Article

Populism, Electoral Democracy and the 2019 Presidential Election in Namibia

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Abstract

The last few decades have seen the revival of populism, both as an ideology and praxis of political anatomy. This is no surprise given the realities that have underscored the twenty-first century. Although momentous in the far west, populism has somewhat revealed itself distinctly in sub-Saharan Africa with the rise of socio-political movements and the use of populist rhetoric as a means of electoral traction. An evident manifestation of populism in Africa has been through elections, with populists using these democratic processes (or the opportunities that come with such electoral processes) to get their messages across to the electorate. An immediate consequence of this causality between populism and electoral processes is the uneven changes in formerly settled political establishments. Using the 2019 Namibian presidential election as a matrix, particularly the populist alterations to Namibian politics brought about by once presidential hopeful Panduleni Itula, Namibia's first independent presidential candidate, and the emerging social movements and their use of populist rhetoric, this article seeks to analyse the impact of populism on Namibia's electoral democracy. The article argues that populism, at least as it played out in the 2019 Namibian presidential election, serves as an indicator and consequently as a determinant of the declining political hegemony of the South West Africa People's Organisation—the country's leading liberation movement.

Keywords: constitution; elections; populism; presidential election; Namibia; SWAPO

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Introduction

Compared to yesteryears, the last few decades have seen the revival of populism, both as an ideology and as a praxis of political anatomy. This is no surprise given the realities such as globalisation, liberalisation of markets, cognitive mobilisation of millennials, etc. that have underscored the twenty-first century. In fact, populism has become an inherent part of a new world order premised on neo-liberalism. Although relatively part and parcel of twenty-first century politics, what constitutes populism is not always a straightforward matter. It is, as Paul Taggart once put it rightly so, 'one of the most widely used but poorly understood political concepts of our time.'[1] Notwithstanding this truism, populism is commonly viewed as a political ideology consisting of the 'counter position of the interests of a collectivity identified as "the people" against those of a hegemonic elite, whose actions or inactions are antagonistic to "the people".'[2] In this regard, populism and those who foster this ideology presuppose a presumptuous existence of an incompatible relationship between two entities: namely, 'the people' and the 'hegemonic elite'.[3]

Whilst the capturing of international politics by populists has gained momentous attention post 2016 with the emergence of political figures, predominantly in Western democracies,[4] populism has somewhat revealed itself distinctly in sub-Saharan Africa with the rise of socio-political movements and their use of populist rhetoric. An evident matrix of populism in Africa has been through elections, with populists using these democratic processes (or the opportunities that come with such electoral processes) to get their messages across to the electorate. An immediate consequence of this relationship between populism and electoral processes is the uneven changes in formerly settled political (and electoral) outcomes.

The recently concluded presidential election in Namibia is a case in point that not only evidence the causality between populism and electoral processes but also its impact on

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1 Paul Taggart, 'Populism and the Pathology of Representative Politics' in Yves Mény and Yves Surel (eds), *Democracies and the Populist Challenge* (Palgrave Macmillan 2002) 62–80.

2 Ben Stanley, 'The Thin Ideology of Populism' (2008) 13(1) Journal of Political Ideologies 96.

3 ibid.

4 The rise of Donald Trump and Boris Johnson, as president and prime minister of the USA and United Kingdom and Northern Ireland, respectively, has in particular been singled out in mainstream media as the re-emergence of populism. See for instance, Oscar Winberg, 'Insult Politics: Donald Trump, Right-Wing Populism and Incendiary Language' (2017) 12(2) European Journal of American Studies 1–11; David Tabachnick, 'Donald Trump's Populist Presidency is the Real Coup, Not the Impeachment Inquiry' (*The Conversation*, 31 October 2019) <https://theconversation.com/donald-trumps-populist-presidency-is-the-real-coup-not-the-impeachment-inquiry-124972> accessed 12 February 2020; Patrick Smith, 'How Boris Johnson Used Brexit Populism to Storm Victory in UK Election' *NBC News* (London, 13 December 2019) <www.nbcnews.com/news/world/how-boris-johnson-used-brexit-populism-storm-victory-u-k-n1101401> accessed 12 February 2020; Andrew Grice, 'Boris Johnson's Triumph of Populism Comes Straight from the Trump Playbook' *Independent* (London, 13 December 2019) <www.independent.co.uk/voices/boris-johnson-general-election-december-2019-a9244811.html> accessed 12 February 2020.

electoral outcomes. This is not to suggest that the 2019 presidential election has been 'exceptional' in any regard. This would be a misleading conclusion. Rather, by signalling the populist elements of this election, we seek to demonstrate the gradual changing electoral patterns and practices in Namibia, which may have an impact on the political monopoly that the South West Africa People's Organisation (hereafter SWAPO) has over the political and civil trajectory in Namibia. The article therefore serves as a complement to the enormous scholarship relating to elections in Namibia. In the past, scholars have analysed Namibia's elections from a variety of perspectives, including, amongst others: (multi-party) democracy;[5] its gender dimension;[6] technology, more so the use of electoral voting machinery;[7] and electoral management bodies' roles.[8] Still, some have called for reforms of the electoral system as a whole.[9] In more recent literature, the focus has been on the courts and their engagement with election petitions.[10] Whilst the research on the rise of populism in southern Africa by scholars such as Henning Melber has been insightful, it has predominantly been carried out from a political perspective,[11] with limited pedagogy from a legal or electoral

5 Gretchen Bauer, 'Namibia in the First Decade of Independence: How Democratic?' (2001) 27(1) Journal of Southern African Studies 33; Gerhard Tötemeyer, 'Namibia's Constitution, Democracy and Election Process' in Nico Horn, Anton Bösl and André du Pisani (eds), *Constitutional Democracy in Namibia: A Critical Analysis after Two Decades* (Macmillan Education Namibia 2010); Bill Lindeke, 'The Perils and Complexity of Democratic Values in Namibia' (2014) AfroBarometer Briefing Paper No. 144, 1–15 <https://afrobarometer.org/publications/bp144-perils-and-complexity-democratic-values-namibia> accessed 3 March 2020; Herbert Weiland, 'Elections in Namibia: Lynchpins and Catalysts for Democratic Development?' in Nico Horn and Manfred Hinz (eds), *Beyond a Quarter Century of Constitutional Democracy: Process and Progress in Namibia* (Konrad Adenauer Stiftung 2017).

6 See generally, Amanda Clayton, 'Namibia at a Crossroads: 50/50 and the Way Forward' (2004) Institute for Public Policy Research Policy Brief 1–5; Nangula Shejavali, 'A Horn in the Flesh for Gender Equality' (2015) Institute for Public Policy Research 1–6; Job Amupanda and Erika Thomas, 'SWAPO's 50/50 Policy in Namibia: National Assembly (2015–2018) Full of Sound and Fury Signifying Nothing?' (2019) 4(2) Strategic Review for Southern Africa 1–25.

7 Ndjodi Nduenyema, 'Vote, but You Cannot Verify: The Namibian Supreme Courts Presidential Election Decision' *Oxford Human Rights Hub* (2020) 1–4 <https://ohrh.law.ox.ac.uk/vote-but-you-cannot-verify-the-namibian-supreme-courts-presidential-election-decision/> accessed 11 February 2020.

