

Electoral Commissions Forum of SADC Countries

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PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES (ECF-SADC) ON THE NATIONAL & PROVINCIAL ELECTIONS OF THE REPUBLIC OF SOUTH AFRICA HELD ON 29 MAY 2024.

31st MAY 2024

Forum Presidency: Hon Justice Barnabas Nyamadzabo - **President** (Botswana), Denis KADIMA -**Vice President** (Democratic Republic of Congo) **EXCO: Chairperson:** Dr Elsie Nghikembua (Namibia), **Vice Chairperson:** Mosotho Moepya (South-Africa) ,Prince Mhlabuhlangene Dlamini (Eswatini),The Right Reverend Carlos S. Matsinhe(Mozambique) Danny Lucas (Seychelles), Hon George Joseph Kazi (Zanzibar), Hon. Justice Priscilla M. Chigumba (Zimbabwe)

1. INTRODUCTION AND BACKGROUND

The Electoral Commissions Forum of SADC Countries (ECF – SADC) is an independent regional organisation of Election Management Bodies (EMBs) of the SADC member States. ECF – SADC received an invitation from the Independent Electoral Commission (IEC) of South Africa dated 20th March 2024 to observe the National and Provincial elections of the Republic of South Africa scheduled for 29th May 2024. In line with its mandate of strengthening cooperation amongst Electoral Commissions in the SADC region, the ECF-SADC deployed an Observer Mission for these elections.

The ECF-SADC Election Observer Mission was led by Mrs. Mwangala F. Zaloumis SC, Chairperson of the Electoral Commission of Zambia. The Deputy Mission Leader was Hon. Justice Jacobs C.M. Mwambelele, Chairperson of the Independent National Electoral Commission of Tanzania.

The Mission comprised forty-three (43) observers from twelve (12) Electoral Commissions of Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Tanzania, Zambia, Zanzibar and Zimbabwe. The Mission was honoured to have five (5) Chairpersons, ten (10) Commissioners, four (4) Chief Electoral Officers and a total of fifteen (15) senior officials from EMBs. The Mission commenced its work on 17th May 2024.

2. PRINCIPLES AND GUIDELINES FOR ELECTION OBSERVATION

ECF-SADC election observation missions are guided by the African Charter on Democracy, Elections and Governance, the Revised Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), the Revised SADC Principles and Guidelines for Governing Democratic Elections and the Declaration of Principles for International Election Observation. In addition to the above-mentioned instruments and consistent to these instruments, the ECF-SADC Election Observer Missions are guided by the values of impartiality, neutrality, transparency, and objectivity.

3. TERMS OF REFERENCE FOR THE MISSION

The ECF-SADC observer mission was guided by the following Terms of Reference:

- 1) To assess the preparedness of the IEC South Africa to conduct elections;
- 2) To observe the pre-election environment;
- 3) To observe the conduct of the election itself; and
- 4) To evaluate the electoral process and make recommendations that would contribute to the improvement of electoral management in South Africa.

4. METHODOLOGY OF THE OBSERVATION AND ACTIVITIES UNDERTAKEN

The Mission employed complementary data collection methods which included the following:

- 1) Review of documents;
- 2) Electronic and print media;
- 3) Meetings with the IEC South Africa as the host Commission;
- 4) Meetings with key electoral stakeholders; observing campaign rallies; and
- 5) Observing voting processes, counting, and results management.

To achieve its objectives, the Mission undertook various activities, including holding a one-day refresher orientation for its observers on 22nd May 2024 to give them an opportunity to gain a well-informed training on election observation. The Mission also met electoral stakeholders to get an understanding of the historical, political context and preparedness for the elections. The Mission also interacted with other international observer missions in order to exchange information.

The Mission attended the orientation of observers organized by the IEC South Africa on 26th May 2024 and also participated at an election seminar for International Visitors Program (IVP) for the National and Provincial elections in South Africa.

The activities undertaken by the Mission enabled it to gather strategic and comprehensive information so as to assess the administration and management of the 29th May 2024 National and Provincial elections of the Republic of South Africa.

5. DEPLOYMENT

The Mission's deployment period was from 26th to 30th May 2024 with eight teams being deployed to the various provinces of South Africa namely Gauteng, Northwest, Limpopo and Free State.

