

Electoral Commissions Forum of SADC Countries

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PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES (ECF-SADC) ON THE GENERAL ELECTIONS OF THE KINGDOM OF ESWATINI

29 SEPTEMBER 2023

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1. INTRODUCTION

This is a preliminary statement of the Electoral Commissions Forum of SADC Countries (ECF-SADC) Election Observation Mission to the 2023 General Elections of the Kingdom of Eswatini held on 29th September 2023. The preliminary statement covers the Mission's observations of the pre-election period up to the close of the main polling day activities. The Mission's comprehensive final report will cover its observation of the pre-election, polling and results management and will include overall assessment of the entire electoral process. The Mission report will be released within 30 days after conclusion of observation Mission.

2. BACKGROUND

The ECF-SADC is an independent regional organization of Election Management Bodies (EMBs) of SADC member states. ECF-SADC was established in July 1998 and its Secretariat is hosted by the Government of Botswana in Gaborone. ECF-SADC plays an important role in promoting the conduct of fair, credible and democratic elections in the SADC region. The objectives of the forum include, among others, to encourage the establishment of independent and impartial EMBs in the region; encourage the development of electoral legal frameworks that are in conformity with regionally and internationally accepted principles and best practices for election management.

ECF-SADC received an invitation from the Ministry of Justice and Constitutional Affairs of Eswatini on 15th June 2023 to observe the General Elections on 29th September 2023 in the Kingdom of Eswatini. In line with its mandate of strengthening cooperation amongst Electoral Commissions in the SADC region, the ECF-SADC deployed an Observation Mission to these elections. This has been a standard practice of the ECF-SADC since its establishment in 1998, a practice which continues to foster good relations and peer learning amongst the member Election Management Bodies (EMBs).

The purpose of the Mission was to provide an independent, impartial and objective assessment of the preparations and conduct of the elections, to determine the extent of compliance with the legal framework which governs conduct of elections in Eswatini and regional and international obligations for democratic elections.

This is the fourth time that the ECF-SADC has observed elections in the Kingdom of Eswatini, the last being 21st September 2018. The ECF-SADC Election Observation Mission was led by Mrs. Wendy Didon, Commissioner at the Electoral Commission of Seychelles. The Deputy Mission Leader was Dr Molefe Phirinyane, Commissioner at the Independent Electoral Commission of Botswana. The Mission deployed twenty-five (25) observers from nine (9) Electoral Commissions from SADC countries, namely; Angola, Botswana, Democratic Republic of Congo, Malawi, Mozambique, Namibia, Seychelles, South Africa, and Tanzania. The Mission commenced its work on 20th September 2023 and will conclude on 3rd October 2023.

3. INSTRUMENTS AND VALUES GUIDING ELECTION OBSERVATION

ECF-SADC Election Observation Mission are guided by the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) (2003), which is under revision, the Revised SADC Principles and Guidelines for Governing Democratic Elections in the SADC Region (2015) and the African Charter on Democracy, Elections and Governance (2004). Consistent with the above-mentioned instruments, the ECF-SADC Election Observation Mission was also guided by the values of impartiality, neutrality, transparency and objectivity.

4. TERMS OF REFERENCE AND METHODOLOGY OF THE OBSERVATION

The ECF-SADC Observation Mission's Terms of Reference (ToRs) were to assess the preparedness of the Elections and Boundaries Commission

(EBC) to conduct elections; observe the pre-election environment in order to examine the conditions of the elections; observe the conduct of the election itself; evaluate the electoral process; observe the extent to which the 2018 recommendations have been implemented as well as make recommendations that will contribute to the improvement of the elections process in Eswatini.

The Mission used complementary data collection methods, which included documentary review; media review; meetings with the EBC and key electoral stakeholders; observing campaign by candidates; observing polling processes and vote counting, and determining results processes and results announcement.

5. DEPLOYMENT

The Mission deployed five teams to cover the four regions of Eswatini, namely; Shiselweni, Lubombo, Manzini and Hhohho. A total of fourteen (14) constituencies were covered in the period 26th - 30th September 2023, namely; Maphalaleni, Hhukwini, Lobamba, Ludzeludze, Kubuta, Nkwene, Kwaluseni, Manzini North, Manzini South, Ntsambama, Sithobela, Gilgal, Siphofaneni and Mbabane West. On the polling day, the mission visited fifty (50) polling stations. The observers observed all the polling stages, from the opening of stations through the actual polling and closing of polling stations.

6. PRE-ELECTION PERIOD

6.1 Pre-Election Assessment Mission

The ECF-SADC conducted a pre-election assessment mission to the Kingdom of Eswatini on 14th – 20th May 2023 with the primary objective “*to technically assess the preparedness of EBC to hold credible elections*”. The Mission established that EBC was ready to conduct the elections. The Mission also assessed the extent to which recommendations made by the previous Mission in 2018 were adopted and implemented.