8 Ndjodi Nduenyema, 'The Constitutionalisation of the Electoral Commission of Namibia, the Appointment of Commissioners, and the Erosion of Constitutional Democracy' in Nico Horn and Manfred Hinz (eds), *Beyond a Quarter Century of Constitutional Democracy: Process and Progress in Namibia* (Konrad Adenauer Stiftung 2017) 55–72.

9 Joram Rukambe, 'Electoral Reform in Namibia: Challenges and Constraints' (2003) 2(1) Journal of African Elections 141; Gerhard Tötemeyer, 'Revision and Reform of an Electoral Act in a Democratic Environment: The Namibian Case' (2013) 12(3) Journal of African Elections 170.

10 See for instance, Nico Horn, 'Rally for Democracy and Progress & Seventeen Others v The Electoral Commission of Namibia - A Victory for the Positivist Approach, Unreported Judgment of the Supreme Court of Namibia' (2011) 3(2) Namibia LJ 115; Nico Horn, 'Becoming a Fred Rodell: Predicting the Result of the Second Supreme Court Appeal on the 2009 Election' (2011) 4(2) Namibia LJ 127.

11 See for instance, Henning Melber, 'Populism in Southern Africa under Liberation Movements as Governments' (2018) 45(158) Review of African Political Economy 678–686.

overview. It is therefore not an over exaggeration to suggest that scholars hardly reflect on the Namibian electoral process from a populist point of view—a gap this article seeks to fill.

Namibian elections held since 1989, both presidential and national, have relatively been settled and 'unpopulous'. This has been the case for a variety of reasons. With a steady grip of its electorate since 1990, SWAPO, being the country's leading former liberation movement, enjoyed widespread and often uncontested support from almost all quarters of the Namibian society. As a result, Namibia has, at least for the past two decades, been characterised as a 'de-facto one party State',[12] though the constitution envisages it as a 'sovereign, secular, democratic and unitary State'.[13] Since the 1994 elections, SWAPO has enjoyed a two-thirds majority that in the past enabled it to amend the constitution three times with minimal public input or consultation. All three instances of constitutional reform were marked with controversy and backlash from the wider populace.

The settled nature and predictability of Namibia's past elections have often left these elections unquestioned. This is despite the fact that some of these elections have been fraught with shortcomings. The situation is, however, changing with the constant rise of election petitions in the courts.[14] An important dimension for this change can reasonably also be traced to what one may term 'populist variables'. By populist variables we mean in this context a reference to a variety of determinants that resemble or speak to the ideology of populism that may in one form or another have an impact on voters' perspectives, attitudes, practices and patterns towards the electoral process. We make the argument that these variables, as we identified them, have over time contributed immensely to the changing patterns and practices of the electoral process in Namibia, most noticeably in the drastic decline of support for SWAPO and its presidential candidate in the 2019 presidential election.

In this article, we trace populism as it played out in the 2019 presidential election in Namibia. To this end, we use the 2019 Namibian presidential election as a matrix to show how a variety of 'populist' determinants, or the opportunistic use of shortcomings in the Namibian central government's development agenda by populist elements, have contributed to a drastic alteration in the presidential election outcome. The article is divided into five sections: in addition to the current introduction, we consider in the second section of this article the concept of populism, particularly within the context of

12 Henning Melber, *Understanding Namibia: The Trials of Independence* (Hurst & Co. 2014) 38.

13 Article 1(1) of the Namibian Constitution, as amended.

14 See generally, *Garoeb & Others v President of the Republic of Namibia & Others* [1992] NR 341 (HC); *DTA of Namibia & Another v SWAPO Party of Namibia & Others* [2005] NR 1 (HC); *Congress of Democrats & Others v Electoral Commission of Namibia* [2005] NR 44 (HC); *Rally for Democracy & Progress & Others v Electoral Commission of Namibia* [2013] (3) NR 664 (SC); *Republican Party of Namibia & Another v Electoral Commission of Namibia & Others* [2010] (1) NR 73 (HC); *Maletzky & Others v Electoral Commission of Namibia & Others* [2015] (2) NR 571 (HC).

electoral democracy. This is done to provide theoretical grounding to the article and as a precursor to our analysis of the influence of populism in the 2019 presidential election. Namibia's electoral system is analysed in the third section, including the legal framework informing this system. In the fourth section, we outline the general process and outcome of the 2019 presidential election as a precursor to our analysis on the 'populist variables' in the next section, which is the fifth section. Finally, in the last section, the article ends with a terse conclusion.

A Theoretical Analysis of Populism and Electoral Democracy

Populism is not a new phenomenon: for generations, scholars and historians have traced its existence back to the ancient world and the Roman Republic. However, and predominantly as a result of globalisation and changing world order, whether political or economic, populism has gained more prominent currency in the twenty-first century than before. This is partly evident from the mushrooming and resurrection of both right- and left-wing populist leaders the world over, who through various mantra and policies have been able to mobilise different groups of people for political gains. In the far west, modern populism became quite manifest with the rise of Former President Donald Trump and Prime Minister Boris Johnson in the US and Britain, respectively. Though these are perhaps amongst the most notable populists of our times, they are by no means the only ones. Put somewhat differently, populism is pervasive, having spread beyond the far west into continental Europe, parts of Latin America and more recently pervasively in Sub-Saharan Africa.

Whilst it is clear that populism has invaded, and perhaps has become an inherent part of, twenty-first century politics, what exactly constitutes populism has not always been a settled matter. Though, for centuries the existence of populism was undeniable, theoretically it remains a complex idea fraught with impediments. Its usage is rather common but, for the most part, poorly understood or contextualised. To this end, Margaret Canovan warned in early 1981 that, despite its frequent and irregular use, the term populism remains 'exceptionally vague and refers in different contexts to a bewildering variety of phenomena.'[15]

Notwithstanding the opaque nature of the concept, there are at least certain common core theoretical formations of what constitutes populism. The work of the Polish political anthropologist Ben Stanley provides a sound theoretical basis for a contemporary appreciation of the concept. However, in his deconstruction of populism, Stanley builds on Argentinian political scientist Ernesto Laclau's 'politics of antagonism' and Canovan's homogeneous conflation of the two political concepts of 'the people' and 'popular sovereignty', respectively, as a basis. It may therefore be ostensible to begin with the conventional constructions of populism by these scholars. Both Laclau and Canovan base their notion of populism on an ideational approach, in

15 Margaret Canovan, *Populism* (Harcourt Brace Jovanovuch 1981) 3.

terms of which populism is labelled as a *political ideology*. Laclau defines populism as a political ideology consisting of the 'counter position of the interests of a collectivity identified as "the people" against those of a hegemonic elite, whose actions or inactions are antagonistic to "the people".'[16] In this regard, Laclau deconstructs populism upon a presumptuous existence of an incompatible relationship between two entities, namely 'the people' and the 'hegemonic elite'.[17] The existence of this antagonistic relationship between these two entities is characterised by the procurement of demands, failure or fulfilment of which can result in some logic of either *difference* or *equivalence*. In other words, Laclau argues that, where elitists are able to meet the socio-economic demands of the people, they are able to stave off antagonism and/or any other hostilities between them and the people and are therefore in a position to generate a 'logic of difference'. If, however, they are incapable of remedying the needs and the demands of the people, a 'logic of equivalence' prevails and the differences between them are catalyst. In essence, Laclau's thesis postulates that the failure of fulfilment of certain demands from people in society who share adversarial experiences of neglect by virtue of failure to fulfil demands creates a potential congenial climate for the emergence of populism. Both Laclau's and Canovan's theses have been criticised severely, amongst others, for their earlier associations of populism with 'class politics'[18]—the idea that solidarity automatically builds up between possible adversaries by virtue of their conditioning.[19]

