submit to the CEO.
- Draw up annual training plan.

### Achievements

The following eight (8) Staff members were trained in various courses which included Qualifying and Non-Qualifying Training as per the tables below:



### Non-Qualifying Training

Course	Number of Staff members Trained	Training Provider
Graphic Design	1	Namibia University of Science and Technology (NUST)
Secretary Course	3	Manpower Development Centre (MDC)
Management of Democratic Elections in Africa	1	University of South Africa (UNISA)

### Qualifying Training

Course Name	Number of Staff members	Tertiary Name	Course Duration
Bachelor of Business Administration	2	International University of Management (IUM)	2 Years
Masters Business Administration	2	Southern Business School (SBS)	2 Years
<b>Total</b>	<b>8</b>		

### Challenges

- The section observed that staff members were not receptive of attending training courses offered by international training institutions.

Despite various shortcomings and challenges, the division is committed to contribute to the ECNs mandate.

### Auxiliary services and support services

Auxiliary and support services is tasked with responsibilities such as transport management, procurement of goods and services, stock control and stock taking, registry, switchboard, capital project, cleaning and maintenance of assets at the ecn head quarter building.

During the year under review, the section received a bill of quantities to amongst others, re-paint the Organisation building, the replacement of the boom gates and ablution facilities. It should be noted that during this financial year, the section received a minimal operational budget and several activities such as the maintenance of the building could not be realized.

### Achievements:

- With the assistance of two (2) temporary staff members which were appointed to assist during the preparations for the Presidential and National Assembly Elections, Auxiliary Services managed to meet deadlines relating to the facilitation of payment of suppliers and the procurement of essential items for the conduct of the 2019 national elections amongst others.
- Annual stock taking was completed at the head office.
- Payments of all goods and services were done on time except for a few invoices for election related activities which were submitted after the closing of the financial year.

### Challenges:

- Inadequate operational budget to maintain the building and settle outstanding invoices for transport services for Government Garage.
- The section has skeletal staff component owing to the delay in the appointment of an administration officer.

## PART FIVE: ORGANISATIONAL STRUCTURE

The ECN is comprised of a hierarchical structure of four (4) pillars, namely, the Commission, Office of the Chief Electoral Officer, Directorate of Operations and the Division General Services. Under the Office of the Chief Electoral Officer there is the Section Internal Audit.

