



Namibia — Va-PoReg Country Report

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[Formerly known as: South West Africa]

08/07/1884 Start Direct Rule Colonial Regime [of Germany]: While German Southwest Africa was named a protectorate („Schutzgebiet” Deutsch Südwestafrika) it fulfills our coding rules of a colony. In 1883, Adolf Lüderitz landed in what is known today as Namibia. He bought the land around today’s Lüderitz in hopes of finding mineral resources there. On 04/24/1884, Bismarck instructed the German consul at Cape Town via cable to officially declare that Lüderitz and his establishment were under German protection. Consequently, in response to this development, the Cape Colony annexed Walvis Bay. On 07/24/1884, the Cape Colonial Parliament passed the Walfish Bay and St. John’s River Annexation Act (No. 35 of 1884), and on 08/07/1884, the governor issued a formal Proclamation of Annexation (No. 184). The annexed territory stretched from the north bank of the Orange River to the twenty-sixth degree of south latitude, extending twenty miles inland, and encompassing all islands belonging to it under international law. On 08/16/1884, Schering issued a proclamation declaring the establishment of a German protectorate over Namaland and Damaraland. With the proclamation of the protectorate, known as the South West Africa Protectorate, the demarcation of the boundaries of what would become Namibia was finalized. On 07/01/1890, Britain and Germany reached an agreement concerning Africa and Heligoland that acknowledged British control over Walvis Bay and German sovereignty over the South West Africa Protectorate (Berat 1993). Under German administration, the treatment was notably severe, leading to particularly devastating outcomes for the Nama/Orlam and the Herero communities (Berat 1993). Within the colony itself, there was no local parliament or representative assembly that included the indigenous population or even the settlers. The colony was administered directly by German officials appointed by the colonial government in Berlin. The administration was characterized by a highly centralized and autocratic form of governance, with little to no input from the local population. LIED confirms that there were no multiparty executive and legislative elections during this period. Both LIED and V-Dem’s PCLI classify political liberties as absent. In this timeframe, V-Dem’s JCE is classified as limited, indicating weak judicial oversight. Concurrently, V-Dem’s LCE shows no value, which can be cautiously interpreted as indicating an absence of legislative constraints on the executive.

07/09/1915 End Direct Rule Colonial Regime [of Germany, Constitutional Monarchy]/Start Direct Rule Occupation Regime [by South Africa, Electoral Oligarchy]: In 1915, troops from the Union of South Africa, which had incorporated the Cape Colony in 1910, entered German South West Africa during World War I, siding with the Allied and Associated Powers. Following the war, the Union administered the former German protectorate on behalf of Britain as a League of Nations C mandate. This included the integration of South West Africa and the Walvis Bay territory into a unified legislative framework. South Africa later treated the mandate as a covert annexation and implemented a severe system of governance (Berat 1993). According to LIED, no elections were held during this period. For the given timeframe, LIED identifies political liberties as absent, and V-Dem’s PCLI is also classified by us as indicating that political liberties are absent. In this timeframe, V-Dem’s JCE is classified as limited, indicating weak judicial oversight. Concurrently, V-Dem’s LCE shows no value, which can be cautiously interpreted as indicating an absence of legislative constraints on the executive.

12/17/1920 End Direct Rule Occupation Regime [by South Africa, Right-Wing Autocracy]/Start Indirect Rule Colonial Regime [of South Africa, Right-Wing Autocracy]: The conclusion of the First World War marked the official demise of the German colonial empire. As per the Treaty of Versailles, all colonies were transferred to the newly established League of Nations as mandated territories, including German Southwest Africa. In 1921, the League of Nations transferred the mandate over Namibia to South Africa, which governed Namibia as a fifth province. This included the implementation of homeland policies, allocating specific territories to different population groups, and the enforcement of strict passport and labor regulations.¹ Although this transfer of power ended German sovereignty over the area, it did not mean that sovereignty was vested in the League of Nations. Instead, the League had supervisory power over mandates. Sovereignty over South West Africa also did not vest in South Africa despite the expressed intention of South Africa to the contrary. From the start, South Africa treated the mandate as a veiled annexation. It continually took actions that asserted South African sovereignty over the territory (Berat 1993). In 1925 an all-white parliament Assembly and an executive committee were created by the South West Africa Constitution Act. From 1920-1925, V-Dem's JCE is classified as limited, indicating weak judicial oversight. Concurrently, V-Dem's LCE shows no value, which can be cautiously interpreted as indicating an absence of legislative constraints on the executive. For 1926, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, and V-Dem's LCE is similarly interpreted as indicating that legislative constraints on the executive were also limited. From 1927 to 1966, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were absent. In 1949 the South West Africa Affairs Amendment guaranteed a direct representation of South West Africa in South Africa's parliament but the South West African parliament Assembly was still present.² According to LIED legislative and multiparty elections were present since 1926 but only accessible for white settlers as South Africa imposed its Apartheid system in Namibia during this time. During the 1950s, South Africa implemented the apartheid system across its provinces. Concurrently, anti-colonial opposition to South Africa began to emerge in Namibia, leading to the establishment of the South West African People's Organization (SWAPO) movement in 1960. Both LIED and V-Dem's PCLI classify political liberties as absent.

