

FOREWORD



Through the many outreach and public education campaigns which the office staff and I have been involved in over the last number of years, one thing became very clear and that is that there is a huge outcry for information about the Namibian Constitution amongst the Namibian public, young and old alike. It is also true though, that the Constitution in its official format, presents somewhat of a challenge to the ordinary citizen to understand all the provisions contained therein due to the rich language use.

It has always been my view that, for citizens to understand and enjoy the rights afforded to them in the Constitution, they not only need to have access to it, but they also need to understand it. It was with this in mind that I decided to have a shortened, simplified version of the Namibian Constitution developed which will be translated into all the main languages in Namibia and which will benefit all citizens and especially our children, who are the future leaders of our beloved Namibia. I wish to make it clear that this simplified version is not a substitute for the official Namibian Constitution, which should still be consulted when necessary.


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INTRODUCTION

- Everyone has a right to freedom, justice and peace.
- This includes your right to independence and happiness no matter what your race, colour, origin, religion, belief, if you are a woman or a man, or what your social or economic status is.
- In our democratic society, your rights will be protected because government is responsible to the elected representatives of the people, subject to the Constitution and an independent legal system.

As Namibians, we:

- are free from colonialism, racism and apartheid;
- use this Constitution to put into words our decision to protect what we have gained;
- encourage everyone to live with dignity, and strive for unity and integrity;
- aim to achieve harmony and encourage peace and a shared loyalty.

Believing in these principles, we are determined that the Republic of Namibia will be an independent, democratic and undivided State in order to enjoy justice, freedom and being equal.

We accept and adopt this Constitution as the fundamental/principal law of Namibia.

CHAPTER 1

The Republic

Article 1: Establishment and borders

- Namibia is an independent, religion tolerant, democratic and undivided country, where the rule of law and fairness applies.
- The State has 3 parts: Executive (makes decisions), Legislative (makes laws) and the Judiciary (Courts).
- Namibia is an internationally recognised state with fixed borders including 12 off-shore islands.
- The central government is in Windhoek.
- This Constitution is the highest law.

Article 2: National symbols

- Namibia has a national flag, a coat of arms, an anthem and a seal.
- The seal includes the coat of arms with the word "Namibia" across it, as well as the motto (Unity, Liberty, Justice). The President keeps the seal which is used on official documents.

Article 3: Language

The official language is English, but other languages may be used, especially in schools subject to certain conditions. Parliament may make a law which will permit the use of other languages in certain regions.

CHAPTER 2

Citizenship

Article 4: Gaining or losing Namibian citizenship

- By birth:
 - Those born in Namibia before Independence whose parents would have been regarded as Namibian citizens if this Constitution had been in force at that time;
 - Those born in Namibia before Independence and whose parents were ordinarily resident in Namibia at the time when they were born, provided that their parents were not enjoying diplomatic immunity, were from another country, but only worked here, were members of the police, military or security forces from another country;
 - If you were born in Namibia after Independence and your parents are Namibian citizens;
 - Those born in Namibia after Independence and whose parents were ordinarily resident in Namibia at the time when they were born, provided that their parents were not enjoying diplomatic immunity; were from another country, but only worked here; were members of the police, military or security forces from another country; are not illegal immigrants.
- By descent:
 - If you were not born in Namibia, but your parents are Namibians or have qualified for citizenship and comply with requirements to register for citizenship; and if your birth is registered within a specific time either in Namibia

or at an embassy, consulate or office of a Namibian trade representative.

- By marriage:
 - Those who in good faith marry a Namibian and have lived here with their husband/wife for not less than 10 years and have applied to become a Namibian citizen.
 - Based on certain provisions, a marriage by customary law is seen as a marriage.

- By registration:
 - If at Independence you had been living here for more than five years, provided you applied for citizenship within a year after Independence, and if you renounced the citizenship of any other country.

- By naturalisation:
 - If you were an ordinary citizen when you applied for naturalisation or had been a resident for ten years (before or after Independence) as amended in 2010, and you met certain criteria.
 - Parliament may make a law that grant citizenship to any person based on a special skill, experience or commitment or special service to Namibia.
 - Citizenship can be lost if you reject it by voluntarily signing it off.
 - Citizenship can be lost if you become a citizen of another country; if you serve in the armed or security forces of another country without permission from the Namibian government; or if you live in another country and have been absent from Namibia for more than two years without the government's permission.

- Parliament can make laws regulating the loss or gain of Namibian citizenship.

CHAPTER 3

Basic Human Rights and Freedoms

Article 5: Protection of basic human rights and freedoms

- The rights and freedoms in this chapter must be respected and upheld by the government and all Namibians, and are enforceable in Court.

Article 6: Life

- This right must be respected and protected. No one may be sentenced to death or executed.

Article 7: Freedom

- No one's freedom may be taken away, except by law.

Article 8: Dignity

- Your dignity must be respected, even in Court. No one may be tortured or suffer cruelty or degrading punishment.

Article 9: Slavery and forced labour

- Nobody may be held as a slave or be forced to work. Forced labour does not include work ordered by a Court, if you work

for the defence force, police or prison service, during a public emergency or as part of civic duties.

Article 10: Equality and freedom from discrimination

- Everyone is equal and may not be discriminated against on the basis of sex, race, ethnic origin, colour, religion or economic status.

Article 11: Arrest and detention

- No one may be randomly arrested or detained, or be kept in custody without being told why. Anyone who is arrested must appear in a magistrate's court within 48 hours. You may not be held for longer than that without the knowledge of a magistrate. This law doesn't apply to illegal immigrants, who may not be deported without a Court order and who may appoint a lawyer, and except in the case of national or public security, there may be no interference with this right.

Article 12: Fair trial

- Everyone has the right to a fair and public hearing, which must take place within a reasonable time, or the accused may be released. Judgements in criminal cases must be made in public, except if you are under 16. Everyone is presumed innocent until proven guilty, and must be given enough time and facilities to prepare to defend themselves, with a lawyer of their choice. No one may be forced to testify against themselves or their spouse, or be tried, convicted or punished a second time for an offence they have already

been convicted of or been set free. No one can be tried for an offence which wasn't a crime when it was committed.

Article 13: Privacy

- The privacy of your home and communication may not be interfered with unless it's in the interest of national security, public safety, the country's economic well-being, to protect health, morals or other persons' rights, or to prevent disorder or a crime. A search of your home or body is only allowed when ordered by a judge or magistrate.