Ben Stanley characterises populism as an ideology dedicated to identifying the people as the privileged subject[s] of politics and justifying their place on the pedestal. Accordingly, he underscores the primary elements of populism as (i) the existence of two homogeneous units of analysis, namely 'the people' and 'the elite'; (ii) the antagonistic relationship between the people and the elite; (iii) the idea of popular sovereignty; and lastly, (iv) the positive valorisation of 'the people' and denigration of 'the elite'.[20]

By drawing a binary between 'the people' and 'the elite', and the distress between the two, Ben Stanley not only aligns himself with the ideational thinking of Laclau and Canovan but also emphasises the uneven balance of power between the two. Populism is therefore seen here as drawing equilibrium between the imbalances of power between these two extremes. On the one hand, do 'the people' who are viewed as subjects of denigration ultimately hold sovereign power? In this regard, Margaret Canovan has argued that populism 'is an appeal to "the people" against both the established structure of power and the dominant ideas and values of society.'[21] Additionally, 'the people' in

16 Stanley (n 2) 96. 'The Thin Ideology of Populism' (2008) 13(1) Journal of Political Ideologies 96.

17 ibid.

18 See for instance, Francisco Panizza, 'Introduction: Populism and the Mirror of Democracy' in Francisco Panizza (ed), *Populism and the Mirror of Democracy* (Verso 2005) 44.

19 Stanley (n 2) 98.

20 Stanley (n 2) 102.

21 Margaret Canovan, 'Trust the People! Populism and the Two Faces of Democracy' (1999) XLVII Political Studies 3.

this context are also viewed from a structural lens, more particularly in class-base category. By such perception, populists use structural classifications to argue that 'the people' need vindication from oppression by an elitist group. In contrast, 'the elite' are viewed as a privileged class of people who seek only to further their interest by constantly strengthening their grips on political power. In other words, 'elite' in this context predominantly refers to political establishments. To the populist, it is the general will of 'the people' that is paramount over the interest of a minority elitist few.[22]

A common, yet for the most part unsubstantiated, criticism raised is that populism is a threat to democracy.[23] But the contrast is also true as some other scholars have shown.[24] Democracy and populism are married and can complement each other suitably. Populism can add to democratisation and the rule of law by using the binary of the 'people/elite'; it questions the status quo of the political establishment. To populists, therefore, 'the people' should be the epicentre of governance and the ultimate and direct beneficiaries of any wealth and resources of a country.

The Namibian Electoral System and Legal Framework

Namibia's electoral system finds expression in its semi-presidential governance stratification which is based on a three-tier governance regime demarcated between central, regional and local government. To this end, three types of elections are held periodically: namely, presidential elections, National Assembly elections and regional and local government elections. Although all three elections are held every five years, they are distinguishable in the electoral voting patterns that inform each. Whilst presidential elections are based on a two-round electoral system,[25] National Assembly elections are premised on a closed list proportional representation voting regime blended on political party lists.[26] Except for local authority elections which align entirely with the closed list proportional representation voting system, regional elections are based on direct representation with constituency councillors being directly elected, although they represent a particular political party. The direction, supervision,

22 Stanley (n 2) 104.

23 See for instance, Jan-Werner Muller, 'The People Must Be Extracted from Within the People: Reflections on Populism' (2009) 21 (4) Constellations 759–760; Larry Diamond 'When Does Populism Become a Threat to Democracy?' Paper for Freeman Spogli Institute for International Studies Conference on Global Populism, Stanford University (2017) 1–6; Cas Mudde and Cristobal Kaltwasser, *Populism: A Very Short Introduction* (OUP 2017).

24 See for instance, Daniele Albertazzi and Duncan McDonnell, *Populists in Power* (Routledge 2008) 10; Manuel Anselmi, *Populism: An Introduction* (Routledge 2018).

25 According to this system, if no presidential election candidate achieves more than 50 per cent of the votes, the two candidates with the highest votes must contest in a run-off presidential election, with the candidate attaining the highest votes in such a run-off regarded as duly elected.

26 Therefore, the allocation of seats to the 96 elected members are oriented using the largest remainder method, which dictates that the numbers of votes for each party be divided by a quota representing the number of votes *required* for a seat (i.e., usually the total number of votes cast divided by the number of seats).

management and control of all elections, as set out above, including the conduct of referenda, is exclusively mandated to the Electoral Commission of Namibia (ECN),[27] which according to the constitution, shall be 'an independent, transparent and impartial body.'[28]

Namibia's electoral framework is relatively kilometric given that it is regulated both in terms of domestic and international law. Under its domestic law, the Namibian Constitution sets out the right to vote and political participation. The Electoral Act 5 of 2014 (as amended) complements the constitution and serves as the primary legislative framework for elections. In addition to these legislative instruments, several 'soft laws' have been developed which have an impact on the conduct of elections in Namibia.[29]

Moreover, article 144 of the Namibian Constitution provides that 'the general rules of public international law and international agreements binding upon Namibia shall form of the law of Namibia.' An immediate consequence of this provision is that international law is recognised as a source of law in Namibia. Furthermore, such law forms an automatic part of the domestic laws since Namibia ascribes to the monist tradition.[30] To this end, Namibia has ratified numerous international instruments at the universal United Nations (UN), regional African Union (AU) and sub-regional Southern African Development Community (SADC) level that contribute to its electoral legal framework. These instruments include, for instance, the International Covenant on Civil and Political Rights, 1966 (ICCPR), the AU Charter on Democracy, Elections and Governance, 2007 (ACDEG), and the Consolidated text of the SADC Treaty, 2015 (as amended). A finer analysis of these instruments need not suffice here given the fact that most, if not all, relevant provisions relating to elections generally have been domesticated in terms of Namibia's Electoral Act of 2014. Therefore, in our analysis below, we restrict ourselves to a reflection of the domestic electoral legal framework.

As stated above, the primary legal instrument regulating the conduct of elections in Namibia is the constitution. The Namibian Constitution is a prisoner of the history that marked its birth. In this regard, it has often been referred to as a product of compromise partly because it served, amongst other reasons, to protect 'western political and economic strategic interest.'[31] Its compromising character can also be traced to its ideals

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27 Article 94(1) of the Constitution read with section 2 of the Electoral Act 5 of 2014.

28 Article 94(2) of the Namibian Constitution, as amended.

29 For instance, Regulations relating to the Use of Voting Machines at Elections GN 117/2014; Regulations relating to Registration of Voters, Political Parties or Organisations GN 71/2015; Regulations relation to Nomination of Candidates for Elections GN 223/2015; Regulations relating to Authorisation of Voting and Announcement of Results of Elections GN 252/2015; and Regulations relating to Declaration of Assets and Liabilities of Political Parties and Disclosure of Foreign and Domestic Financing of Political Parties, Organisations, Members or Other Persons GN 357/2019.