During the deployment period, the Mission observed the final political rallies held in Gauteng Province and found them peaceful and there was adequate security.

6. PRE-ELECTION PERIOD

6.1. Pre-Election Assessment Mission

Prior to the main Mission, the ECF-SADC conducted a pre-election assessment mission to the Republic of South Africa from 15th to 19th April 2024. In preparation for the Election Observation Mission for the National and Provincial elections set for 29th May 2024.

The primary objective of the pre- election assessment mission was to technically assess the preparedness of IEC South Africa to hold credible elections. The technical assessment of the state of preparedness was based on information gathered from IEC and other electoral stakeholders through a checklist formulated based on documented minimum standards for transparent and credible elections as provided by the regional instruments on management of elections.

The Mission also made an assessment on the extent to which the recommendations by the ECF-SADC Observer Mission on the National and Provincial elections of 2019 had been implemented.

6.2. Pre – Assessment Mission Recommendations

Considering its observations during the Pre-election visit, the ECF-SADC Mission made the following recommendations to the Electoral Commission of South Africa:

- 1) To engage the judiciary to develop a time frame and guidelines on the timely disposal of election related cases before the elections.

- 2) To continue to invest in the use of Political Liaison Committees as an alternative dispute resolution platform as it had proved to work well.
- 3) Advocate for electoral reforms that compel political parties to have quota systems for women candidates during elections.
- 4) The need to provide and strengthen security for electoral personnel and election materials.
- 5) To continue to accelerate its efforts to build public confidence and trust in its integrity and that of the electoral processes.
- 6) Enhance voter sensitization and education in relation to the new electoral amendments as specified in Section 24(A) on the new provision for voting where voters to vote were registered and the introduction of a third ballot to accommodate independent candidates.

In its engagement with the IEC South Africa in April 2024, the Mission observed that the Commission had made strides to implement administrative and legal reforms in line with election observation recommendations made in 2019. The Mission observed that the IEC SA had made technical and procedural changes on training of electoral staff to address inconsistencies at voting stations. The Commission had also introduced online voter registration to address the low youth turn out at the previous election.

7. STATE OF PREPAREDNESS BY THE ELECTORAL COMMISSION OF SOUTH AFRICA.

The ECF-SADC Observer Mission met with the IEC South Africa on 21st May 2024 to assess the preparedness of the Commission to hold credible elections in line with electoral international instruments and principles. The Mission's key observation was that the IEC SA was ready to conduct elections on 29th May 2024. The readiness was in terms of its administrative, logistical and financial capacity to execute its mandate. The IEC South Africa also shared the challenges it faced in the build up to the elections. One of the challenges the Commission shared was the delayed printing of ballot papers due to the late conclusion of court cases.

8. CONSULTATIONS WITH ELECTORAL STAKEHOLDERS

The Mission held consultations with electoral stakeholders at Centurion Hotel on 23rd May 2024. The stakeholders were drawn from different sectors of society and included political parties, the Faith based organization, civil society organisations, the media and academia.

In addition, the Mission participated in the meeting of the Heads of Mission of International Observation Missions which was organized and hosted by the SADC Election Observer Mission (SEOM) on 28th May 2024. As well as the Heads of Mission meeting hosted by the African Union Election Observer Mission (AUEOM) on 30th May 2024.

9. KEY ISSUES RAISED BY STAKEHOLDERS

The following were the key issues raised by stakeholders:

- 1) The stakeholders all expressed satisfaction that the IEC South Africa was ready to conduct elections and expressed confidence in the Commission. The stakeholders also indicated that they worked well with the IEC South Africa in their respective areas of specialization.
- 2) The various political parties met were concerned that the IEC South Africa was not enforcing sanctions in the Electoral Code of Conduct especially where the incidences bordered on criminal behaviour.
- 3) Stakeholders were concerned that there could be voter apathy among the youth.
- 4) The political parties met agreed that though they were anxieties on political violence and that the levels of intolerance were not high except for isolated incidences of violence between some contesting parties in Kwazulu Natal.
- 5) The political parties met reported that some of them were prohibited from campaigning in certain areas and that some of their posters were either being defaced or removed.
- 6) All the political parties met agreed that the IEC South Africa was prepared for the elections.