Article 14: Family

- Men and women of 21 years and older have the right to get married and start a family, if both parties agree. A family is a unit, protected by the State. Each party has equal rights in the marriage and/or divorce.

Article 15: Children's rights

- Children have the right to a name, nationality and if it is in their best interest, to know and be cared for by their parents. Children under 16 must be protected from being taken advantage of and may not be employed or forced to work if it is dangerous or interferes with their education, or harms their development. No child under 14 may work in a factory or a mine. Children under 16 may not be detained in preventive detention.

Article 16: Property

- Everyone has a right to buy, own or sell property, or leave property to their heirs. Such property may only be taken by the State if it is in the public interest and/or has been paid for.

Article 17: Political activity

- You may participate in peaceful political activities to influence government's policies or composition. You may form and join any political party and take part in public affairs. Namibians over 18 have the right to vote, and at 21 you can be elected to public office.

Article 18: Administrative justice

- Administrative bodies or officials must act fairly and reasonably, and comply with regulations. You have the right to ask for compensation in court if treated unfairly.

Article 19: Culture

- Everyone can enjoy, practice and promote any culture, language, tradition or religion, if it doesn't clash with other persons' rights or national interests.

Article 20: Education

- Everyone has the right to education. Primary education is compulsory and free at state schools. Government must provide school facilities. Children may not leave school until they have completed their primary education or are 16 years old. Anyone can start a private school, college or place of

learning (at their own expense) if it is registered with the government; meets specific standards; that anyone can be admitted or be appointed as a staff member.

Article 21: Fundamental freedoms

- Everyone including the media has the right to freedom of speech, expression, thought, conscience and belief; to practice any religion; to assemble peacefully without weapons; freedom to join trade unions and political parties; to practice any work/trade or to withhold labour; to move freely and live in any part of the country; and to leave and return to Namibia, subject to Namibian law.

Article 22: Limitation on fundamental rights and freedoms

- Any law limiting rights and freedoms shall be applied in general and shall indicate the articles referred to.

Article 23: Apartheid and affirmative action

- Racial discrimination is prohibited and is punishable by law. Parliament can pass laws to advance previously disadvantaged people. Women are encouraged to play a full, equal and effective role in the political, social, economic and cultural life.

Article 24: Derogation

- Deviations from this Constitution can be made during a state of national emergency. Should someone be detained in this case, they must be given a statement in writing in a language

they understand within five days setting out the reasons for their detention. Within 14 days after detention, a notice must be published in the Gazette, saying why they have been detained. Their case must be reviewed within a month of their detention and thereafter at intervals of not more than 3 months. A detainee has the right to legal advice.

- No deviation or suspension of the fundamental rights and freedoms referred to in Chapter 3 shall be allowed or to refuse a person access to a lawyer or a Court.

Article 25: Enforcement of fundamental rights and freedoms

- Except when authorised by the Constitution, no action that contradicts fundamental rights or freedoms may be taken. If your rights and freedoms have been threatened, you can approach a Court for protection or contact the Ombudsman for legal assistance or advice. Subject to the Constitution, the Court ensures your fundamental rights and freedoms, including financial compensation if applicable.

Chapter 4

Public Emergency, State of National Defence and Martial (military) Law

Article 26: State of Emergency, State of National Defence and Martial Law

- If a national disaster or a public emergency occurs, the President can declare a state of emergency and make regulations to protect national security, public safety and to maintain law and order. These regulations can't be applied if they are not approved by the National Assembly within 14 days after the state of emergency was declared.
- A state of emergency is valid for not more than 6 months at a time and people can be detained without a trial during a state of emergency.
- Martial law can only be proclaimed when a state of national defence involving another country exists or when there is a civil war in Namibia. This needs to be approved by two-thirds of the National Assembly. The President can proclaim or end martial law.

Chapter 5

The President

Article 27: Head of State and Government

- The President is the Head of State and the Commander-in-Chief of the Defence Force. The executive power rests with him/her and Cabinet.

Article 27A: Composition of the Presidency

- The Presidency consists of the President and Vice-President who are supported by ministers, special advisors and others appointed by the President, including members from the public service.

Article 28: Election of the President and Appointment of the Vice-President

- The President is elected by a vote, and needs more than half of such votes. If no one received more than 50% of the votes, the two candidates with the most votes will stand again, with a final vote to decide who has been elected. Any Namibian older than 35 and who is eligible to be elected as a member of the National Assembly can stand for President. Any registered political party can nominate a candidate, who must be supported by a minimum number of registered voters.
- The Vice-President is appointed by the President from elected members of the National Assembly (NA) He/she must advise and assist the President. He/she will no longer be a member of Parliament and may not hold any other post in the government. He/she enjoys the same immunity as the President during and after his/her term of office. The President can replace him/her should he/she resign, be incapacitated, dismissed or die. The President-elect nominates a candidate Vice-President before an election. The Vice-President assumes office on the same day as the President. If for any reason whatsoever the President-elect can't assume office, a Vice-President appointed by the outgoing President, will assume his/her role in an acting capacity until a new President is elected.

Article 29: Term of Office

- The President's term is five years unless he/she resigns, dies or is removed from Office. Should the National Assembly (NA) be dissolved, the President's term also expires. He/she can be removed if two thirds of the NA and two thirds of the National Council (NC) prosecute the President on the grounds that he/she has been guilty of a violation of the Constitution, misconduct or incompetence. No one can hold the Office of President for more than two terms. This excludes the Founding President, who served for three terms, as per amendment dated 7 December 1998.
- If the President dies, resigns or is removed, the Office must be filled by an election within 90 days, if the next election is more than a year away. If less than a year away, the position will be filled in accordance with certain provisions. (Article 34)
- If the President dissolves the NA, a new election for President must be held within 90 days.

Article 30: Declaration/Oath

- Before assuming Office, a President-elect must take an oath that is administered by the Chief Justice, the Deputy Chief Justice or a Judge designated for this purpose.

Article 31: Immunity from civil and criminal proceedings

- No President may be sued in any civil action for something done in his/her official capacity. The President can't be charged with a criminal offence during his/her term. Once he/she has vacated the Office, no Court may take action against him/her for an act done in his/her official capacity. However,

Court proceedings can be made for acts done in his/her private capacity while serving as President, if so decided by Parliament.