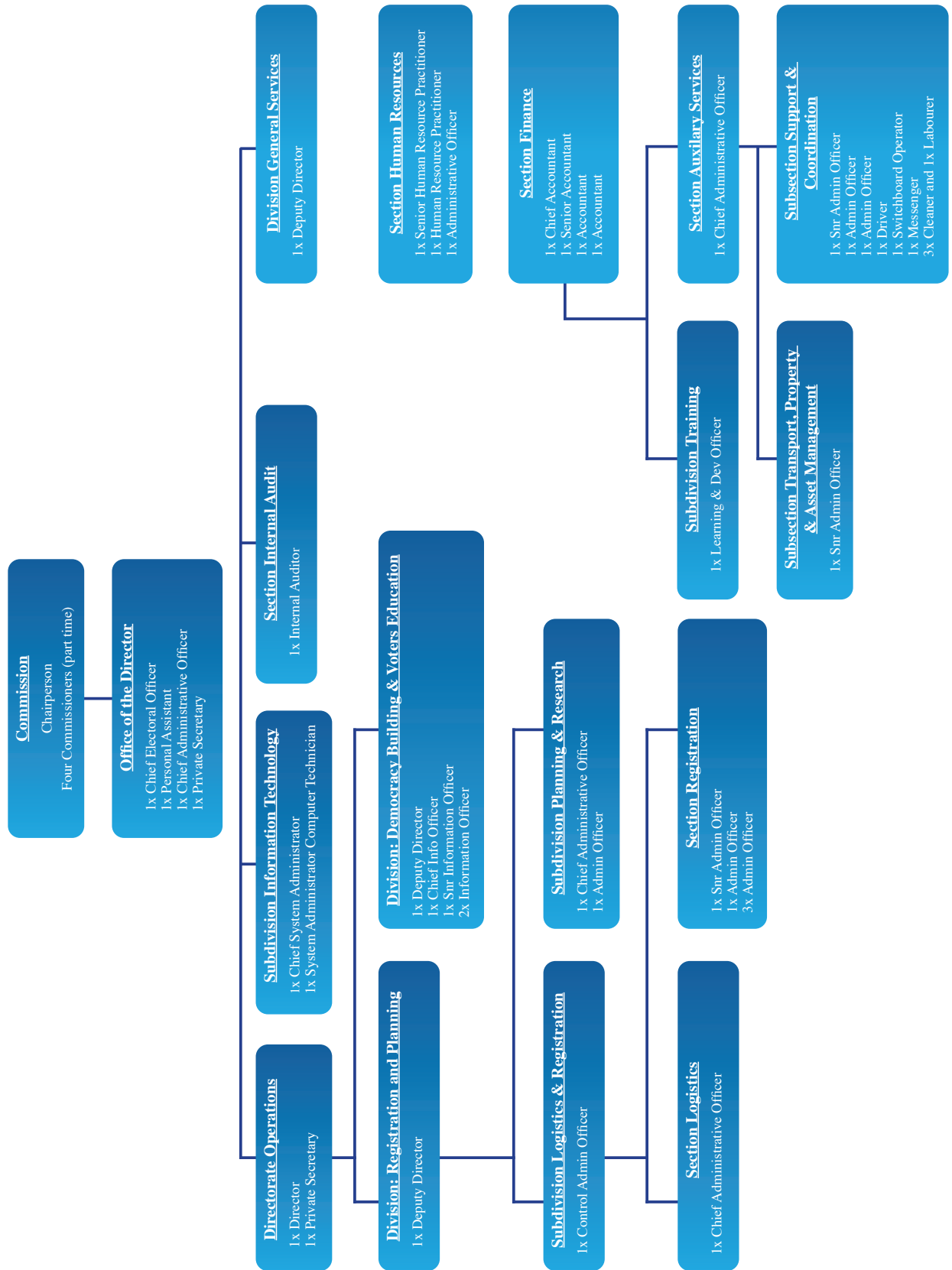
The Directorate of Operations has two (2) divisions, namely; Planning and Registration and Democracy Building. General Services comprises different sections namely; Finance, Human Resources, and Auxiliary Services.

The current structure was approved in 2006, with very limited human capital in transforming itself as an institution of integrity, legally charged with the responsibility of conducting elections in a free, fair, transparent, credible and impartial manner. Despite

such challenges narrated above, ECN had successfully executed its mandate as per the Electoral Act, (Act No. 5 of 2014).

In addition, the current staff establishment makes only provision for 53 permanent posts of which 12 positions are still vacant. The current 42 permanent staff members are complemented by a staff component of 147 temporary employees placed both at Head office and regional level. The temporary staff at Head office provide support services to the institution in different divisions and sections, while the majority temporary staff at regional level is charged with the provision of voter and civic education to the electorate and the public. The Organisational structure is provided on the next page.

## 5.1 THE ECN ORGANOGRAM STRUCTURE



## PART SIX: REGIONAL AND INTERNATIONAL ENGAGEMENTS

### **SADC conduct elections**

The year 2019 marked yet another successful year in terms of the conduct of democratic elections in the Southern Africa Development Community (SADC). Seven (7) countries, Comoros, South Africa, Madagascar, Malawi, Mozambique, Botswana, Mauritius and Namibia conducted National Elections.

The Electoral Commissions Forum of SADC (ECF-SADC) of which Namibia is currently serving as Executive Committee Chairperson received invitations to observe all these elections. In line with its mandate of strengthening co-operation amongst Electoral Commissions in the SADC region, the ECF-SADC deployed Observer Missions to all these elections, with the exception of Madagascar. The election period of Madagascar coincided with South Africa and the official communication for Observing of elections in Madagascar was received at a very late stage to enable efficient deployment of the observer mission. Due to ongoing preparations for the 2019 Presidential and National Assembly Elections in Namibia, the Commission resolved to only deploy Commissioners and staff members to the Elections in Comoros, South Africa and Malawi.