30 Onkemetse Tshosa, 'The Status of International Law in Namibian National Law: An Appraisal of the Constitutional Strategy' (2011) 2(1) Namibia Law Journal 3.

31 Cleophas Tsokadayi, 'Namibia and Hostage Politics: The Convergence of United States and South African Foreign Policies under Construction' (2001) 1(2) Journal of Peace, Conflict and Military

of seeking to strike a balance between the atrocious past and the promising future. Midwifed by the international community, the constitution has received international acclaim as a progressive document.[32] Article 1(1) of the constitution affirmatively states that Namibia is a 'sovereign, secular, democratic and unitary state founded upon the principles of democracy, the rule of law and justice for all.' Sub-article 6 of the same provision further provides that the constitution shall be the 'supreme law' of the land.[33] As the supreme law, no law or (state) conduct may be inconsistent with its provisions. Chapter 3 of the constitution, which is headed 'Fundamental Human Rights and Freedoms' enshrines all of the fundamental rights and freedoms. These are predominantly civil and political rights, with the exception of the right to education. A part of these provisions provides for citizens' rights to political activity.

The right to political activity is guaranteed in article 17 of the constitution. This provision recognises Namibian citizens' rights to political participation which includes the 'right to participate in peaceful political activity intended to influence the composition and policies of government'; 'to form and join political parties'; as well as 'subject to such qualifications prescribed by law as are necessary in a democratic society to participate in the conduct of public affairs, whether directly or through freely chosen representatives.' Moreover, the right to vote is explicitly protected and guaranteed under article 17(2) of the constitution. Such a right extends to every citizen of the age of eighteen and above. Furthermore, any appointment to public office is extended to every citizen of twenty-one years and above.

In *Rally for Democracy & Progress v Electoral Commission of Namibia and Others,*[34] the Supreme Court eloquently captured the essence of article 17(1) and (2) by stating:

> [T]he right accorded to people on the basis of equal and universal adult suffrage to freely assert their political will in elections regularly held and fairly conducted is a fundamental and immutable premise for the legitimacy of government in any representative democracy. It is by secret ballot in elections otherwise transparently and accountably conducted that the socio-political will of individuals and, ultimately, that of all enfranchised citizens as a political collective, is transformed into representative government: a 'government of the people, by the people, for the people.' It is through the electoral process that policies of governance are shaped and endorsed or rejected; that political representation in constitutional structures of governance is reaffirmed or

Studies 93; Phanuel Kapaama, 'The State of Namibia's Constitutional Democratic and Multi-party Politics (1990–2014)' *Working for Social Democracy* (Friedrich-Ebert-Stiftung 2014) 4; Hage Geingob, 'State Formation in Namibia: Promoting Democracy and Good Governance' (PhD thesis, University of Leeds 2004).

32 Edzard Schmidt-Jortzig, 'The Constitution of Namibia: An Impressive Example of a State Emerging under Close Supervision and World Scrutiny' (1991) 34 German Yearbook of International Law 341–351; Oliver C. Ruppel and Katharina Ruppel-Schlitching, 'Legal and Judicial Pluralism in Namibia' (2011) 34 Journal of Legal Pluralism 37.

33 See article 1(6) of the Namibian Constitution.

34 2010 (2) NR 487 (SC) at 496B-D.

> rearranged and that the will of the people is demonstratively expressed and credibly ascertained.

It is, however, worth noting that the article 17(1) and (2) rights in question are not absolute as sub-article (3) of the same provision states that the 'rights guaranteed may be abrogated, suspended or be impinged upon by parliament in respect of specified categories of persons on such grounds of infirmity or on such grounds of public interest or morality as are necessary in a democratic society.'

Until more recently, Namibia's electoral laws were somewhat fragmented. This often had the implication that the electoral law was not always easily ascertainable and therefore prone to misinterpretation, which, more often than not, led to legal disputes. This is corroborated by the fact that in a dicta Damaseb JP (as he then was) and Parker J argued that 'the [electoral] law is very scattered… we had ourselves to wade through a myriad of amendments to ascertain what the applicable provisions are.'[35] To rectify this state of affairs, a robust reform process was undertaken which saw the promulgation of the Electoral Act 5 of 2014 (herein after the Electoral Act).

The Electoral Act, inter alia, provides for the powers and functions of the ECN;[36] the registration of voters,[37] nomination of candidates and conduct of the election of persons to the office of president[38] and to the election of members of the National Assembly.[39] The act also creates the Electoral Tribunal[40] and the Electoral Court.[41] Moreover, Schedule 2 of the Electoral Act sets out fundamental voters' rights and duties complimenting and expanding a considerable extend the provisions of article 17(1) and (2) of the constitution.

As a result of the past electoral disputes, especially in presidential elections, the Electoral Act explicitly regulates legal challenges of election outcomes in chapter 5 of the Act. In this regard, section 162 of Electoral Act establishes an Election Tribunal. The Magistrates Commission, after consultation with the Electoral Commission, appoints by notice in a *Gazette* a regional court magistrate as an election tribunal for the geographical area as the Magistrates Commission may determine. As part of its mandate, the Election Tribunal adjudicates and decides, subject to the provisions of the Electoral Act, on matters arising before polling day, including:

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35 *Rally for Democratic & Progress v Electoral Commission of Namibia and Other* 2010 (2) NR 487 (SC) 160.

36 See sections 4–20 of the Electoral Act, 2014.

37 See sections 22–48 of the Electoral Act, 2014.

38 See section 72–76 of the Electoral Act, 2014.

39 See sections 77–78 of the Electoral Act, 2014.

40 See sections 162–166 of the Electoral Act, 2014.

41 See sections 167–172 of the Electoral Act, 2014.

(a) the inclusion or non-inclusion of any name or names in a provisional voters register;

(b) any conduct attributable to a registered political party or registered organisation or office bearer of a registered political party or registered organisation;

(c) any conduct attributable to a registration officer or any other election official;

(d) matters concerning any election application or any other alleged prescribed electoral irregularity; and

(e) matters referred to in sections 33(1), (3), (4), (5) and (6), and 34(5).

All appeals from the Electoral Tribunal are heard by the Electoral Court.[42] Furthermore, the Electoral Court must dispense with an appeal emanating from the electoral tribunal before polling day. Section 163 of the Electoral Act confers powers to the electoral tribunal, and it states 'that the tribunal may, if applicable, order or impose any penalty or sanction as may be prescribed in the Act, or as it may consider appropriate in the circumstances.' Therefore, like a magistrate court, an electoral tribunal's powers and functions are to be exercised within the confines of the Electoral Act or as imposed on it by any other law. In contrast, the Electoral Court is established under section 167(1) of the Electoral Act and is a division of the High Court, thus enjoying the wide jurisdiction this court is granted.