6.2 Courtesy visit to the EBC

The Mission met with the Elections and Boundaries Commission (EBC) on the 22nd and 25th September 2023 to gauge the status of preparedness and to gather information pertaining to the upcoming elections. EBC expressed its readiness to deliver the elections on the 29th September 2023. The Mission also had an opportunity to visit the EBC offices including the warehouse to appreciate the packaging and storage of election material, alongside the security measures in place.

6.3 Consultations with Electoral Stakeholders

The Mission held an interactive session with various stakeholders representing different sectors of society on 25th September 2023. These included, but were not limited to, the media, academia, the Royal Eswatini Police Service (REPS), non-governmental organisations, civil society organisations and faith based institutions. This accorded the Mission an opportunity to understand the conditions in which the elections would take place. It also availed to the Mission an opportunity to appreciate the new legal provisions governing the conduct of elections in Eswatini following amendments to the electoral laws in August 2023.

The Mission participated in meetings of the Heads of International Observation Missions hosted by SADC Election Observation Mission (SEOM) and African Union Election Observation Mission (AUEOM) on 28th and 30th September 2023, respectively. The Missions shared their observations on the pre-polling, polling and post-polling phases.

The ECF-SADC Mission acknowledges and appreciates the statement by Chief Mgwagwa Gamedze, Acting Prime Minister, on behalf of the Government of Eswatini, welcoming all observer missions in the country, acknowledging their presence, appreciating their role in the democratic growth of the country and registering his country's commitment to achieving free, fair, credible and peaceful processes.

The various activities undertaken enabled the Mission to gather strategic and comprehensive information to assess the administration and management of the 2023 elections in the Kingdom of Eswatini.

7. KEY ISSUES RAISED BY STAKEHOLDERS

The following issues were raised by stakeholders:

7.1. On EBC's Preparedness

The stakeholders highlighted the following:

- a) There has been inadequate stakeholder engagement by the EBC as compared to previous years.
- b) While EBC has made positive strides to enhance participation of persons with disabilities (PWDs), there can still be improvements in this area by availing braille ballot papers, among others.
- c) EBC delayed in rolling out some of the electoral processes, e.g., civic and voter education, resulting in it being conducted back-to-back with voter registration.
- d) The vetting and expulsion of polling staff and the exclusion of some candidates by EBC were seen as having a negative effect on its credibility.
- e) The stakeholders appreciated EBC's adoption and use of digital technology for registration.
- f) Stakeholders acknowledged a high number of registered voters compared to previous years. Various reasons were cited for the increase.

- g) EBC's initiative to provide a manual system for transmission of election results as a backup to the electronic methods was positively acknowledged.
- h) There were concerns with a lack of transparency regarding the process of inmates voting and members of the diaspora.
- i) There were concerns on the late release of funds by government to EBC ahead of elections.

7.2. Other Election-related Matters

Stakeholders' views on other election-related issues included the following:

- a) The social unrest of 2021 brought about a new dynamic and change in the political landscape of the country. This situation posed uncertainty to the electoral processes.
- b) The Elections Amendment Act No 9 of 2023 passed in August 2023 was too close to the election date. Stakeholders felt that this would have a bearing on electoral processes and result in insufficient voter education on the new amendments.
- c) Political parties are precluded from contesting elections in Eswatini. However, stakeholders alleged that some have fielded candidates who would participate on individual merits.
- d) Civil Society Organisations (CSOs) stated their interest to work closely with EBC in civic and voter education.
- e) Commercialisation of elections is on the rise, and that is likely to deprive those that do not have resources to stand as candidates, especially women and the youth.

- f) Women's participation in elections as candidates is significantly limited.

8. ELECTION PHASE

8.1. Special voting

The Mission observed special voting at Mavuso Trade and Exhibition Centre in Manzini on the 26th September 2023 and found polling to be peaceful and adequately managed. The highlights of special voting were that voters came in high numbers. However, the verification process could have been better handled to obviate overcrowding.

8.2. Main Election day

- a) On polling day, the Mission visited fifty (50) polling stations located in all the four regions of Eswatini. The observers had the opportunity to observe opening of polling station, actual polling and observed the closing of polling stations, counting and announcement of preliminary results.
- b) Some of the polling stations visited by the Mission opened on time as provided for in the electoral laws, and all the basic opening procedures were followed. There were, however, some that did not open on time. Some of the reasons cited for late opening were the setting up of polling stations and other technical challenges relating to the verification kit, including the problem of network connectivity.
- c) There were differences in the understanding of opening time by Presiding Officers. Some interpreted it as time to set up a polling station and others understood it to mean the first voter casting a vote.
- d) Some polling stations experienced long queues. These were, however, addressed by the use of manual verification of voters.