The Observer Missions operated under the following Terms of Reference:

- To assess the preparedness of the Electoral Commission to conduct elections;
- To observe the pre-election environment and to examine the conditions in which the election was taking place;
- To observe the conduct of the election, to evaluate the electoral process and to make recommendations that will contribute to the improvement of this process in the specific country.

ECF-SADC election observer missions are guided by the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO, 2003), the Revised Principles and Guidelines for Governing Democratic Elections in the SADC

Region (2015) and the African Charter on Democracy, Elections and Governance (2004). Consistent with the aforementioned instruments, ECF-SADC Election Observer Missions are guided by the values of impartiality, neutrality, transparency and objectivity.

### **Comoros Presidential Elections**

The ECF-SADC during an EXCO meeting held in Gaborone, Botswana resolved to deploy an observer mission to the Republic of Comoros in the spirit of cooperation and support taking cognizance that the CENI Comoros membership was still underway.

Taking into consideration the afore-mentioned and due to the financial constraints as a result of the number of elections to be conducted during the year, a small technical team led by Commissioner Ulrich Freyer (Namibia), Rev Clifford Baloyi (Commissioner, Malawi), Mrs. Martha Sayed (Commissioner, Botswana), Mrs. Keireng Zuze (CEO, Botswana) and Ms. Hilda Modisane (Programme Manager ECF-Secretariat) were deployed to these elections. This was also the first time the Forum observed elections in the Comoros.

During interaction with key stakeholders, the following observations were raised:

- Lack of public trust and confidence in CENI and the government. This has led to a perceived lack of transparency on the part of the CENI;
- In terms of the legal framework it was reported that the electoral amendments were not in-line with the Constitution including concerns by outer islands on rotation of Presidency and extension of Term of Office;
- Inadequate awareness with electoral stakeholders on legal reforms and electoral processes;
- Stakeholders shared concerns on the ability of CENI to independently organize elections;
- Concerns on the role of Military in the electoral processes;
- Pre-electoral environment characterized by tension;
- Arrest of potential candidates without litigation processes;
- Invisible role of Parliament;



- Lack of accreditation for about 80 local observers;
- Selective and restricted accreditation for media institutions;
- Passing of decrees by Ministry of Interior without consultation with CENI and other stakeholders.

During the close of polling stations and counting process the mission noted that closing procedures were followed at polling stations visited. Inadequate lighting was observed at polling stations visited.

Generally, the counting processes were not completed following disturbing acts and protests by the public around polling stations in Moroni. CENI allegedly issued an instruction that presiding officers close polling stations and secure all election material. The Observer Mission was not able to follow the handling of election material following the violent protests.

The Mission made the following key recommendations to CENI:

- CENI-Comoros should be made responsible for all electoral matters for consistency and accountability;
- The Commission to consider advance voting for poll staff and essential services to take place on a designated day before polling day;
- Timely delivery of election material to polling stations to facilitate opening of polling stations as provided for by Law;
- Consider strengthening voter education;
- Expedite the process of accreditation to enable timely deployment and observation of key activities prior to election day;
- Conduct continuous stakeholder engagement to strengthen communication between the Electoral Commission and its stakeholders to ensure that issues of mistrust are resolved;
- CENI is encouraged to provide regular public updates during election day to ensure that all stakeholders are kept abreast of developments and possible changes to processes;
- The need to consider unarmed security personnel at polling stations.

Upon submission of the statement, the Mission noted that the electoral process is yet to be finalized. ECF-

SADC encouraged the people of the Republic of Comoros to remain tolerant, peaceful and accept the outcome of the electoral process.

### **National & Provincial Elections of the Republic of South Africa, 08th May 2019**

The Observer Mission was led by Honorable Justice Esau Elliot Chulu, the Chairperson of the Electoral Commission of Zambia. The Mission comprised of twenty-five (25) observers from the Electoral Commissions of Angola, Botswana, Eswatini, Malawi, Tanzania, Namibia, Zambia and Zimbabwe and commenced work from the 28th April 2018. Commissioners Elsie Nghikembua, Evaristus Evaristus and officials, Ms. Aune Gideon, Mr. Mandume Nghishekwa, Ms. Viktoria Hango and Mrs. Golden Shiimi participated in this observer mission.