Additionally, section 168 of the Electoral Act sets out the powers and functions of the Electoral Court and includes the capacity to hear and determine appeals from the electoral tribunal as well as the adjudication over any matter concerning any contravention of the Electoral Act. Section 170(1) of the Electoral Act provides that the Electoral Court must determine all post-election matters seven days before the swearing in of office bearers. With regard to the election of the president, if there is any challenge relating to the return or outcome of the election, such a challenge is to be directed to, and adjudicated by, the Supreme Court of Namibia as a court of first instance and final recourse.[43]

The 2019 Namibian Presidential Election: Process and Outcomes

In 1994, Namibia held its first presidential election, which was won by Sam Nujoma of SWAPO with 76.34 per cent, ahead of the 73.89 per cent won by SWAPO. Since then, five regular presidential elections have been held, with each leading to smooth presidential transition. In as much as these elections were relatively stable and declared free and fair, they were also amongst the most strained elections. This is true in light of the number of presidential petitions that almost always preceded these elections.

42 Section 162(2) of Act 24 of 2014.

43 See generally, section 172 of the Electoral Act, 2014.

The 2019 presidential election, unlike past presidential elections, was based on the two-round electoral system provided for in terms of article 28(2)(b) of the Namibian Constitution. This provision states that a candidate can only be elected as president if he or she has received more than 50 per cent of the total votes cast. Where no candidate attains such a majority, the two candidates with the most votes in the previous ballot shall participate in a rerun, and the candidate who receives the most votes in the second ballot shall be duly regarded as elected. In the 2019 presidential election, no such rerun took place since the candidate of the ruling SWAPO party obtained 56.3 per cent of the total votes cast (see table 1 below). The candidate with the second highest votes was an independent candidate, who obtained 29.4 per cent. It is worth noting that both the winner and the second-place candidate were members of the SWAPO party, although the latter stood as an independent candidate.

The independent candidature of Dr Panduleni Itula, a dentist and relative newcomer to conventional Namibian politics, posed severe challenges to the anticipated presidential outcome. It was seen by many as a reflection of the tension and disunity within SWAPO, who over the past few years were marked by factions and internal unrest. Compared to his previous 87 per cent support in the 2014 presidential election, the ruling party's candidate had in the 2019 presidential election obtained by far the lowest support a presidential candidate from the ruling party had ever obtained.

Table 1: 2019 Presidential election outcome

Candidate name	**Political party**	**Number of votes**	**Percentage (%)**
Hage Geingob	South West Africa People's Organisation (SWAPO)	464,703	56.3
Panduleni Itula	Independent Candidate (IC)	242,657	29.4
McHenry Venaani	Popular Democratic Movement (PDM)	43,959	5.3
Bernadus Swartbooi	Landless People's Movement (LPM)	22,542	2.7
Apius Auchab	United Democratic Front (UDF)	22,115	2.7
Esther Muinjangue	National Unity Democratic Organisation (NUDO)	12,039	1.5
Tangeni Iiyambo	South West Africa National Union (SWANU)	5,959	0.7
Henk Mudge	Republican Party (RP)	4,379	0.5
Mike Kavekotora	Rally for Democracy and Progress (RDP)	3,515	0.4
Ignatius Shixwameni	All Peoples Party (APP)	3,304	0.4
Jan Mukwilongo	Namibian Economic Freedom Fighters (NEFF)	1,026	0.1
Total		826,198	100

Source: Electoral Commission of Namibia (ECN) (2020)

The continued political hegemony of SWAPO's presidential candidates can be married to the over dominance of the party. This can be explained with reference to several determinants: the first consideration is a historical one, premised on SWAPO's moral command and symbolic capital as the liberation movement which brought independence. Thanks to its role in the liberation of South West Africa (hereafter Namibia), as the country was then known,[44] SWAPO managed, unlike other movements of the time, to mobilise and garner popular support and trust both from its home base and the international community. Such mobilisation not only saw its support increase over the years during the liberation struggle but also earned it the rare, but important, credential of being recognised as the 'sole and authentic representative of the people of Namibia' by the UN in 1978.[45] Added to this, having materialised the ideal of the right to self-determination for the people of Namibia, many Namibians, especially the black majority, rewarded SWAPO with loyalty and support in return. It is also worth noting that SWAPO is a party of age (and size), having been established in the late 1950s. It is by far amongst the oldest political parties in the country, second only to the South West Africa National Unity (SWANU).

Furthermore, since Namibia attained independence in 1990, SWAPO gained full access to both the state and government and, by extension, its resources and capital. This gave the ruling party a comparative advantage, perhaps an earned one, over other political parties. With these resources, the ruling party could easily cement its support base and mobilise people for electoral support. Moreover, SWAPO's advantage of incumbency is further corroborated by the fact that it gains the vast majority of funding made available to political parties based on their proportional representation in parliament, since it has always had the highest number of seats. Weak opposition politics also generally contributes to SWAPO's strong hold of both the electorate and the state. This is because opposition parties in Namibia are often caught up in internal strife and hardly offer any alternative policies and strategies than those the ruling party bids.

Populist Variables and the 2019 Namibian Presidential Election

One of the underlying features of the 2019 presidential election was its populist decorum. Traditionally, since the UN supervised the first elections in 1989, Namibian elections have always been systemic in that they have been predominantly predictable. This is not to suggest that these elections have in any way not been credible. On the contrary, the systemic nature of Namibia's past elections has greatly contributed to peaceful electoral processes in the country and as such ensured voter confidence and

44 On 12 June 1968, the United Nations General Assembly passed a resolution (GA Res. 2372 (XXII), UN Doc. A/RES/2372 (XXII)) that officially renamed 'South West Africa' as 'Namibia'.

45 The UN officially recognised SWAPO, rather than South Africa, as a way to delegitimise South Africa's occupation of South West Africa/Namibia. See also Theo-Ben Gurirab, 'The Genesis of the Namibian Constitution: The International and Regional Setting' in Anton Bösl, Nico Horn and Andre du Pisani (eds), *Constitutional Democracy in Namibia: A Critical Analysis after Two Decades* (Windhoek Macmillan Publishers 2010) 112.

general political participation in civic affairs by its citizens. This is, however, changing and the settled practices of the electoral processes in Namibia are beginning to be subjects of constant contestation. One major explanation for this irregularity can be traced to what one may term as an accumulation of populism or populist variables.

For a country that has been at the mercy of socio-economic hardships, brought about predominantly by an economic recession, Namibia has had its fair share of populist experiences. This was most notable in its 2019 presidential election, which was marred by a variety of political leaders, predominantly from the opposition, using downfalls of the economy to gain support through populist promises and rhetoric and as a result suppress the long-established political support for the ruling SWAPO party. It is, therefore, not a misplaced argument to make that the populist rhetoric by Panduleni Itula, Namibia's first independent presidential candidate, reflects the impact that populism has had on the presidential electoral outcome and on the political establishment more widely. Panduleni Itula, a long-standing cadre of the SWAPO party, is a rather new actor in the Namibian political scene. Hardly having any political position in both government and SWAPO, Itula's fame and connection with the ordinary populace, especially the youth, came as a surprise to many, both within and outside SWAPO. For many people, especially the youth, he was seen as an alternative to the political establishment of SWAPO. He raised hopes and aspirations for unemployed youth by questioning the status of the SWAPO government. Often using social media, and with the mantra 'Namibia is all we have, let us save it', Itula's populist approach has unsettled the system of arranged politics to a considerable extent. To his advantage, he questioned the growing syndrome of corruption especially in the public service, the high unemployment rate and aggregating gap between the rich and the poor. Unlike the ruling party and its candidate(s), who often displayed their flashy wealth and materials at political rallies in the face of the poverty-stricken populace, Itula related to the ordinary citizenry by lowering his standard of living to theirs. Throughout his campaigns, which were predominantly door-to-door campaigns or drive-through of the various towns with supporters joining him along the way like disciples, Itula consistently maintained a modest lifestyle, which the masses admired. His people-centred approach to politics saw him winning two main economic regions of Namibia, something opposition politics had not been able to achieve in the past thirty years.