- 7) On the media, all the various political parties reported that had media coverage in relation their electoral campaigns.
- 8) There was consensus amongst the stakeholders that there was increased misinformation and disinformation targeting the IEC South Africa.
- 9) The media consulted reported that they were satisfied with the level of their collaboration with the IEC South Africa including the establishment of partnerships with social media platforms to combat misinformation and disinformation.
- 10) The media consulted also reported that they had implemented digital tools to address misinformation and disinformation including initiatives to address incidences of intimidation and harassment of journalists.

10. KEY MISSION OBSERVATIONS

10.1 During the Pre-Polling Phase

- 1) The electoral period was generally peaceful, save for isolated pockets of violence in some provinces which, the security services confirmed they were monitoring closely.
- 2) There was extensive campaigning by the political parties and independent candidates, with a number of televised debates for both candidates and voters on electoral matters.
- 3) The final political rallies as observed in Gauteng Province and found them to be peaceful and there was a presence of adequate security.
- 4) The accreditation process for international observers by IEC South Africa was meticulously done ahead of elections.
- 5) The strategies and initiatives by the IEC South Africa in collaboration with social media platforms greatly assisted in curbing the spread of fake news and the growing abuse of social media.
- 6) The openness of the IEC to engage various electoral stakeholders including political parties resulted in a culture of political trust and confidence in the IEC.

10.2 Election Phase

Voting By South Africans Living Abroad

The Mission noted that out of country voting took place on 17th May 2024 by South Africans living abroad at one hundred and eleven (111) designated voting stations. The Mission learnt that the turnout of voters living abroad had increased when compared to the 2019 elections.

Special Voting

The Mission observed Special Voting on 27th and 28th May 2024. In all voting stations visited, voting was generally peaceful and orderly. However, the teams observed some logistical challenges including amongst others some voting stations opening late due to lack of stationary and lack of security personnel.

Main Voting Day

The Mission covered seventy-two (72) voting stations and substations located in the provinces of Gauteng, Northwest, Limpopo and Free State. The Mission had the opportunity to observe the opening, voting, closing, and counting processes.

The Mission made the following observations on polling day:

- 1) The majority of the voting stations opened on time with all the election materials being available. It was also noted that the IEC South Africa officials followed the opening procedures.
- 2) For the voting stations that did not open on time, it was observed that this was due to the late delivery of election materials including ballot boxes, security seals and voters rolls. In addition, some voting stations were set up in the morning of voting and this delayed the opening time of the poll.
- 3) The majority of the voting stations had long queues which could be an indication of high voter turnout.
- 4) Voter Management Devices in some voting stations were malfunctioning and experiencing network failure leading to slow processing of voters. In the voting stations where the Voter Management Devices had malfunctioned only the manual voter's roll was used to facilitate voting.

- 5) In most of voting stations visited, some election officials understood that VMDs were the primary mechanism for voter identification, contrary to the official position that the VMDs were for used for administrative purposes.
- 6) There were incidents of voters appearing at voting stations where they were not registered. This could be an indication that the provisions of section 24A) were not applied consistently.
- 7) There were inconsistencies in the layout of voting stations by presiding officers. Some stations had only one ballot box, while others had two or three.
- 8) Voters generally managed to vote with ease despite the introduction of the third ballot.
- 9) There were predominantly more females than males working as IEC South Africa election officials.
- 10) Signage including banners and arrows indicating the location of voting stations were visible and adequate.
- 11) Voting Stations were generally peaceful and secure with a good balance of security presence.
- 12) Voters with special needs were given priority to vote. Persons with disabilities were also being assisted. However, it was observed in some voting stations that the use of the Universal Ballot Template (UBT) was a challenge to visually impaired voters and in some cases the IEC officials were unfamiliar with its use. It was also observed that some voting stations had no ramps for wheelchair users.
- 13) International and domestic Observers were visible at some voting stations and were required to register their presence in the voting station diary.
- 14) Political party agents were present and they did not interfere with the voting process. Party agents had no copies of the voters' rolls.
- 15) Whilst political parties set up tents and tables outside the Voting Stations exhibiting their party materials, they did not interfere with the polling process.