Article 32: Functions, powers and duties

- The President must uphold, protect and defend the Constitution and perform all duties with dignity and leadership, subject to Namibian law and the Constitution.
- He/she must attend Parliament for the annual budget session to address the house on the state of the nation and future government policies, report on the previous year and respond to questions.
- He/she presides over Cabinet meetings and can dissolve the NA; decide when special sessions take place; accredit, receive, recognise and appoint ambassadors; pardon offenders; negotiate and sign international agreements; declare martial law; establish and dissolve government departments and ministries; and confer honours to citizens and friends of Namibia.
- The President appoints the Vice President, Prime Minister, Deputy Prime Minister, Ministers, Deputy Ministers, the Attorney-General, the Director-General of Planning, the Head of the Intelligence Service, and any other persons.
- When appointing the Vice-President, the President must choose someone representative of the national character of Namibia's people.
- On recommendation by the Judicial Service Commission, the President appoints the Chief Justice, Judge-President of the High Court and other Supreme and High Court Judges; the Ombudsman; and the Prosecutor-General.
- On recommendation by the Public Service Commission, the

President appoints the Auditor-General and the Governor and Deputy Governors of the Central Bank.

- On recommendation by the Security Commission, the President appoints the Chief of the Defence Force, the Inspector-General of Police and the Commissioner-General of Correctional Service.
- Subject to provisions of the Constitution and publication of laws in the Gazette, the President has the power to sign and legalise any proclamation; initiate laws; and appoint up to eight members of the NA, who cannot vote. The President may also remove someone he/she appointed.
- Based on recommendations by the Public Service Commission and in consultation with Cabinet, he/she may form any office in the public service, appoint anyone to such an office and determine conditions of service.
- Subject to provisions of the Constitution, any action taken by the President can be reviewed, reversed or corrected by the NA.

Article 33: Remuneration

- The President's salary and his/her pension is paid for by the State, and in the case of their death (former President also), to their surviving spouse.

Article 34: Succession

- If the Office of the President becomes vacant, the position can be filled by the Vice-President, Prime Minister, the Deputy Prime Minister or by someone appointed by Cabinet, for the unexpired portion of the term or until the President can resume duties. If all abovementioned persons are unavailable, the

President may appoint someone to act in his/her place for specific periods, matters and occasions.

CHAPTER 6

Cabinet

Article 35: Composition

- Cabinet shall consist of the President, Vice-President, Prime Minister, Deputy Prime Minister (if the office is filled) and other Ministers the President appoints from members of the NA, as well as others that have to administer government functions. The President or in his/her absence the Vice-President, Prime Minister or another designated person, is in charge of Cabinet meetings.

Article 36: Functions of the Prime Minister

- He/she leads government business in Parliament, coordinates Cabinet's work and helps the President or Vice-President carry out government duties.

Article 37: Deputy Ministers

- The President can appoint Deputy Ministers from the NA and the NC to perform on behalf of Ministers.

Article 38: Oath or Affirmation

- Before taking office, a Minister or Deputy Minister must take

an oath or solemn affirmation before the President, Vice-President or his/her designate.

Article 39: Vote of no confidence

- The President can discharge any member of Cabinet if the majority of the NA agrees.

Article 40: Cabinet's duties and functions

- To direct, coordinate and supervise ministries, government departments and state-owned enterprises (SOEs); to advise the President and NA on laws and regulations regarding SOEs; to initiate Bills for submission to the NA; to formulate State budget and economic development plans and report to the NA; and to carry out other functions assigned to them.
- Members must attend NA meetings and be available for debates about government policies; establish economic organisations, institutions and SOEs on behalf of the State; formulate goals and foreign policy and relations with other countries; help the President decide what international agreements should be concluded; advise the President about National Defence and the maintenance of law and order; issue notices on the implementation of laws; and protect and assist disadvantaged citizens.

Article 41: Accountability

- Individually all Ministers must be responsible for the administration of their ministries, and collectively for Cabinet, both to the President and Parliament.

Article 42: Outside employment

- While they are members of Cabinet, Ministers may not have any other paid employment or expose themselves to situations that carry the risk of developing a conflict of interest between their work and private involvement. They may not use their position or confidential information to enrich themselves.

Article 43: Secretary to Cabinet

- Appointed by the President and performs functions as determined by law and as assigned by the President, Vice-President, or Prime Minister. He/she is appointed on recommendation of the Public Service Commission and is also responsible for minutes and record-keeping of Cabinet documents.

CHAPTER 7

The National Assembly (NA)

Article 44: Legislative power

- The NA can pass laws if the President agrees, and as provided for by the Constitution, and subject to the powers and functions of the NC.

Article 45: Representative nature

- Members of the NA shall be representative of all the people

and must perform their duties as guided by the Constitution, public interest and their conscience.

Article 46: Composition

- The NA will consist of 96 members elected by voters. Any Namibian who qualifies, may vote for a member of the NA and is eligible to stand as a candidate in the NA. Members of the NA may vote on any matter, and their vote is considered when determining a majority. Members must be elected based on procedures determined by an Act of Parliament.
- A maximum of 8 persons can be appointed by the President, based on their knowledge, status or skill. However, they have no voting power.

Article 47: Disqualification

- Anyone who has been convicted of any offence after independence, in or outside Namibia and, for which they were sentenced to death or imprisoned for more than 12 months without the option of a fine (unless they received a free pardon or the imprisonment expired at least 10 years before their date of election), may not become a member of the NA. The same applies to offences committed before independence (unless they were committed in connection with the struggle for independence); provided they are not unrehabilitated insolvents; are of unsound mind; are paid members of the Public Service or are members of the NC, Regional Councils or Local Authorities.
- No one will be considered as having been convicted until an appeal which has been noted against the conviction and sentence has been determined or the time for noting an

appeal has expired. The Public Service includes the Defence Force, Police Force, Correctional Service, SOEs, Regional Councils and Local Authorities.

Article 48: Abandoning seats

- Members of the NA must vacate their seats if they no longer have the qualifications that made them eligible for the seat initially; if they are no longer members of the political party that nominated them; if they resign; if they are removed by the NA; or if they are absent for more than 10 consecutive sitting days without permission.
- If the member's seat has been vacated, the nominating party can fill the vacancy by selecting someone from their election list compiled during the previous election. If there is no such person, another member must be nominated.

Article 49: Elections

- Election of members takes place on party lists and in accordance with proportional representation.

Article 50: Duration

- Every NA term is 5 years. It can be dissolved by the President by Proclamation earlier if he/she so decides.