It is commonly held that populists are rather generous when it comes to promises. So too were Itula and the leaders of social movements who challenged the SWAPO presidential candidate. They strategically employed political slogans, rhetoric and critique in attacking their opponents and were creative in inventing appealing mantras. Thus, for instance, the common rhetoric of Independent Patriots for Change (IPC) leader Itula, 'Namibia is all we have, let us save it', has resonated well and appreciably with many Namibians. In a sense, when one looks at it objectively, Itula's mantra of 'Namibia is all we have, let us save it' depicted Namibia metaphorically as a country captured by some political elite and subjected to abuse, thus requiring redemption.

Whilst the solemn call to the electorate to redeem the country from its current political regime remains a central element of the Itula regime, the question from whom and from what is Namibia being 'saved' remains unanswered. Nonetheless, what is evident is that it clearly has a 'chilling effect' on the electorate, especially when they have to consider their socio-economic conditions. In an opportunistic fashion, the legitimate call for wealth redistribution by Itula and other populists is an appealing one in a country where poverty is widespread, with official unemployment estimated at 34 per cent.[46] This, however, is not the only populist rhetoric advanced by Itula. His rhetoric also includes '[I]t is time for change'[47] as well as his constant subtle messages to the ruling party, such as '[Y]ou will have to contend with the people determined to change the suffering of their people.'[48] Another common feature of Itula's public addresses is the hermeneutics of '[T]he people', often used to display his commitment to the plight of the masses. A typical example of this rhetoric can be traced to his maiden speech marking the formation of the IPC party, where Itula argued '[W]e are here to establish ourselves as independent patriots for a single reason, and that is change. To change in the direction that our people want. It will be difficult to build a future of a truly free Namibia, from all social injustice, if we are not in power.'[49]

The 'Itula politics' of populism is uncommon to Namibia: the politics of the poor, vulnerable and marginalised, the politics of providing alternatives to the central government's policies and strategies, the politics of simplicity. In a nutshell, the politics of populism. By using populist politics, Itula was able to achieve what the Namibian opposition parties combined were not able to achieve in three decades. It is no wonder that the 2019 presidential election has been described as the 'most interesting election in Namibia since independence.'[50] It is, therefore, not a misplaced argument to suggest that the 2019 Namibian presidential election may be an indicator of an increasing populist electoral discourse.

As a flexible phenomenon, populism provides an avenue for populists to use popular rhetoric to secure traction with the electorate. Henning Melber rightly captured this reality when he argued:[51]

> As new as it seems … [populism] comes in different shades and colours, and has no specific ideology. It is more a technique than a programme. It is rather form than

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46 World Bank, 'World Bank in Namibia' (*World Bank*, 1 December 2020) 1. <https://www.worldbank.org/en/country/namibia/overview> accessed 1 December 2020.

47 See rally speech delivered in early 2020, Ester Mbathera, 'Itula Tells Officials to Distinguish Party from Government' *The Namibian* (Windhoek, 3 December 2020) 1.

48 Mbathera (n 47) 7.

49 Panduleni Itula's speech as reported in Kuzeeko Tjitemisa, 'Let's Meet at the Ballot… Itula tells SWAPO Game Plan Would Be Different' *New Era* (Windhoek, 3 September 2020) 1.

50 Thomas Cripps, 'The Most Interesting Elections in Namibia Since Independence' (*Democracy in Africa Blog*, 5 December 2019) 1 <http://democracyinafrica.org/interesting-election-namibia-since-independence/.> accessed 1 November 2020.

51 Henning Melber, 'Namibian Populism on Display' *The Namibian* (Windhoek, 13 May 2020) 10.

> substance. Populism aims at and appeals to the basic instincts in people. As almost everything in politics, it is motivated by seizing and maintaining power. … Populists have a flexible definition of 'truth'. They adjust to situations, and tend to be opportunistic – often, they state different things at different times to different audiences [to gain traction].

These populist tendencies, as outlined in Henning Melber's argument above, are evident in some key developments that preceded the 2019 Namibian presidential election. This is because populists, such as Itula, and social movement leaders from organisations such as the Landless People's Movement (LPM) and Affirmative Repositioning (AR) movement have used the weaknesses of the SWAPO government and its presidential candidate to propel support amongst voters.

By way of elaboration, Itula and his cohort of populists have used some of the incumbent president's government policies to discredit his government in order to gain popular support for themselves. A typical example of such policy is the proposed National Equitable Economic Empowerment Framework (NEEF), which calls for at least 25 per cent 'black ownership' in all business enterprises in the country. The NEEF further calls for all company boards as well as management to be owned by previously disadvantaged persons. Whilst this may be ideal in empowering previously disadvantaged Namibians who have been negatively affected by the atrocious policies of the apartheid nationalist South African government, it has not been appealing in post-independent Namibia. Central to the persistent lack of support for the NEEF is the fact that it marginalises and excludes the minority white population and potentially foreign investors, who remain important stakeholders in the economy. Equally, the government's land reform and housing policies and programmes remain a critical area of concern.[52] It remains a major area of socio-political contestation in Namibia.[53] The urban and peri-urban poor, who for the most part comprise the youth, have repeatedly raised their concerns about the lack of land and housing.[54] In the southern parts of Namibia, there have been repeated calls for ancestral claims for land, particularly for descendants of the 1904–1908 Herero-Nama Genocide. The lack of an adequate response to these claims has provoked resistance, resulting amongst others in the formation of the Namibian Landless Peoples Movement (LPM). Headed by a former deputy minister of land reform in the SWAPO-led government, the LPM is a left-wing political movement whose primary focus is land restitution and restorative justice for landless Namibians, including indigenous and

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52 See generally, Ase Christensen, 'Land Governance in Namibia: Challenges and Opportunities' Paper Presented at the 2019 World Bank Conference on Land and Poverty (*The World Bank*, Washington 1–17 December 2019).

53 Henning Melber, 'Colonialism, Land, Ethnicity, and Class: Namibia after the Second National Land Conference' 2019 Africa Spectrum 73.