During consultations with the Independent Electoral Commission of South Africa (IEC-RSA) the following challenges were highlighted by the Commission in terms of the conduct of the 2019 elections:

- Concerns regarding the poor Youth Voter Registration (18-19 years) that recorded a voter registration turn-out of only 18.5%;
- Non-compliance with court directive on the capturing of physical addresses on the Voters Roll;
- Increased number of contesting political parties and attendance logistics, e.g. cost of printing ballot papers, procurement of additional ballot boxes and redesigning of ballot papers);
- Logistical arrangements related to the need to accommodate two (2) party agents per participating political party at a voting station which translates to 96 party agents per polling station.

Various consultations with stakeholders were also undertaken during the pre-election assessment and during the election period. The Missions participated in various stakeholder seminars amongst others the legal fraternity, media, academia, political parties and non-state actors.

Stakeholders applauded the IEC-RSA and expressed confidence in the Commission's preparedness in the conduct of the elections. The measures undertaken by the Commission on the spread of disinformation

were also well received. A number of cross-cutting issues were raised by stakeholders which in their view could have an effect on the electoral outcome and included amongst others:

- ✓ Lack of service delivery and consequent public protests;
- ✓ Political motivated killings which took place ahead of elections during the nomination period specifically in the KwaZulu Natal and Mpumalanga provinces;
- ✓ Xenophobic attacks on foreign nationals;
- ✓ Corruption scandals;
- ✓ Late enactment of legislation on political party funding;
- ✓ Low voter registration among the youth;

Some of the lessons that were drawn from the 2019 National & Provincial Elections recommended to be adopted as best practice in the SADC region included:

- The provision of adjustable polling booths used by voters with disabilities (PWDs);
- The innovative and effective facilities applied in the Results Operation Centre (ROC) and in the Provincial Results Operation Centres were impressive;
- Regular live television and radio updates by IEC to the public were noted as a good practice;
- Initiative by the IEC to timely deal with election related disinformation;

- The creation of voting sub-stations (streams) was an ideal practice to address congestion;
- The 2019 (*Xse*) Election slogan by IEC was innovative;
- IEC's use of various social media platforms was commendable;
- The use of technology e.g. scanners (zip-zip) to verify and identify voters was commendable.

The Observer Mission noted the following and submitted recommendations for the Independent Electoral Commission (IEC) South Africa to consider in the conduct of future elections:

- Inconsistencies in the administration of some election processes in voting stations were amongst for example, inking before issuance of ballot papers, identification of polling staff, positioning of polling booths and labelling of ballot boxes;
- Addressing the use political party colours during voting, which is provided for in the law should be revisited;
- The use of mobile phones in voting stations should be prohibited;
- Encourage political parties to observe gender parity – in line with the SADC Gender Protocol;
- Conduct research to identify causes of low voter registration by the youth.



Observer mission: Republic of South Africa national and provincial elections.

The Observer Mission congratulated the IEC-South Africa, voters at large and the contesting political parties for the conduct of a peaceful elections.

### **Malawi Tripartite Elections – May 2019**

An observer mission was deployed and led by Mr. Irfan Abdool Rahman, Electoral Commissioner of Mauritius, deputized by Dr. Nomsa Masuku, Commissioner of the Electoral Commission of South Africa. The Mission comprised of twenty-one (21) observers from the Electoral Commissions of Botswana, Comoros, Eswatini, Mauritius, Namibia, Seychelles, South Africa, Zambia and Zimbabwe. Commissioner Gerson Tjihenuna and Ms. Zenia Klazen were deployed to participate in these elections. The deployment period commenced on the 18th – 22nd May 2019 in different provinces namely, Blantyre, Dowa, Lilongwe, Nsanje, Ntcheu and Zomba.