10.3 Counting and Management of Results

The Mission observed the following in relation to closing and counting processes:

- 1) Voting Stations visited closed on time and procedures were followed in the presence of observers and agents and all voters who were on the queues at the time of closing were allowed to vote.
- 2) The counting procedures were generally followed even though the process was slow.

11 LESSONS LEARNT

The following lessons were drawn from the 2024 National and Provincial elections of the Republic of South Africa:

- 1) Professionalism of the Electoral Commission of South Africa Commissioners and election officials in the handling of electoral matters at both National and Provincial levels helped to inspire trust in the electoral process.
- 2) A speedy accreditation process and issuance of accreditation certificate to observers.
- 3) The Electoral Commission of South Africa making use of innovation in electoral technology, noting that the use of technology should be implemented and monitored effectively.
- 4) The importance of EMBs having strategies to mitigate misinformation and disinformation and building partnerships with the mainstream media and social media platforms.
- 5) Online voter registration contributes to mobilization of first-time voters and the youth.
- 6) Introduction of barcoded results slips synchronized to the results management system and the signing of results slips by political party agents and them taking pictures of same promotes integrity and transparency in the electoral processes.
- 7) The innovative facilities provided at both the national and Provincial Results Operation Centre (ROC) promoted transparency and facilitated the ease flow of election results.
- 8) Regular live television and radio updates by the IEC South Africa to the public were noted as a good practice and enhanced transparency of the process.

12 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 South Africa's legal framework for elections, and direct observation of the opening, voting, and counting processes in voting stations.

The ECF–SADC Mission therefore makes the following key recommendations for consideration by relevant stakeholders.

1) Legislation

The need to enact legislation in terms of the management of the court cases for concluding election related cases.

Electoral laws should be amended in good time to allow for stakeholders to familiarise themselves with the amended laws.

2) Training of polling staff to address inconsistencies

Election officials need further training on the management of voting stations, handling of technology as well as implications of legal reforms in order to address inconsistencies at the voting stations.

3) Logistics

There is a need to improve the timely and adequate distribution of election materials to voting stations.

4) Voter Education

There is need to enhance voter education especially when laws and election procedures are changed.

5) Opening of Voting Stations

Election Officials need to set up the polling stations before the voting time or the day prior to elections.

6) Consistency of Voting Procedures

There is a need for consistency in the administration of some of the election processes at voting stations such as the number of ballot boxes to use at the voting centres.

7) Clear Separation of Ballot Boxes for Each Election Type

There is need to separate the ballot boxes indicating the nature of the election to reduce on the time counting takes place. The IEC could consider colour coding the ballot boxes for ease of identification of the ballot boxes.

8) Functionality of Voter Management Devices

The use of technology to enhance electoral processes is a welcome innovation. It is however important that the IEC South Africa ensures that the VMDs are ready for use to avoid delays during voting.

9) Disinformation & Misinformation

- a. The Electoral Commission of South Africa should continue with its initiatives to partner with social media platforms and organization to counter disinformation and misinformation.
- b. Given its expertise and initiatives, the IEC South Africa could capacitate and support other EMBs in the SADC region on strategies for dealing disinformation and social media.

13 CONCLUSION

- 1) The Mission congratulates the people of the Republic of South Africa on the manner in which they conducted themselves during the electoral period. They were able to exercise their democratic right to express their choice.
- 2) Despite the isolated reported incidents of violence, the contesting political parties and independent candidates are commended for their role in the electoral period. Generally, they showed a spirit of tolerance and ensured that their supporters remained calm and restrained throughout the electioneering process.
- 3) The ECF- SADC Mission acknowledges the tremendous efforts of the Electoral Commission of South Africa in preparing and managing the 2024 National and

Provincial Elections. The IEC discharged its duties according to its mandate and in a credible manner.

- 4) The Mission commends the mainstream media for effective election reporting on elections.
- 5) As the electoral process is not yet complete, the ECF-SADC encourages the people of the Republic of South Africa to remain tolerant, peaceful whilst awaiting the outcome of the election results.

Signed on this 31st May 2024 in Pretoria, **Republic of South Africa**

Mwangala Zaloumis, SC.

Mission leader

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