10/27/1966 Continuation Indirect Rule Colonial Regime [of South Africa Right-Wing Autocracy]: On this date, the UN, as the successor to the League of Nations, revoked South Africa's mandate over Namibia, effectively ending the International Mandate of South Africa on Namibia, but the South African government ignored this, creating a de jure Colony of Namibia under South African administration. As a result, SWAPO took up the military struggle.³ On 10/27/1966 the United Nations General Assembly put South West Africa under direct UN responsibility; South Africa did not recognize this and continued to exercise de facto authority.⁴ In 1967, the UN established a Council for South West Africa/Namibia, responding to a different administrative vacuum through the International Trusteeship Agreement (ITA). The council's mandate involved overseeing Namibia's governance, stepping in to address the vacuum created not by immediate threats to the existing government, but by the expected withdrawal of South Africa subsequent to the termination of its mandate and the General Assembly's assumption of direct responsibility for the territory. Nevertheless, South Africa barred the council from entering Namibia. Despite this, the council exercised its de jure administrative authority, among other things, to issue travel documents and enact a Decree on Natural Resources. In December 1973, the UN recognized the South-West African People's Organization (SWAPO) as the authentic representative of the Namibian people, referring concurrently to the international Territory of Namibia. SWAPO was granted observer status in the General Assembly in 1976. South Africa eventually engaged in negotiations with SWAPO, facilitated by a contact group comprising five Western states. From 1966 to 1978, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were absent. In 04/1978, the Contact Group presented a Settlement Proposal (Crawford 2006). For 1979, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's

LCE is classified by us as indicating that legislative constraints on the executive were absent. In 1988, when South Africa ultimately consented to Namibian independence, the United Nations Transitional Assistance Group (UNTAG) had a restricted administrative role focused on overseeing and managing the elections (Wilde 2001). In this regime period there was no legitimate local parliament that represented the indigenous Namibian population. The political system was structured to exclude the majority of Namibians, particularly the black population, from any meaningful participation in governance. LIED confirms that multiparty legislative elections were still present until 1983. From 1980 to 1982, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were absent. For 1983 and 1984, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, and V-Dem's LCE is similarly interpreted as indicating that legislative constraints on the executive were also limited. For 1985, V-Dem's JCE is classified by us as indicating that judicial constraints on the executive were moderate, whereas V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were limited. From 1984 onward, no multiparty executive or legislative elections were held. Universal suffrage was introduced in 1990 (LIED). Per FH, from 1972 to 1974, the country scores between 11 and 14 as not free, which we also interpret as not free. FH doesn't provide information on the rest of the regime period. According to LIED political liberties were absent. V-Dem's PCLI classifies political liberties as absent until 1979 and as not really present from 1980 onward.

04/01/1989 End Indirect Rule Colonial Regime [of South Africa Right-Wing Autocracy]/Start Democratizing Regime [as International Mandate of the UN]: On this date, the General Assembly designated the United Nations Council for Namibia as the 'legitimate Administering Authority' for Namibia until its independence. Independence for Namibia was facilitated by the Tripartite Accords, an agreement between South Africa, Angola, and Cuba.⁵ Pre-independence parliamentary elections were conducted under UN supervision from 11/7 to 11/11/1989. On 02/09/1990, the Constituent Assembly approved a constitution. SWAPO, led by Nujoma, the primary party in the armed struggle for independence, emerged victorious in the elections.⁶ Per FH, for this regime period, the country scores between 6 and 7, categorized as partly free, which we interpret as rather free. According to LIED, no multiparty executive or legislative elections were held during the specified period. For this year, LIED identifies political liberties as absent, while V-Dem's PCLI is classified by us as indicating that political liberties are not really present. From 1986-1989, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were moderate, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were absent.