Article 51: Speaker

- During the first sitting of a new NA, the NA (and Secretary acting as Chairperson) chooses a member as Speaker as well as a Deputy Speaker. They cannot hold office if they

are no longer members of the NA. They can be removed from office by the NA, or may resign. When the Office of the Speaker or Deputy Speaker becomes vacant, the NA can elect a member to fill the position. When neither of the two is available for duty, the NA with the Secretary acting as Chairperson must elect a member to act as Speaker.

Article 52: Secretary and other officers

- Depending on the laws regulating the employment of Parliamentary staff and orders of the NA, the Speaker will appoint someone as Secretary to perform functions and duties as assigned by the Constitution or the Speaker. He/she must be assisted by officers of the NA. Based on said laws, a Parliamentary Service Commission is created.

Article 53: Quorum (the minimum number of members needed for a valid meeting)

- At least 49 members of the NA entitled to vote (excluding the Speaker) must be present to form a meeting when voting is required.
- At least 26 members of the NA (other than the Speaker or presiding member) must be present to form a meeting of the NA when no voting takes place.

Article 54: Casting vote

- If an equal amount of votes are cast, the Speaker or Deputy Speaker (or presiding member) can exercise a deciding vote.

Article 55: Oath or Affirmation

- Every member of the NA will take an oath or solemn affirmation before the Chief Justice, Deputy Chief Justice or designated Judge.

Article 56: Agreeing to Bills

- Every Bill passed by Parliament (to become an Act) needs to be agreed on by the President, signed and published as an Act in the Gazette. If the Bill is approved by two thirds of the NA and is confirmed by the NC, the President is obliged to agree.
- If a Bill is passed by less than two thirds of the NA but has been confirmed by the NC and the President isn't in agreement, he/she must tell the Speaker. In this case the NA must reconsider the Bill and then decide if it will be passed as it is, change it, or not pass the Bill at all. If most of the members of the NA pass the Bill, it doesn't need the NC's consent, but if the majority consist of less than two thirds of all members, the President keeps his power to withhold agreement. If the President doesn't approve, the Bill will lapse.

Article 57: Dissolution

- The NA can be dissolved by the President on the advice of Cabinet if the government can't govern effectively. If the NA is dissolved, an election for a new NA and a new President must take place within 90 days.

Article 58: Conduct after dissolution

- Everyone who was a member of the NA on the date of dissolution remains a member and is allowed to perform until the day before the first voting day. The President can summon Parliament to conduct business after a dissolution up to and including the day before the first voting day.

Article 59: Rules of procedure, committees and standing orders

- The NA can make rules regarding business and proceedings; for establishing, functioning and procedures of committees; and formulate standing orders. In its rules of procedures, the NA can make provision for disclosing members' financial or business affairs. Any committee of the NA can summons people to appear before it, instruct people to give evidence under oath and to produce relevant documentation.

Article 60: Duties, privileges and immunities

- Members' duties include that they maintain the dignity and image of the NA during sittings and outside activities. Since they are servants of the people they may not enrich themselves or set themselves apart from the people.
- A Private Members Bill may be introduced if it is supported by a third of the NA. Rules regarding members' privileges and immunities must be made by an Act of Parliament and all members are entitled to the protection thereof.

Article 61: Public access to sittings

- All NA meetings must be held in public and the public must

have access. Access to the public may be denied if the NA adopts a motion supported by two thirds of members which excludes access to certain matters. Such a motion will only be considered if it is supported by at least one tenth of all members and debates on such a motion are not open to the public.

Article 62: Sessions

- A sitting venue is chosen by the NA, unless the Speaker says otherwise (on the grounds of public interest, security or convenience). The NA sits for at least two sessions a year, and for special sessions as directed by the President.
- The NA sits on such days and times as determined by them. A session can be changed by the President, if asked to do so by the Speaker or because of public interest or convenience.

Article 63: Functions and powers

- Subject to the Constitution, the NA has the power to make and undo laws for the peace, order and good government of the country. The NA can approve government budgets; provide for revenue and taxes; take steps to uphold and defend the Constitution and laws; and consider whether or not to conclude international agreements.
- The NA receives reports on the Executive's activities (including SOEs) to account for and explain acts and programmes; to initiate, approve or decide to hold a referendum on matters of national importance; to debate and advise the President on issues he/she has to deal with; to be on the outlook that apartheid, tribalism and colonialism do not rise again; and to exercise any other functions and powers assigned to it.

Article 64: Refusal to Agree

- If the President doesn't agree with a Bill, he/she can decide not to approve it, if in his/her opinion it is in conflict with the Constitution. In this case he/she will inform the Speaker, who informs the NA and Attorney-General, who will in turn take appropriate steps to have the matter decided in Court.
- If a Court says such a Bill is not in conflict with the Constitution, the President will agree to the Bill if it was passed by two thirds of the NA. If it was not passed by a majority, the President can withhold agreement.
- If a Court says that the disputed Bill is in conflict with the Constitution, said Bill will lapse.

Article 65: Signing and submission of Acts

- When any Bill becomes an Act of Parliament, was signed by the President and published in the Gazette, the Secretary of the NA must ensure that two copies of the Act (in English) are submitted to the Registrar of the Supreme Court. The public may access these copies, subject to rules.

Article 66: Customary and common law

- These laws which were in force at independence remain valid if not in conflict with the Constitution or any other law. Any part of such laws can be undone or changed by an Act of Parliament.

Article 67: Required majorities

- A simple majority of votes cast in the NA is enough to approve any Bill or resolution in the NA.

CHAPTER 8

The National Council

Article 68: Establishment

- Powers and functions of the National Council (NC) are set out in the Constitution.

Article 69: Composition

- The NC consists of 3 members from each region chosen by members of the Regional Council in accordance with an Act of Parliament.

Article 70: Term of office

- After their election, members of the NC have their seats for 5 years and can be re-elected. If a member dies, resigns or is disqualified, a successor can be chosen through another election, unless it is 6 months before the NC's term expires, in which case the position doesn't need to be filled.

Article 71: Oath or affirmation

- All members of the NC must take an oath or solemn affirmation before the Chief Justice or a Judge designated by the Chief Justice.

Article 72: Qualification

- A member of a Local Authority can't become a member of the NC unless he/she is qualified to be a member of the NA.

Article 73: Chairperson and Vice-Chairperson

- During the first sitting of a newly elected NC (with the Secretary acting as Chairperson), a Chairperson and a Vice-Chairperson must be elected from members. The Chairperson or his/her Vice presides over sessions in the NC. If neither are present, the NC with the Secretary acting as Chairperson, elects a member as Chairperson.