A pre-election mission was undertaken from 11<sup>th</sup> – 13<sup>th</sup> April 2019 led by Adv. Notemba Tjipueja, Chairperson of the Electoral Commission of Namibia and Chairperson for the Executive Committee of SADC Countries.

A seminar was convened on the 17th May 2019 at the Protea Ryalls Hotel with different stakeholders including the legal fraternity, media, political parties, non-state actors and the Malawi Electoral Commission (MEC). During this seminar some of the key positive attributes that were raised included:

- ✓ The introduction of a tactile ballot guide which was developed by the sector representing persons with disabilities (PWD's) in collaboration with MEC to assist the visually impaired voters in casting their ballots in secret;
- ✓ The introduction of Section 41 of the Political Parties Act which prohibits handouts by political parties and candidates. Stakeholders noted that the section is not in force yet but applauded the introduction of the clause which is important for credible elections;
- ✓ Introduction of the bio-metric voter registration and new national identity card in the electoral process which resulted in a more accurate voters' roll.

Although most stakeholders expressed their satisfaction with regard to the preparedness of MEC to conduct the 2019 Tripartite Elections the following challenges were highlighted by stakeholders:

- ✓ Revised results management process had not been clearly articulated with all stakeholders;
- ✓ Little progress regarding the participation of women in the electoral process in the run up to the 2019 Elections;
- ✓ A number of stakeholders expressed their discontent at the fact that Commissioners are nominated by political parties based on the votes attained in the previous election. This process means that political parties with more seats in parliament are able to have more Commissioners within the MEC;
- ✓ The media landscape is regarded as being polarized, with the public media being accused of affording more coverage to the ruling party. Similar accusations were made against the private media in favor of the opposition parties.
- ✓ The choice of voters who cast their ballots at a polling station other than where they were registered may be comprised in relation to the parliamentary and local government election.
- ✓ Stakeholders representing persons with disabilities advised the Mission that access to polling stations remains a challenge;
- ✓ Concerns were raised regarding timely transportation and delivery of electoral materials to districts and polling centers and reference were also made to the 2014 situation relating to transport.

The following lessons were drawn from the 2019 Tripartite Elections of the Republic of Malawi:

- The capacity of the Republic of Malawi to self-finance the 2019 Tripartite Elections;
- Various Codes of Conduct developed, including the media and Chiefs;
- Voting by prisoners;
- The reduction of participation fees for marginalized groups;
- The forty-eight (48) hour cooling off period for campaigns ahead of the elections.



The Mission made the following key recommendations:

- Adherence to the polling stations opening times;
- Improve the timely dispatch and transportation of election materials to districts and polling stations;
- Training needs to be improved to capacitate political party agents (monitors) in electoral processes;
- The presence and role of the security services in keeping law and order at polling stations is commended. The fact that most were armed could be perceived as intimidating to voters;
- Training of security personnel on their role in the electoral processes requires strengthening.
- MEC should consider the provision of shelter from the elements for polling staff;
- Polling staff need further training on the closing and counting processes in order to address inconsistencies at the polling stations;
- MEC should review the current provision for transferred voters and consider alternate options including advanced, early or special voting;

The Observer Mission noted that Commissioners of MEC have discharged their duties according to their mandate and in a credible manner. The Mission congratulated MEC, the electorate at large and the political parties on the manner in which all conducted themselves during this processes and encouraged all to remain tolerant, peaceful and to accept the outcome of the election results.

### **The Role of Election Management Bodies (EMB's) in promoting Electoral Democracy in Southern Africa. Victoria Falls, Zimbabwe, August 2019**

Elections are the indispensable root of democracy. They are now almost universal. However, elections can further democracy, development, human rights and security or undermine them and for this reason alone they should command attention and priority. To be credible, there is need for high standards before, during and after votes are cast.

Post-Cold War and a democratization wave that

swept through several global regions, stimulating the emergence of new democracies. Elections were soon recognized as indispensable to the installation (or re-installation), sustenance and consolidation of democracy, Electoral Management Bodies (EMBs) became key institutions in the Organisation and delivery of elections all over the world.