03/21/1990 End Democratizing Regime [as International Mandate of the UN]/Start Electoral Democracy: On this date, the country became independent, declaring itself the Republic of Namibia and introducing universal suffrage.⁷ The Constituent Assembly became the National Assembly of Namibia. As a result of SWAPO's election victory Sam Nujoma was unanimously declared by parliament as President of Namibia and was sworn in by UN Secretary-General.⁸ On 04/23/1990 Namibia was admitted to the United Nations.⁹ For 1990, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were comprehensive, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were moderate. From 1991 to 2018, V-Dem's JCE is classified by us as indicating that judicial constraints on the executive were comprehensive, whereas V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust. SWAPO has won all subsequent elections and maintained more than two thirds of the seats in the legislature from 1994 until 2019.¹⁰ Although elections have generally been considered fair, the ruling party has monopolized the use of state resources to influence outcomes, harassed the media, and controlled the electoral tribunal, disadvantaging the opposition. The opposition has faced intimidation and harassment (Bauer 2001: 43-51, Africa Confidential 2007). Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. Since 1990 the country's elections score a constant competitiveness according to LIED. However, V-Dem's CEI indicates ambiguous cleanliness for the first five years of independence. Since 1995 the

elections are considered as somewhat clean. Furthermore, the overall election conditions were ambiguous until 1993. Between 1994 and 2013 they increased to somewhat free and fair elections. From 2014 to 2018 the country scored free and fair elections. Since 2019, the overall conditions turned back to somewhat free and fair (V-Dem EF&FI). For 2019, 2021 and 2022 and 2023, V-Dem's JCE and LCE are both interpreted by us as indicating robust constraints on the executive. For 2020 and 2023, V-Dem's JCE is classified by us as indicating that judicial constraints on the executive were comprehensive, whereas V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust. As per FH's classification for this regime period, the country is considered free with a score ranging from 4 to 5, which we also interpret as free or rather free in our framework. Furthermore, regarding the political liberties, LIED states their presence since 1990. In addition, V-Dem's PCLI also indicates the existence of political liberties for the entire time. According to Polity5 during this period, the executive faced substantial limitations on decision-making power. By GWF Namibia is coded as an autocracy which we view as a misclassification. Post-independence, Namibia has adhered to the formal rule of law and democracy, but power remained concentrated in the hands of Nujoma and his inner circle even after his retirement. Challenges to the government from dissatisfied regions in the 1990s were met with human rights violations and government repression (Bauer 2001: 40- 44, 53, Africa Confidential 2007). Opposition parties are allowed but were widely considered to have no real chance of gaining power.¹¹ However, the pattern changed in the 2019 parliamentary elections. SWAPO lost its two-third majority in parliament and their presidential candidate Hage Geingob gained only 56% of the votes – the lowest share of votes in party history.¹² The general election was supposed to be held on 11/27/2024, which was preceded by rising youth dissatisfaction over high unemployment and increasing scrutiny of the long-ruling SWAPO party. Voting itself was plagued by widespread technical and logistical problems, including malfunctioning equipment and ballot shortages, which led the Electoral Commission to illegally extend voting hours over several days. This extension was vehemently opposed by opposition parties, who accused the ECN of voter suppression and fraud, and subsequently boycotted the official result declaration. Ultimately, the ruling SWAPO party retained power, though with its weakest electoral performance since independence, securing a bare parliamentary majority. Netumbo Nandi-Ndaitwah, the SWAPO candidate, was declared Namibia's first female president, despite the opposition leader, Panduleni Itula, immediately vowing to challenge the election results in court due to the „multitude of irregularities.“¹³

Electoral Democracy as of 07/01/2025 continued.

Additional Sources (Emminghaus 2002, Krennerich 1999, McDougall 1986)

Notes

¹ <https://www.bpb.de/kurz-knapp/hintergrund-aktuell/203118/namibia-feiert-seine-unabhaengigkeit/>

² <https://web.archive.org/web/20150402110638/http://www.lac.org.na/namlex/Intro.pdf>

³ <https://peacekeeping.un.org/sites/default/files/past/untagS.htm>

⁴ <https://www.rulers.org/ruln1.html#namibia>

⁵ https://en.wikipedia.org/wiki/1989_Namibian_parliamentary_election

⁶ https://en.wikipedia.org/wiki/1989_Namibian_parliamentary_election

⁷ https://en.wikipedia.org/wiki/Women%27s_suffrage

⁸ https://en.wikipedia.org/wiki/1989_Namibian_parliamentary_election

⁹ https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_652

¹⁰ <https://bti-project.org/en/reports/country-report/NAM>

¹¹ https://en.wikipedia.org/wiki/Politics_of_Namibia#:~:text=Namibia%20is%20a%20democratic%20but,real%20chance%20of%20gaining%20power.

¹² https://en.wikipedia.org/wiki/2019_Namibian_general_election

¹³ https://en.wikipedia.org/wiki/2024_Namibian_general_election

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