Article 73A: Secretary and other officers

- Subject to laws regulating the appointment of Parliamentary staff, the Chairperson appoints a Secretary who performs functions as assigned to him/her by the Chairperson. He/she is assisted by officers of the NC.

Article 74: Powers and functions

- The NC considers Bills passed by the NA; investigates and reports to the NA on laws, reports and documents; recommends laws on matters related to the regions for consideration by the NA; and performs other functions.
- The NC can create committees and adopt its own rules; a committee may conduct hearings and collect evidence; NC members must disclose their financial/business affairs. Members' duties include maintaining the dignity and image of the NC during sittings and activities outside the NC. They

are servants of the people and should not enrich or alienate themselves. Rules regarding members' privileges and immunities are made by an Act of Parliament.

Article 75: Reviewing laws

- All Bills passed by the NA are referred by the Speaker to the NC where they are considered and recommendations are made. If the NC confirms the Bill, the Speaker refers it to the President. If the NC recommends that the Bill be passed with amendments, it must be referred back to the NA, who will reconsider it and possibly make changes. If the Bill is passed by the NA again, it won't be returned to the NC, but to the President by the Speaker.
- If two thirds of the NC object to a Bill, it must be reported to the Speaker. The report must also say if the NC proposes amendments and include details. If the NC objects to it, the NA must consider the principle. If the NA reaffirms the principle of the Bill by a two thirds majority, the principle of the Bill is no longer an issue. If there is no majority, the Bill will lapse.
- If the NA reaffirms the principle of the Bill by a two thirds majority and accepts the NC's proposals, the NA will deal with the amendments. If the NA reaffirms the principle of the Bill and the NC did not propose the amendments, the NC is considered to have confirmed the Bill and the Speaker will refer it to the President. Both of the above-mentioned sub-articles don't apply to the collection of taxes or the use of public money.
- The NC reports to the Speaker on Bills about the collection of taxes and use of public money within 30 days of the date on which the Bills were referred to the Speaker, and within 3

months on all other Bills. If not, the NC will be considered to have confirmed such Bills and the Speaker will refer it to the President.

- If the President withholds approval and it is returned to the NA in its original or amended form, the Bill won't be returned to the NC, but to the Speaker and then the President.

Article 76: Quorum

- A majority of members must be present in a sitting to perform duties.

Article 77: Voting

- All questions in the NC must be determined by the majority of members, excluding the Chairperson or Vice-Chairperson, who have a deciding vote.

CHAPTER 9

Administering Justice

Article 78: The Judiciary

- Judicial power lies in the Supreme, High or Lower Courts. The Courts are independent and subject to the Constitution and the law. No one may interfere with Judges or judicial officers. All organs of the State must help Courts protect their independence, dignity and effectiveness. The Supreme Court and the High Court regulate their own procedures to make Court rules.

- Financial and other administrative matters of the High and Supreme Court must be performed in such a manner that the Judiciary remains independent. An accounting officer is responsible for the administration of the Judiciary, with assistance from other staff members designated from the Public Service. The Chief Justice is responsible for the Judiciary and the function of all Courts.

Article 79: The Supreme Court

- Consists of a Chief Justice, a Deputy Chief Justice and additional Judges appointed by the President, on recommendation of the Judicial Service Commission (JSC). The Chief Justice presides over appeals from the High Court, including appeals about the interpretation, implementation and upholding of the Constitution as well as fundamental rights and freedoms. The Supreme Court also handles matters referred to it by the Attorney-General (AG) and matters authorised by Act of Parliament. Three Judges constitute a quorum of the Supreme Court when it hears appeals and deal with matters referred to it by the AG.

Article 80: The High Court

- Consists of a Judge President who is the Deputy Chief Justice and an ex officio Judge of the Supreme Court, as well as other Deputy Judge Presidents and additional Judges appointed by the President on recommendation by the JSC. This Court hears civil and criminal cases and can deliver judgements on appeals from Lower Courts.

Article 81: Decisions of the Supreme Court

- A decision by the Supreme Court is binding in all Namibian Courts, unless the Supreme Court itself reverses it, or is contradicted by an Act of Parliament.

Article 82: Appointment of Judges

- All Judges in the Supreme Court and High Court are appointed by the President as recommended by the JSC. When they are appointed, they need to take an oath or affirmation. On request of the Chief Justice, the President can appoint acting Judges for the Supreme Court from time to time. On the request of the Judge-President, the President can appoint acting Judges of the High Court so that the Court can do its work as quickly as possible. All Judges, except acting Judges, work until they are 65, but the President can extend their retiring age until 70. Non-Namibian Judges older than 70 are appointed with a fixed term contract.

Article 83: Lower Courts

- Lower Courts are established by an Act of Parliament and are presided over by Magistrates. A Magistrates Commission is responsible for the transfer, discipline, removal, remuneration and other service conditions of Magistrates. Further commissions may be established to regulate matters relating to Lower Courts.

Article 84: Removal of Judges

- Judges can be removed from Office earlier by the President

on recommendation of the JSC. They can be removed on grounds of mental incapacity or gross misconduct. The JSC will establish a tribunal consisting of a Chairperson and not less than two other members who hold or have held judicial office to investigate the matter and report to the JSC. If the JSC advises the President to remove the judge, he/she will be obliged to do so.

- Before establishing a tribunal, the JSC can recommend that the President suspends a judge who is being investigated, pending the outcome of an enquiry. If the JSC recommends it, the President can revoke any suspension.

Article 85: Judicial Service Commission (JSC)

- The JSC consists of a Chief Justice, a Deputy-Chief Justice, the AG and two members of the legal profession, nominated by an organisation representing the legal fraternity. The JSC performs functions based on the Constitution and the law, and can make rules and regulations to regulate procedures and functions. Any vacancy in the JSC can be filled by the Chief Justice or the Deputy-Chief Justice. A quorum of a meeting of the JSC is 3 members.

Article 86: The Attorney-General (AG)

- The AG is appointed by the President.

Article 87: Functions of the AG

- The AG is responsible for the Office of the Prosecutor-General; is the main legal advisor to the President and government; takes action to uphold and protect the Constitution; and performs duties assigned by Act of Parliament.

Article 88: The Prosecutor-General (PG)

- The PG is appointed by the President on recommendation of the JSC. Only people that have legal qualifications to practice in all Namibian Courts, have relevant experience, and are fit and proper persons are eligible to be PG. The PG's powers and functions are to prosecute in criminal proceedings; prosecute or defend appeals in the High and Supreme Court; delegate authority to other officials to conduct criminal proceedings in any Court; and perform all other functions assigned in terms of any other law.