Given the importance of their mandate and responsibilities, EMBs felt an increasing need to learn and share their experiences and knowledge which led to the formation of regional EMB associations including the Electoral Commissions Forum of Southern African Development Community (ECF-SADC).

Undoubtedly, EMBs are key institutions in advancing the deepening of democracy across the globe. Therefore, the evolution of EMBs in SADC region cannot be separated from the democratization processes of the regional bloc member states more generally. In addition, EMBs in the region are at different levels in the quest to ensure legitimacy and credibility of their electoral administration mandate.

Generally, EMBs commitment to credible elections depends on the electoral framework, political and social expectations, and the cultural environment within which each EMB operates. Influences include the political commitment to allow an EMB to act freely and impartially, the range of powers and functions given to an EMB, the qualifications of members or staff for appointment and their terms of office, the way in which members and/or staff are selected and appointed, the oversight and accountability framework, and whether the EMB has a legal personality and is thus able to sue and be sued.

The SADC Lawyers Association (SADC-LA) during its 20th Annual General Meeting and Conference from 08th–11th August 2019 in Victoria, Zimbabwe convened a one-day policy dialogue in collaboration with the International Institute for Democracy and Electoral Assistance (IDEA) on the “Role of EMBs in Promoting Electoral Democracy in SADC region”, held on the 10th August 2019.

The dialogue was attended by Commissioner Ulrich Freyer.



## **Commonwealth Political Finance Regulation Validation Workshop Meeting – London, UK – 10th -11th February 2020**

The field of political finance regulation has grown in importance in recent decades as the role of money plays in elections comes under increased scrutiny.

There have been global and regional conferences, academic studies and in many countries, legislative activity targeting ways to address this thorny issue. There is an emerging consensus that adequately financed political parties and election campaigns are integral to a vibrant democracy but, without proper regulation, money can have a corrosive impact on

the democratic process. Despite the general consensus on the problem, strategies vary from country to country on how to manage it.

The Commonwealth Secretariat undertook a study in twenty-four (24) Commonwealth countries and compiled a comprehensive guide on political finance regulation in which the Electoral Commission of Namibia participated. The Chairperson, Adv. Notemba Tjipueja, participated in a Validation Meeting on new Best Practice Guide of Commonwealth Legislative Approaches to Political Finance Regulation held in London, UK from the 10<sup>th</sup> – 11<sup>th</sup> February 2020.

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The Guide can be viewed on:

<https://library.commonwealth.int/Library/Catalogues/CatView.aspx?ReturnUrl=https%3a%2f%2flibrary.commonwealth.int%2fLibrary%2fCatalogues%2fResults.aspx%3fRetName%3d2&RetName=2>

# PART SEVEN: AUDITED FINANCIAL STATEMENT REPORT 31<sup>ST</sup> MARCH 2020

Report of the Auditor General on the Accounts of the ECN for the financial year ended 31st March

## Appropriation account

		2018/2019				2017/2018
				Variations		
Service		Authorised expenditure	Actual expenditure	Under-expenditure (excess)	Percentage	Actual expenditure
		N\$	N\$	N\$	%	N\$
01. Adminstration:						
Original budget	29,787,000					
Plus: Virement	5,265,472	35,052,472.00	34,585,083.37	467,388.63	1.33	36,236,349.68
02. Planning, Registration and Voting:						
Original budget	13,623,000					
Plus: Virement	6,431,058					
Less: Suspension	(250,000)	19,804,058.00	19,655,492.06	148,565.94	0.75	12,784,682.37
03. Voter education						
Original budget	25,558,000					
Less: Virement	(1,696,530)	23,861,470.00	23,595,433.88	266,036.12	1.11	162,48,441.74
Total		78,718,000.00	77,836,009.31	881,990.69	1.12	65,269,473.79

## Departmental Revenue

Revenue head	Estimate 2018/2019	Actual revenue 2018/2019	More/(Less) than estimated	Actual revenue 2017/2018
Unclaimed	2 000	336.00	336.00	857,654.73
Cheques	3 000	19,788.15	17,788.15	96,216.83
Miscellaneous		25,000.00	22,000.00	7,500.00
Deposits made by political parties Total	<b>5 000</b>	<b>45,124.15</b>	<b>40,124.15</b>	<b>961,371.56</b>