54 The youth in Namibia are generally attributed to having begun social movements, namely the Affirmative Repossession Movement and the Landless People's Movement, to mobilise the youth in the quest for land and housing in Namibia. See generally also Herbert Jauch and Bankie F. Bankie, 'The Urban Housing Crisis in Namibia: A Youth Perspective' (National Youth Council of Namibia, Windhoek, 2016) 1–139.

marginalised communities. Since its formation, the LPM has consistently critiqued the central government for its lack of effective land reform. Under the populist slogan of 'restoring our dignity,' the LPM continues to garner support, predominantly from marginalised communities in the southern parts of Namibia, as is evident from its recent gains in the regional and local government elections.[55]

Similarly, the AR movement, which began as an activist movement in late 2016, challenges the government's land and urban housing shortcomings, with a particular focus on the youth. The AR movement is seen for the most part as a liberal movement of youthful Namibians and activists. Heike Berker argues that 'the AR movement embodies a groundswell of profound anger and frustration about the enormous social inequality twenty-five years after Namibian Independence in 1990.'[56] The movement's pioneers, who are all former leaders of the SWAPO Party Youth League, once defined the contours of their movement in radical terms as a movement that 'seeks to establish an order quarantining and liquidating [this] capitalist anarchy. It is about standing up for the 60 percent of our population and shielding them from capitalist greed and economic rape.'[57] In its critique and engagements with central government, the AR movement commonly uses populist rhetoric, which has provoked and frustrated central government.[58] One such slogan commonly used is the 'Zombie mentality' rhetoric, which is premised on the idea that (the Namibian) society can no longer be in a habitual civic obedience and submission to politicians and the black elite given the socio-economic hardships prevalent in the country, which, in the opinion of the AR movement, is not decisively attended to by the SWAPO-led government. Accordingly, the AR movement's leaders, shortly after one of their summits in early 2015, argued that their aim was to challenge 'the general zombie tendency and the bullshitisation [*sic*] of politics and society in Namibia.'[59]

Given the above reflection, it may be argued that whilst populism is generally viewed in a pessimistic manner, its use as a political tactic in Namibia's 2019 presidential election painted a different picture. It seems that populist rhetoric can be appealing to voters for support and mobilisation. The fact that Namibia's first independent presidential candidate and other social movements leaders applied populist rhetoric to their campaigns, a development uncommon and unprecedented in Namibian elections, is telling of the potential that populism can have in altering established political stratifications. This is evident from the outcome of the 2019 presidential election which

55 See generally, Steven Klukowski, 'LPM Wins Big in //Karas' *New Era* (Windhoek, 12 November 2020) 1; Steven Klukowski 'LPM Takes Control of Hardap' *New Era* (Windhoek, 12 November 2020) 1.

56 Klukowski (n 55).

57 George Kambala, Dimbulukeni Nayoma and Job Shipululo Amupanda, 'Affirmative Repositioning – The Two Options' *New Era* (Windhoek, 13 November 2015) 13.

58 ibid.

59 Heiker Becker, 'Namibia's Moment: Youth and Urban Land Activism' (2016) (Review of African Political Economy Blog, 17 September 2020) 1.

has seen a marginal but drastic decline in voter support of SWAPO and its presidential candidate, which may mark the beginning of the decline of the political hegemony once enjoyed by one of Africa's leading liberation movements.

Conclusion

The recent momentous resurgence of populism in the far west, especially with the rise of Former President Donald Trump in the USA, is a clear indicator of the prevalence of this phenomenon in liberal democracies. Although populists are now a common feature in the electoral systems of the global north, the global south has not been spared from this phenomenon. In the case of Namibia, its 2019 presidential election illustrated a rising populist rhetoric. As indicated in this article, unlike in past elections in Namibia, Namibia's presidential election candidates, especially Panduleni Itula, the country's first independent presidential candidate has employed populist rhetoric to gain traction with the electoral. The fact that he managed to gain at least 30 per cent of the total electoral vote of the 2019 presidential election, an unprecedented act that has never been achieved by any opposition candidate in the past, attests to the impact of populism on the Namibian voters.

The broad question that remains to be answered is whether populism is good for Namibian electoral democracy. The answer to this question is not a crystal clear one. Liberals and left-wing thinkers would most probably answer in the affirmative. As for conservatives, populism could be seen as a threat to electoral democracy. Whether one is a right- or left-wing thinker, what is certain is that voting patterns are gradually changing and, from the variables that one can attribute such a change to, populist politics cannot be overlooked as a factor. Moreover, the populist politics that defined the 2019 presidential election may in future, if maintained, see the unseating of the ruling party (and its presidential aspirants)—something one could hardly imagine some years ago. The populist alterations of Itula, predominantly based on challenging the political establishment, and social movement leaders, predominantly based on challenging elitism and the failed economy, are, therefore, important variables that contributed to the rather unusual results of the 2019 presidential election. Such irregularity can be traced to the fact that, for the first time since the 1989 elections, a ruling party's presidential candidate has not almost entirely dominated the electoral vote. This could be interpreted as a sign of the changing wave in Namibia and could mean that in the near future the ruling party could lose its dominance of both state and society in Namibia.

References

Albertazzi D and McDonnell D, *Populists in Power* (Routledge 2008).

Amupanda JS and Thomas E, 'SWAPO's 50/50 Policy in Namibia: National Assembly (2015–2018) Full of Sound and Fury Signifying Nothing?' (2019) 4(2) Strategic Review for Southern Africa.

Anselmi M, *Populism: An Introduction* (Routledge 2018).

Bauer G, 'Namibia in the First Decade of Independence: How Democratic?' (2001) 27(1) Journal of Southern African Studies <https://doi.org/10.1080/03057070120029491>

Becker H, 'Namibia's Moment: Youth and Urban Land Activism' (2016) (Review of African Political Economy Blog, 17 September 2020).

Canovan M, 'Trust the People! Populism and the Two Faces of Democracy' (1999) XLVII Political Studies <https://doi.org/10.1111/1467-9248.00184>

Canovan M, *Populism* (Harcourt Brace Jovanovuch 1981).

Christensen A, 'Land Governance in Namibia: Challenges and Opportunities' Paper Presented at the 2019 World Bank Conference on Land and Poverty (The World Bank, Washington 1–17 December 2019).

Clayton A, 'Namibia at a Crossroads: 50/50 and the Way Forward' (2004) *Institute for Public Policy Research Policy Brief*.

Cripps T, 'The Most Interesting Elections in Namibia since Independence' (Democracy in Africa Blog, 5 December 2019) <http://democracyinafrica.org/interesting-election-namibia-since-independence/> accessed 1 November 2020.

Diamond L, 'When does Populism become a Threat to Democracy?' Paper for Freeman Spogli Institute for International Studies Conference on Global Populism, Stanford University (2017).

Grice A, 'Boris Johnson's Triumph of Populism Comes Straight from the Trump Playbook' *Independent* (London, 13 December 2019) <www.independent.co.uk/voices/boris-johnson-general-election-december-2019-a9244811.html> accessed 12 February 2020.

Geingob H, 'State Formation in Namibia: Promoting Democracy and Good Governance' (PhD thesis, University of Leeds 2004).

Gurirab T, 'The Genesis of the Namibian Constitution: The International and Regional Setting' in Bosl A, Horn N and du Pisani A (eds), *Constitutional Democracy in Namibia: A Critical Analysis after Two Decades* (Windhoek Macmillan Publishers 2010).

Horn N, 'Rally for Democracy and Progress & Seventeen Others v The Electoral Commission of Namibia - A Victory for the Positivist Approach, Unreported Judgement of the Supreme Court of Namibia' (2011) 3(2) Namibia Law Journal.