Article 88A: Removal from Office of Prosecutor-General

- The PG can be removed from office before the end of his/her term by the President, on recommendation by the JSC, but only on the grounds of incapacity or for gross misconduct. Should the JSC want to remove the PG, a tribunal must be established consisting of a Chairperson and at least 2 members who have held/hold judicial office. After enquiries the tribunal reports back to the JSC, and should the JSC recommend the PG's removal to the President, he/she must do so.

CHAPTER 10

The Ombudsman

Article 89: Establishment & Independence

- The Ombudsman is independent and is only subject to the Constitution and the law. No one may interfere with his/her work and the State must help with the protection of his/her independence and dignity. The Ombudsman is either a Judge or someone with legal qualifications who can practice in all Courts.

Article 90: Appointment

- The Ombudsman is appointed by the President, on recommendation by the JSC. He/she can work until 65, but the President can extend this to age 70.

Article 91: Functions

- The Ombudsman's functions include investigations of complaints about rights that are violated; abuse of power; alleged or suspected abuse of public money by officials; unfair treatment of a person by a government official; the functioning of the Public Service Commission, state departments, the defence force, police force and correctional service; the abuse of living and non-renewable resources, the destruction of ecosystems and failure to protect Namibia's beauty.
- The Ombudsman takes corrective steps through fair, proper

and effective actions, negotiations and compromises; reporting findings to the offending person's superior; referring matters to the Prosecutor-General; bringing proceedings in Court; determining if laws violate the letter or spirit of the Constitution and recommends action(s) to be taken.

- Reports to the National Assembly annually about his/her work.

Article 92: Powers of Investigation

- The Ombudsman's powers include the power to issue a subpoena for a person to appear before the Ombudsman and to provide information relevant to an investigation; to question any person and to require any person to co-operate with the Ombudsman.

Article 93: Meaning of "official"

- The word "official" in terms of Chapter 10 refers to anyone working for the State or state-owned enterprises, or businesses in which the State has an interest, as well as officers in the defence force, police force or correctional service (excluding a Judge of the Supreme/High Court or another judicial officer).

Article 94: Removal of Ombudsman

- The Ombudsman can be removed from office by the President before the end of his/her term, based on a recommendation by the JSC, on grounds of mental incapacity or gross misconduct.
- If the JSC considers removing the Ombudsman, a tribunal

must be established consisting of a Chairperson and at least 2 other members who have held/hold judicial office. The tribunal will report to the JSC and if the JSC recommends that the President removes the Ombudsman, he/she is required to do so.

CHAPTER 10A

Anti-Corruption Measures

Article 94A: Anti-Corruption Measures

- To prevent and combat corruption, the Anti-Corruption Commission (ACC) was established by an Act of Parliament, which includes the ACC's powers and functions. The ACC is independent and impartial, and consists of a Director-General, a Deputy Director-General and other staff members. The Director-General and Deputy Director-General are nominated by the President and appointed by the NA for 5 years.

CHAPTER 10B

Electoral Commission of Namibia

Article 94B: Electoral Commission of Namibia (ECN)

- The ECN manages the conduct of elections. It is an independent, transparent and impartial body. The ECN consists of 5 Commissioners, including the Chairperson who

is appointed by the President with the approval of the NA. Commissioners serve for 5 years and may be re-elected, but may not serve more than 2 terms.

- The Chief Electoral and Referenda Officer is responsible for records, minutes, documents and electoral material.

CHAPTER 11

Principles of State Policy

Article 95: Promoting people's welfare

- The State shall promote and maintain people's welfare through policies which will ensure equal opportunities for women, especially in government; to ensure men and women are paid the same; that women enjoy maternity leave and related benefits; pass laws to make sure all workers remain healthy; that children are not abused; and that no one is forced to do work that is not suited to their age or strength.
- The State encourages the formation of trade unions to protect workers' rights and to promote good labour relations; membership of the International Labour Organisation; that every Namibian has fair and reasonable access to public facilities; senior citizens receive regular pension to maintain a decent standard of living; and to pass laws to make sure the unemployed, disabled, poor and disadvantaged get social benefits.
- The State must also ensure a legal system that promotes equal justice, including through free legal help under certain circumstances; that workers are paid a wage to have a decent standard of living; raise and maintain an acceptable level of

nutrition and standard of living, and improve public health; and through education, encourage people to influence the government by debating its decisions.

- Finally, the State must maintain ecosystems and biological diversity, the use of living natural resources on a sustainable basis, and provide measures against the dumping or recycling of foreign nuclear and toxic waste.

Article 96: Foreign relations

- The State will do its best to make sure that in international relations it adopts and maintains a policy of neutrality; promotes international co-operation, peace and security; creates and maintains fair relations to the benefit of countries involved; fosters respect for international law and treaty obligations; and encourages the settlement of international disputes peacefully.

Article 97: Asylum

- The State will grant asylum to those who reasonably fear persecution (in their country of origin) due to their political beliefs, race, religion or membership of a particular group.

Article 98: Principles of economy

- Namibia has a mixed economy to promote growth, prosperity and a dignified life. Businesses include public, private, joint ventures, cooperatives and small-scale enterprises.

Article 99: Foreign investments

- Foreign investment is encouraged, subject to the provisions of an Investment Code.

Article 100: Ownership of natural resources

- Land, water and natural resources below and above the ground and within the territorial waters and the exclusive economic zone, belong to the State if they are not otherwise lawfully owned.

Article 101: Applying principles of this chapter

- While the policies of this chapter are not legally enforceable, they nevertheless guide the government in making and applying laws. Courts may look at the principles to interpret laws.

CHAPTER 12

Regional and Local Government

Article 102: Regional and local government

- Namibia is divided into regional and local units, which consist of regional and local authorities. The regional boundaries refer to the geography only. Each region has a governing body which is elected. A local authority includes the municipality, the community, village council and others. A Council of Traditional Leaders must be established to advise

the President on the control and use of communal land and other matters.

Article 103: Establishment of Regional Councils (RCs)

- Boundaries of regions and constituencies are determined by the President by Proclamation, based on a recommendation of the Boundaries Delimitation and Demarcation Commission. Based on certain procedures, boundaries of regions and constituencies may be changed; new regions and constituencies created; and regions and constituencies merged. Each region has an RC.

