

SCHEDULE 1

Oath/Affirmation of Judges

“I,..... do hereby swear/solemnly affirm that as a Judge of the Republic of Namibia I will defend and uphold the Constitution of the Republic of Namibia as the Supreme Law and will fearlessly administer justice to all persons without favour or prejudice and in accordance with the laws of the Republic of Namibia.

(in the case of an oath)

So help me God.”

SCHEDULE 2

Oath/Affirmation of Ministers and Deputy-Ministers

“I, do hereby swear/solemnly affirm that I will be faithful to the Republic of Namibia, hold my office as Minister/Deputy-Minister with honour and dignity, uphold, protect and defend the Constitution and faithfully obey, execute and administer the laws of the Republic of Namibia, serve the people of Namibia to the best of my ability, not divulge directly or indirectly any matters brought before the Cabinet and entrusted to me under secrecy, and perform the duties of my office and the functions entrusted to me by the President conscientiously and to the best of my ability.

(in case of an oath)

So help me God.”

SCHEDULE 3

Oath/Affirmation of Members of the National Assembly and the National Council

“I,....., do hereby swear/solemnly affirm that I will be faithful to the Republic of Namibia and its people and I solemnly promise to uphold and defend the Constitution and laws of the Republic of Namibia to the best of my ability.

*(in the case of an oath)
So help me God.”*

SCHEDULE 4

Election of Members of the National Assembly

- (1) For the purpose of filling the seventy-two (72) seats in the National Assembly pursuant to the provisions of Article 46(1)(a) hereof, the total number of votes cast in a general election for these seats shall be divided by seventy-two (72) and the result shall constitute the quota of votes per seat.
- (2) The total number of votes cast in favour of a registered political party which offers itself for this purpose shall be divided by the quota of votes per seat and the result shall, subject to paragraph (3), constitute the number of seats to which that political party shall be entitled in the National Assembly.
- (3) Where the formula set out in paragraph (2) yields a surplus fraction not absorbed by the number of seats allocated to the political party concerned, such surplus shall compete with other similar surpluses accruing to any other political party or parties participating in the election, and any undistributed seat or seats (in terms of the formula set out in paragraph (2)) shall be awarded to the party or parties concerned in sequence of the highest surplus.
- (4) Subject to the requirements pertaining to the qualification of members of the National Assembly, a political party which qualifies for seats in terms of paragraphs (2) and (3) shall be free to choose in its own discretion

which persons to nominate as members of the National Assembly to fill the said seats.

- (5) Provision shall be made by Act of Parliament for all parties participating in an election of members of the National Assembly to be represented at all material stages of the election process and to be afforded a reasonable opportunity for scrutinising the counting of the votes cast in such election.

SCHEDULE 5

Property Vesting in the Government of Namibia

- 1) All property of which the ownership or control immediately prior to the date of Independence vested in the Government of the Territory of South West Africa, or in any Representative Authority constituted in terms of the Representative Authorities Proclamation, 1980 (Proclamation AG 8 of 1980), or in the Government of Rehoboth, or in any other body, statutory or otherwise, constituted by or for the benefit of any such Government or Authority immediately prior to the date of Independence, or which was held in trust for or on behalf of the Government of an independent Namibia, shall vest in or be under the control of the Government of Namibia.
- 2) For the purpose of this Schedule, "property" shall, without detracting from the generality of that term as generally accepted and understood, mean and include movable and immovable property, whether corporeal or incorporeal and wheresoever situate, and shall include any right or interest therein.
- 3) All such immovable property shall be transferred to the Government of Namibia without payment of transfer duty, stamp duty or any other fee or charge, but subject to any existing right, charge, obligation or trust on or over such property and subject also to the provisions of this Constitution.

- (4) The Registrar of Deeds concerned shall upon production to him or her of the title deed to any immovable property mentioned in paragraph (1) endorse such title deed to the effect that the immovable property therein described is vested in the Government of Namibia and shall make the necessary entries in his or her registers, and thereupon the said title deed shall serve and avail for all purposes as proof of the title of the Government of Namibia to the said property.

SCHEDULE 6

The National Flag of the Republic of Namibia

The National Flag of Namibia shall be rectangular in the proportion of three in the length to two in the width, tierced per bend reversed, blue, white and green; the white bend reversed, which shall be one third of the width of the flag, is charged with another of red, one quarter of the width of the flag. In the upper hoist there shall be a gold sun with twelve straight rays, the diameter of which shall be one third of the width of the flag, with its vertical axis one fifth of the distance from the hoist, positioned equidistant from the top edge and from the reversed bend. The rays, which shall each be two fifths of the radius of the sun, issue from the outer edge of a blue ring, which shall be one tenth of the radius of the sun.

SCHEDULE 7

Implementation of this Constitution

1. On the day of Independence, the Secretary-General of the United Nations shall administer to the President, elected in terms of Article 134 hereof, the oath or affirmation prescribed by Article 30 hereof.
2. The President shall appoint the Prime Minister and administer to him or her the oath or affirmation set out in Schedule 2 hereof.
3. The President shall administer to the first Judges of Namibia, appointed under Article 138(1) hereof, the oath or affirmation set out in Schedule 1 hereof.
4. On the day determined by the Constituent Assembly the National Assembly shall first meet, at a time and at a place specified by the Prime Minister.
5. The members of the National Assembly, with the Prime Minister as Chairperson, shall:
 - (a) take the oath or affirmation prescribed by Article 55 hereof before the Judge-President or a Judge designated by the Judge-President for this purpose;
 - (b) elect the Speaker of the National Assembly.
6. The National Assembly, with the Speaker as Chairperson, shall:
 - (a) elect a Deputy-Speaker;
 - (b) conduct such business as it deems appropriate;
 - (c) adjourn to a date to be determined by the National Assembly.
7. The rules and procedures followed by the Constituent Assembly for the holding of its meetings shall, mutatis mutandis, be the rules and procedures to be followed by the National Assembly until such time as the National Assembly has adopted rules of procedure and standing orders under Article 59 hereof.

SCHEDULE 8

Repeals of Laws

South West Africa Constitution Act, 1968 (Act No. 39 of 1968)

Rehoboth Self-Government Act, 1976 (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 of the Whites Proclamation, 1980 (Proclamation AG. 12 of 1980)

Representative Authority of the Coloureds Proclamation, 1980 (Proclamation AG. 14 of 1980)

Representative Authority of the Ovambos Proclamation, 1980 (Proclamation AG. 23 of 1980)

Representative Authority of the Kavangos Proclamation, 1980 (Proclamation AG. 26 of 1980)

Representative Authority of the Caprivians Proclamation, 1980 (Proclamation AG. 29 of 1980)

Representative Authority of the Damaras Proclamation, 1980 (Proclamation AG. 32 of 1980)

Representative Authority of the Namas Proclamation, 1980 (Proclamation AG. 35 of 1980)

Representative Authority of the Tswanas Proclamation, 1980 (Proclamation AG. 47 of 1980)

Representative Authority of the Hereros Proclamation, 1980 (Proclamation AG. 50 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)