## Standard Sub-divisions

Subdivision	2018/2019			2017/2018	
	Authorized expenditure	Actual expenditure	Underexpenditure/ excess	Actual expenditure	Actual expenditure
<b>Operational</b>					
<b>Current expenditure: Personnel</b>					
001. Remuneration	37 548 361.00	37 260 025.73	288 335.27		36 774 075.26
002. Employer's contribution to the G.I.P.F. and M.P.O.O.B.P.F	1 710 293.00	1 705 479.87	4 813.13		1 761 620.60
003. Other conditions of service	6 967 420.00	6 950 428.13	16 991.87		1 183 368.53
005. Employers contribution to the Social Security Commission	167 171.00	166 236.67	934.33		138 709.07
<b>Total</b>	<b>46 393 245.00</b>	<b>46 082 170.40</b>	<b>311 074.60</b>		<b>39 857 773.46</b>
<b>Current expenditure: Goods and other services</b>					
021. Travel and subsistence allowance	2,029,719.00	2,139,918.98	-		1,603,940.11
022. Materials and supplies	1,666,540.00	1,523,226.53	143,313.47		772,679.79
023. Transport	2,753,403.00	2,753,403.00	-		3,978,060.97
024. Utilities	4,567,500.00	4,566,225.23	1,274.77		4,997,059.48
025. Maintenance expenses	6,411,903.00	6,338,912.30	72,990.70		655,846.41
026. Property rental and related charges	1,152,312.00	1,069,331.33	82,980.67		1,261,928.99
027. Other services and expenses	4,701,635.00	4,686,509.96	15,125.04		6,458,731.48
028. Training courses, symposiums and workshops	281,650.00	277,784.98	3,865.02		
029. Printing and advertising	3,150,318.00	3,091,896.44	58,421.56		
033. Office refreshment	14,898.00	14,412.12	485.88		
034. Official entertainment/Corporate gifts Total	18,500.00	18,321.13	178.87		
<b>Total</b>	<b>26,748,378.00</b>	<b>26,479,942.00</b>	<b>268,436.00</b>		<b>19,728,247.23</b>
<b>Subsidies and current transfers</b>					
041. Membership fees and subscriptions: International Total					
<b>Operational Capital expenditure: Acquisition of Capital Assets</b>	<b>390,532.00</b>	<b>384,160.16</b>	<b>6,371.84</b>		<b>323,779.82</b>
	390,532.00	384,160.16	6,371.84		323,779.82
103. Operation plant and equipment					
<b>Total: Current expenditure</b>	<b>73,532,155.00</b>	<b>72,946,272.56</b>	<b>585,882.44</b>		<b>59,909,800.51</b>
<b>Operational Capital expenditure: Acquisition of Capital Assets</b>					
101. Furniture	881,000.00	586,097.32	294,902.68		
101. Office equipment	3,343,603.00	3,342,397.50	1,205.50		2,879,881.91
<b>Total Operational Capital Assets: Acquisition of Capital Assets</b>	<b>4,224,603.00</b>	<b>3,928,494.82</b>	<b>296,108.18</b>		<b>2,879,881.91</b>
<b>Total: Capital expenditure Total: Operational expenditure</b>	<b>77,756,758.00</b>	<b>76,875,767.38</b>	<b>881,990.62</b>		<b>62,789,682.42</b>
<b>Development:</b>					
Capital expenditure: Acquisition of capital assets					
105. Feasibility studies, design and supervision	961,242.00	961,241.93	0.07		1,489,021.37
106. Purchase of land and intangible assets					990,770.00
107. Construction, renovations and improvement					
<b>Total: Development expenditure</b>	<b>961,242.00</b>	<b>961,241.93</b>	<b>0.07</b>		<b>2,479,791.37</b>
<b>Grand Total</b>	<b>78,718,000.00</b>	<b>77,836,009.31</b>	<b>881,990.69</b>		<b>65,269,473.79</b>











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of Namibia**



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