Article 104: The Boundaries Delimitation and Demarcation Commission (BDDC)

- The BDDC delimits and demarcates boundaries, recommends names for regions, constituencies and local authorities, and reports to the President. The BDDC consists of a full time Chairperson and other part time Commissioners as appointed by the President, with approval of the NA.

Article 105: Composition of RCs

- Each Council consists of a number of persons based on recommendations by the BDDC for the particular region and who qualify to be elected to the NC.

Article 106: RC Elections

- Each region is divided into constituencies of which the boundaries are fixed by the BDDC. There may not be less than 6 and no more than 12 constituencies per region. Each

constituency elects one member to the RC by secret ballot. All RC elections must be held on the same day on a date determined by the President.

Article 107: Remuneration for members of the RCs as well as allowances and benefits

- Salaries and allowances are determined by an Act of Parliament.

Article 108: Powers of RCs

- RCs have the power to elect members to the NC; to exercise and perform duties within the region they were elected; to raise money or share in the income raised by the central Government; and to perform other functions and make by-laws or regulations.

Article 109: Management Committees

- Each RC elects a management committee, with a chairperson. Committee members hold office for two and a half years and can be re-elected.

Article 110: Administration and functioning

- Meetings, the filling of casual vacancies and the way in which RC staff is appointed, as well as their service conditions and other issues relating to their employment, are determined by an Act of Parliament.
- RC staff members may be transferred to the public service, and vice versa.

Article 110A: Regional Governors

- The President appoints a Regional Governor (RG) as a political head in every region, who serves at his/her pleasure. The RG oversees executive functions of government, and serves as link between the RC and government, Local Authorities and Traditional Leaders. The RG can convene special sessions and addresses the RC on the state of the region, while reporting the RC's activities to government. The RG reports to the President.

Article 111: Local Authorities

- Local Authorities shall be established as provided for in Article 102 of the Constitution; their boundaries, the election of Councils to administer their affairs, the methods of raising money and the remuneration of Local Authority Councillors, are determined by an Act of Parliament. A person must have lived in the area for more than a year to vote for a member of a Local Authority. All by-laws or regulations made by Local Authorities must be tabled in the NA.

CHAPTER 13

The Public Service Commission

Article 112: Establishment

- The Public Service Commission (PSC) which is independent and must act impartially, advises the President and reports to the NA. The PSC consists of a Chairperson and no less than three people but no more than six others nominated by the President and appointed by the NA. Each member of the PSC can serve for five years (unless lawfully removed) and is eligible for reappointment.

Article 113: Functions

- Advising the President and government on the appointment of people for specific jobs in the public service; exercise disciplinary control over them to ensure fair administration of the personnel policy; salary packages; all other matters concerning the public service; performing functions assigned to it by an Act of Parliament; and if the President so requests, advise him/her on the identity, availability and suitability of persons to be appointed.

CHAPTER 14

The Security Commission

Article 114: Functions

- The Security Commission makes recommendations to the President on the appointment of the Chief of the Defence Force, the Inspector-General of Police and the Commissioner-General of Correctional Services; advises the President on other matters and perform other functions assigned in an Act of Parliament. The Security Commission consists of 6 members, namely the Chairperson of the Public Service Commission, the above-mentioned 3 as well as 2 members of the NA.

CHAPTER 15

The Defence and Police Forces, The Intelligence Service and The Correctional Service

Article 115: Establishment of the Defence Force

- The Defence Force is established by an Act of Parliament and is responsible for defending Namibia's territory and national interests. The President is the Commander-in-Chief.

Article 116: Chief of the Defence Force

- The Chief of the Defence Force is appointed by the President and is responsible for structuring the Force, including making

appointments, handling charges of indiscipline, and ensuring efficient administration.

Article 117: Removal

- The President can remove the Chief of the Defence Force from office for good cause and in public interest.

Article 118: Establishment of the Police Force

- The Police Force is established by an Act of Parliament and is responsible for defending Namibia's internal security and to maintain law and order.

Article 119: The Inspector-General of Police

- The Inspector-General of Police is appointed by the President and is responsible for structuring the Force, including making appointments, handling charges of indiscipline, and ensuring efficient administration.

Article 120: Removal

- The President can remove the Inspector-General of Police from Office for good cause and in public interest.

Article 120A: Establishment of the Intelligence Service

- The Intelligence Service is established by an Act of Parliament with the Head, who is appointed by the President, that is responsible for the control and direction of the Intelligence Service. He/she advises the President and government on matters relating to national security and intelligence.

Article 121: Establishment of the Correctional Service

- The Correctional Service is established by an Act of Parliament with relevant powers, duties and procedures.

Article 122: Commissioner-General of the Correctional Service

- The Commissioner-General of Correctional Service is appointed by the President and is responsible for structuring the service, including making appointments, handling charges of indiscipline and ensuring efficient administration.

Article 123: Removal

- The President can remove the Commissioner-General of Correctional Service from Office for good cause and in public interest.

CHAPTER 16

Finance

Article 124: Transfer of Government Assets

- At Independence the country's assets were transferred to the Government of Namibia.

Article 125: The State Revenue Fund

- The Central Revenue Fund of South West Africa was carried over to the State Revenue Fund of the Government of the

Republic of Namibia, all income of Government shall be deposited in this Fund and the power to use it rests with the State.

Article 126: Budget

- At least once a year the Minister who is responsible for finance has to present estimates of revenue, expenditure and income to the NA for the next financial year. The NA considers these estimates and passes the Appropriation Act.

Article 127: The Auditor-General

- An Auditor-General is appointed by the President on the recommendation of the Public Service Commission and with the approval of the NA. He/she can hold office for 5 years unless removed earlier or if he/she resigns, and may be reappointed. He/she audits the State Revenue Fund and has to report to the NA every year. The Auditor-General is not a member of the public service and may only be removed from Office on the grounds of mental incapacity or misconduct, and if two thirds of the NA vote for removal.

CHAPTER 17

Central Bank and National Planning Commission

Article 128: The Central Bank

- The Central Bank shall be established by an Act of Parliament to control the country's money supply, currency as well as banking and any other financial institutions that may be placed under supervision of the Central Bank.
- The governing board shall consist of a Governor, Deputy Governors and board members who are appointed by the President.
- Nothing in the Constitution influences the power of the Central Bank regarding the passing of regulations relating to institutions that offer financial services to the public.

Article 129: The National Planning Commission

- The NPC falls under the Presidency with the aim of planning priorities and the direction of national development. The NPC consists of a Director General (DG) of Planning (appointed by the President) who advises the President on matters related to economic planning. The DG has to attend Cabinet meetings when requested by the President. The NPC's functions, powers and staff are regulated by an Act of Parliament.