Horn N, 'Becoming a Fred Rodell: Predicting the result of the Second Supreme Court Appeal on the 2009 Election' (2011) 4(2) Namibia Law Journal.

Jauch H and Bankie BF, 'The Urban Housing Crisis in Namibia: A Youth Perspective' (National Youth Council of Namibia, Windhoek, 2016).

Kambala G, Nayoma D and Amupanda JS, 'Affirmative Repositioning – The Two Options' *New Era* (Windhoek, 13 November 2015).

Kapaama P, 'The State of Namibia's Constitutional Democratic and Multi-Party Politics (1990–2014)' *Working for Social Democracy* (Friedrich-Ebert-Stiftung 2014).

Klukowski S, 'LPM Wins Big in //Karas' *New Era* (Windhoek, 12 November 2020).

Klukowski S, 'LPM Takes Control of Hardap' *New Era* (Windhoek, 12 November 2020).

Lindeke B, 'The Perils and Complexity of Democratic Values in Namibia' (2014) AfroBarometer Briefing Paper No. 144 <https://afrobarometer.org/publications/bp144-perils-and-complexity-democratic-values-namibia> accessed 3 March 2020.

Mbathera E, 'Itula Tells Officials to Distinguish Party from Government' *The Namibian* (Windhoek, 3 December 2020).

Melber H, *Understanding Namibia: The Trials of Independence* (London, Hurst & Co.).

Melber H, 'Populism in Southern Africa under Liberation Movements as Governments' (2018) 45(158) Review of African Political Economy <https://doi.org/10.1080/03056244.2018.1500360>

Melber H, 'Namibian Populism on Display' *The Namibian* (Windhoek, 1 May 2020) <https://www.namibian.com.na/160313/archive-read/Namibian-Populism-on-Display> accessed 1 November 2020.

Melber H, 'Colonialism, Land, Ethnicity, and Class: Namibia after the Second National Land Conference' 2019 Africa Spectrum <https://doi.org/10.1177/0002039719848506>

Muller J, 'The People Must be Extracted from within the People: Reflections on Populism' (2009) 21(4) Constellations <https://doi.org/10.1111/1467-8675.12126>

Mudde C and Kaltwasser C, *Populism: A Very Short Introduction* (OUP 2017) <https://doi.org/10.1093/actrade/9780190234874.001.0001>

Nduenyema N, 'Vote, but You Cannot Verify: The Namibian Supreme Courts Presidential Election Decision' *Oxford Human Rights Hub* (2020) <https://ohrh.law.ox.ac.uk/vote-but-you-cannot-verify-the-namibian-supreme-courts-presidential-election-decision/> accessed 11 February 2020.

Nduenyema N, 'The Constitutionalisation of the Electoral Commission of Namibia, the Appointment of Commissioners, and the Erosion of Constitutional Democracy' in Horn, N and Hinz, M (eds), *Beyond a Quarter Century of Constitutional Democracy: Process and Progress in Namibia* (Konrad Adenauer Stiftung 2017).

Panizza F, 'Introduction: Populism and the Mirror of Democracy' in Panizza F (ed), *Populism and the Mirror of Democracy* (Verso 2005).

Rukambe J, 'Electoral Reform in Namibia: Challenges and Constraints' (2003) 2(1) Journal of African Elections <https://doi.org/10.20940/JAE/2003/v2i1a11>

Ruppel OC and Ruppel-Schlitching K, 'Legal and Judicial Pluralism in Namibia' (2011) 34 Journal of Legal Pluralism.

Schmidt-Jortzig E, 'The Constitution of Namibia: An Impressive Example of a State Emerging under Close Supervision and World Scrutiny' (1991) 34 German Yearbook of International Law.

Shejavali N, 'A Horn in the Flesh for Gender Equality' (Institute for Public Policy Research 2015).

Smith P, 'How Boris Johnson Used Brexit Populism to Storm Victory in UK Election' *NBC News* (London, 13 December 2019) <www.nbcnews.com/news/world/how-boris-johnson-used-brexit-populism-storm-victory-u-k-n1101401> accessed 12 February 2020.

Stanley B, 'The Thin Ideology of Populism' (2008) 13(1) Journal of Political Ideologies <https://doi.org/10.1080/13569310701822289>

Tabachnick D, 'Donald Trump's Populist Presidency is the Real Coup, Not the Impeachment Inquiry' (2019) *The Conversation* <https://theconversation.com/donald-trumps-populist-presidency-is-the-real-coup-not-the-impeachment-inquiry-124972> accessed 12 February 2020.

Taggart P, 'Populism and the Pathology of Representative Politics' in Mény Y and Surel Y (eds), *Democracies and the Populist Challenge* (Palgrave Macmillan 2002) <https://doi.org/10.1057/9781403920072_4>

Tjitemisa K, 'Let's Meet at the Ballot … Itula tells SWAPO Game Plan Would Be Different' *New Era* (Windhoek, 3 September 2020).

Tötemeyer G, 'Revision and Reform of an Electoral Act in a Democratic Environment: The Namibian Case' (2013) 12(3) Journal of African Elections.

Tötemeyer G, 'Namibia's Constitution, Democracy and Election Process' in Horn N, Bösl A and du Pisani A (eds), *Constitutional Democracy in Namibia: A Critical Analysis after Two Decades* (Macmillan Education Namibia 2010).

Tshosa O, 'The Status of International Law in Namibian National Law: An Appraisal of the Constitutional Strategy' (2011) 2(1) Namibia Law Journal.

Tsokadayi C, 'Namibia and Hostage Politics: The Convergence of United States and South African Foreign Policies under Construction' (2001) 1(2) Journal of Peace, Conflict and Military Studies.

Weiland H, 'Elections in Namibia: Lynchpins and Catalysts for Democratic Development?' in Horn N and Hinz M (eds), *Beyond a Quarter Century of Constitutional Democracy: Process and Progress in Namibia* (Konrad Adenauer Stiftung 2017).

Winberg O, 'Insult Politics: Donald Trump, Right-wing Populism and Incendiary Language' (2017) 12(2) European Journal of American Studies <https://doi.org/10.4000/ejas.12132>

Cases

Congress of Democrats & Others v Electoral Commission of Namibia 2005 NR 44 (HC).

DTA of Namibia & Another v SWAPO Party of Namibia & Others 2005 NR 1 (HC).

Garoeb & Others v President of the Republic of Namibia & Others 1992 NR 341 (HC).

Itula v Minister of Urban and Rural Development (A1-2019) [2020] NASC.

John Haron Mwau v Independent Electoral and Boundaries Commission & 3 others [2017] eKLR (Election Petition 2 of 2017); (14 November 2017).

Rally for Democratic & Progress v Electoral Commission of Namibia and Other 2010 (2) NR 487 (SC).

Rally for Democracy & Progress & Others v Electoral Commission of Namibia 2013 (3) NR 664 (SC).

Republican Party of Namibia & Another v Electoral Commission of Namibia & Others 2010 (1) NR 73 (HC).

Maletzky & Others v Electoral Commission of Namibia & Others 2015 (2) NR 571 (HC).

Legislation

Namibian Constitution, No. 1 of 1990.

Electoral Act 4 of 2014.