- e) Visually, there were predominantly more females than males, and the youth, both as polling station officers and voters. Some persons with disabilities were also observed as polling station officials.
- f) Signage to, and within, the polling stations was visible and adequate.
- g) Voters with special needs were given priority and assisted to vote. However, some polling stations did not have the infrastructure and facilities for people living with disabilities.
- h) International and domestic observers were visible at some polling stations visited. Some polling stations had a register for stakeholders, including observers.
- i) Candidates and/or their agents were present at most of the polling stations visited and did not interfere with the voting processes.
- j) Polling stations visited were closed on time and the procedures were followed in the presence of observers, candidates and/or agents.
- k) Overall, polling was orderly and peaceful.

9. COUNTING AND ANNOUNCEMENT OF PRELIMINARY RESULTS

The Mission's observation was that the counting and announcement of preliminary results was carried out in a transparent manner and in a secure environment. However, some polling stations had limited lighting, but this did not hinder counting processes and announcement of preliminary results.

In some polling stations visited, the Mission observed inconsistencies in the manner in which counting and announcement of preliminary results was done.

10. KEY MISSION OBSERVATIONS

The Mission made the following key observations:

- a) Special voting promoted inclusive elections.
- b) Late amendments of electoral laws and regulations may have impacted negatively on voters and electoral stakeholders.
- c) Communication between the Elections and Boundaries Commission (EBC) and its stakeholders was inadequate.
- d) The fact that the diaspora voting is limited only to foreign or diplomatic missions disenfranchises other Eswatini citizens living abroad.
- e) There is absence of dedicated Dispute Resolution Mechanisms on electoral matters.
- f) There are differing views by stakeholders on whether political parties exist or not.
- g) While efforts are being made to improve participation of all persons living with disabilities in the electoral processes, the EBC still needs to do more in this area.
- h) Women's participation in elections as candidates is significantly limited. They, however, appear to constitute most of the voters and members of the electoral staff.
- i) The 2018 recommendation of the ECF-SADC Mission on the counting of votes at polling stations has been successfully implemented.
- j) Lack of regular updates by EBC on progression of polling.

11. KEY RECOMMENDATIONS

The Mission's findings, conclusions and recommendations are based on consultations held with key stakeholders during the immediate period before the elections, a review of Eswatini's legal framework for elections, and direct observation of the opening, voting and counting processes.

In this regard, the mission recommends the following for consideration by the EBC:

- a) Decentralise special voting in order to resolve the challenge of inadequate space that contributes to overcrowding.
- b) Optimise use of technology in order to facilitate verification.
- c) Consider removing the manual recording of voters' details on polling day as it constitutes duplication of already existing data.
- d) The EBC should standardise training for polling staff to address observed inconsistencies on setting up of polling stations, counting processes and related matters.
- e) On the basis of concerns raised by stakeholders, the EBC should strengthen recruitment processes of polling staff.
- f) Enhance the participation of marginalised groups (women, youth and persons with disabilities) in elections as candidates and in decision-making positions.
- g) Decisively implement and monitor adherence to Code of Conduct for different electoral stakeholders.
- h) Consider increasing the number of polling stations in order to reduce risks associated with heavy reliance on arranged transport for voters.

- i) EBC should put measures in place to address potential security threats in the immediate vicinity of polling stations such as aimless loitering and overcrowding.
- j) EBC should issue regular updates to the electorate and stakeholders during polling day.

12. BEST PRACTICES FROM THE 2023 ESWATINI ELECTIONS

The following were observed as best electoral practices:

- a) Preparedness of the EBC to successfully conduct elections.
- b) Vigilant and knowledgeable polling staff.
- c) Use of technology to verify and identify voters.
- d) Inclusion of women, youth and persons with disabilities as polling staff and candidates.

13. CONCLUSION

The Mission acknowledges the significant efforts of the EBC to ably conduct the 2023 General Elections, noting that this is the first election since the appointment of the current Commission. The Mission encourages EBC to consider adoption and implementation of the proposed recommendations.

The Mission commends candidates and all other stakeholders for their contribution towards creating a conducive environment for the conduct of elections.

The Mission congratulates the people of Eswatini on the peaceful manner in which they conducted themselves throughout the electoral period.

Furthermore, the Mission encourages the people of Eswatini to continue to remain calm and peaceful, and to use available legal avenues should they not be satisfied with the election outcome.

Signed and released on this 1st October 2023, Ezwulini Eswatini

Wendy Didon
Mission leader, 2023 General Elections of the Kingdom of
Eswatini
Electoral Commissions Forum of SADC Countries