CHAPTER 18

Coming into force of the Constitution

Article 130: Coming into force of the Constitution

- This Constitution was adopted by the Constituent Assembly and came into force at Independence.

CHAPTER 19

Amendments of the Constitution

Article 131: Protection of rights and freedoms

- No provisions of Chapter 3 of the Constitution may be retracted or changed.

Article 132: Repeal and Amendment of Constitution

- Any Bill aimed at retracting or changing any provision in this Constitution must indicate the proposed retractions and/or changes with reference to the specific Articles and can't deal with any matter other than the proposed changes. To make any changes to the Constitution, two thirds of the NA and NC must vote on it.
- If a Bill proposing changes to any of the provisions of this Constitution gets a majority of two thirds of the NA, but not of the NC, the President can make the Bill about the proposed

changes the subject of a national referendum. If the referendum approves the changes by a two thirds majority, the Bill will have passed.

- None of the above may detract from the protection of the rights and freedoms as described in Chapter 3. Also, none of the above prevents Parliament from changing its composition or structures by changing provisions of the Constitution.

CHAPTER 20

The law in force and transitional provisions

Article 133: The First National Assembly

- The Constituent Assembly constituted the first National Assembly of Namibia. Its term of office and that of the President began at Independence.

Article 134: Election of First President

- The first President was the person elected to that Office by the Constituent Assembly by a majority of all its members and shall have all the associated powers, functions, duties and immunities of a President.

Article 135: Implementation of Constitution

- This Constitution was implemented at Independence.

Article 136: Powers of the NA prior to the Election of the NC

- All acts shall be passed by the NA alone while there is no NC and the Constitution shall be read as if no functions are assigned to the NC.

Article 137: Elections of first RC and first NC

- The President shall establish the Delimitation Commission within six months after Independence to determine regional boundaries and Local Authorities, after which Local Authorities and Regional Councils shall be elected, followed by elections for the first National Council.

Article 138: Courts and pending actions

- The Judge-President and other Judges of the Supreme Court of South-West Africa shall continue with their work at Independence. All laws in force before Independence governing Courts remain effective until repealed or changed by an Act of Parliament. All crimes will still be regarded as crimes after Independence and all appeals and prosecutions initiated before Independence shall continue.
- The Supreme Court's jurisdiction and number of members shall remain the same after Independence, while the rules regulating appeals to the Appellate Division of SA shall remain in force.

Article 139: The Judicial Service Commission

- Shall be appointed by the President. Until the first Chief Justice is appointed, the President shall appoint a second Judge to be a member of the Judicial Service Commission. The Judicial Service Commission shall elect one of its members to preside at its meetings until a Chief Justice is appointed. The Commission's first task shall be to make a recommendation regarding the appointment of the first Chief Justice.

Article 140: The laws in force at Independence

- Remain in force until repealed or amended by an Act of Parliament. Anything carried out by the Government Service Commission shall be deemed to have been done by the Public Service Commission. Where reference is made in a law to the President, the Government or Minister in the Republic of SA, it shall be deemed to refer to the President of Namibia or to a Minister in the Republic of Namibia.

Article 141: Existing appointments

- Subject to provisions of this Constitution, anyone who worked in Government at Independence shall continue to work unless he/she resigns, retire, is transferred or removed from office.
- References made to the Attorney-General before Independence shall be deemed to have referred to the Prosecutor-General.

Article 142: Appointment of the First Chief of the Defence Force, the First Inspector-General of Police and the First Commissioner-General of Correctional Service

- In consultation with political leaders, the President appoints the above persons.

Article 143: International agreements at Independence

- Existing international agreements remains in force, unless and until the NA decides otherwise.

CHAPTER 21

Final Provisions

Article 144: International law

- Unless otherwise provided by this Constitution or an Act of Parliament, the general rules of public international law and international agreements are part of Namibian law.

Article 145: Exceptions

- Nothing in this Constitution should be read that which was relevant during the governing by South Africa or its Administrator-General, had to be obeyed or complied with at Independence. Nothing in this Constitution should be read as recognising the legitimacy of South Africa's administration over Namibia.

Article 146: Definitions

- Unless otherwise stated, the word “Parliament” refers to the National Assembly and the National Council. Every reference to the plural can mean singular or vice versa. Any reference to “Independence” refers to the date of Namibia’s Independence. References to “Gazette” are a reference to the Government Gazette of the Republic of Namibia.

Article 147: Repeal of laws

- The laws below as well as those referring to Namibia’s ethnic groups are repealed:
 - South-West Africa Constitution Act, 1968 (Act No. 39 of 1968)
 - Rehoboth Self-Government Act, 1978 (Act No. 56 of 1976)
 - Establishment of Office of Administrator-General for the Territory of South-West Africa Proclamation, 1977 (Proclamation No. 180 of 1977 of the State President)
 - Empowering of the Administrator-General for the Territory of South-West Africa to make Laws Proclamation, 1977 (Proclamation No. 181 of 1977 of the State President)
 - Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980)
 - Representative Authority Powers Transfer Proclamation, 1989 (Proclamation AG. 8 of 1989)
 - Government of Rehoboth Powers Transfers Proclamation, 1989 (Proclamation AG. 32 of 1989)

Article 148: Short Title

- This Constitution is called the Namibian Constitution.

SCHEDULES

Schedules 1, 2 and 3 are oaths/affirmations of the Vice President, Prime Minister and Deputy Prime Minister, Judges, Ministers, Deputy Ministers and Members of the National Assembly and the National Council.

Schedule 4 refers to the election of members to fill 96 seats in the National Assembly through an election process with registered political parties. The total number of votes in favour of a party is divided by the quota of votes per seat. If there is a tie, then undistributed seat(s) are awarded by lot.

Schedule 5 refers to property vesting in the Government.

Schedule 6 refers to the colours and design of Namibia's flag.

Schedule 7 refers to how the Constitution was implemented.

Schedule 8 refers to the repeal of laws, as shown in the section on "Repeal of laws" above.

NOTE: *The Namibian Constitution has been amended three times. The first was by Act No. 34 of 1998, known as the Namibian Constitution First Amendment Act 1998; Act No. 7 of 2010, known as the Namibian Constitution Second Amendment Act, 2010; and Act No. 8 of 2014, known as the Namibian Constitution Third Amendment Act, 2014.*

