



**PRELIMINARY STATEMENT**

**BY**

**HIS HONOUR MR. ENOCK P. KAVINDELE, FORMER VICE  
PRESIDENT OF THE REPUBLIC OF ZAMBIA**

**THE HEAD OF THE SADC ELECTORAL OBSERVATION MISSION  
(SEOM)**

**TO**

**THE 29<sup>TH</sup> SEPTEMBER 2023 GENERAL ELECTIONS**

**IN**

**THE KINGDOM OF ESWATINI**

**EZULWINI, 1 OCTOBER 2023**

**Distinguished Members of the SADC Organ Troika**

**Distinguished Representatives of the Government of the Kingdom of Eswatini,**

**Prof. Kula I Theletsane Director, Organ on Politics, Defence and Security Affairs and Representative of H.E. Mr. Elias Magosi, Executive Secretary of SADC;**

**Chairperson/Representatives and Members of the Elections and Boundaries Commission;**

**Distinguished Heads of International Electoral Observation Missions;**

**Your Excellencies, Heads and Representatives of the Diplomatic Missions accredited to the Kingdom of Eswatini;**

**Members of the SADC Electoral Advisory Council;**

**SADC Election Observers;**

**Representatives of Local Election Observers;**

**Religious Leaders and Members of the Civil Society;**

**Members of the Media;**

**Distinguished Guests;**

**Ladies and Gentlemen.**

## **I. INTRODUCTION**

On behalf of the Southern African Development Community (SADC), it is my distinct honour and privilege to welcome you all to this important event where I will present the SADC Electoral Observation Mission (SEOM)'s Preliminary Statement on the conduct of the General Elections in the Kingdom of Eswatini that were held on 29<sup>th</sup> September, 2023.

I was appointed as Head of the SEOM to the Kingdom of Eswatini by His Excellency Mr. Hakainde Hichilema, President of the Republic of Zambia, in his capacity as the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation. The SEOM is comprised of members of the Organ Troika, namely; the Republic of Zambia, the Republic of Namibia and the United Republic of Tanzania. The Observation Mission also benefitted from expert advice from the SADC Electoral Advisory Council (SEAC). It should be noted that the SEAC was established in terms of Article 9 (2) of the SADC Treaty. SEAC plays an advisory role on matters pertaining to electoral processes and the enhancement of democracy and good governance in the SADC Region.

Consistent with the revised SADC Principles and Guidelines Governing Democratic Elections, the deployment of the SEOM was preceded by a Pre-Election Assessment Goodwill Mission of SEAC from 31<sup>st</sup> May to 9<sup>th</sup> June 2023. The Mission was preceded by the SEAC Post-Election Review Mission of May 2022 which assessed whether recommendations arising from the SEOM to the General Elections of 2018 in the Kingdom of Eswatini had been implemented.

The SADC Electoral Observation Mission to the 2023 General Elections in the Kingdom of Eswatini comprised of 47 observers, from the following SADC Member States, namely: Angola, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe who were deployed to the 4 regions of the country, namely; Hhohho, Lubombo, Manzini and Shiselweni, respectively.

The Mission consulted with stakeholders among them: the Electoral and Boundaries Commission (EBC), Government bodies, the Police, Civil Society Organizations (CSOs), Religious Leaders, some individual candidates, Political Party Representatives, Members of the Diplomatic Corps, and International Election Observation Missions.

On 29<sup>th</sup> September 2023, the Mission observed the General Elections in the Kingdom of Eswatini in line with the revised SADC Principles and

Guidelines Governing Democratic Elections (2021), and the relevant laws of the Kingdom of Eswatini. The Mission also observed Special Voting on 26<sup>th</sup> September 2023, for essential staff including Security Personnel, Electoral Boundaries Commission staff, amongst others, who were on duty during the polling day.

All SADC Member States have re-affirmed their commitment to implementing the SADC Principles and Guidelines Governing Democratic Elections (I shall refer to these as the SADC Principles and Guidelines). The SADC Principles and Guidelines provide an objective and scientific methodology for the observation of elections to contribute to the consolidation of democracy in the Region, by enhancing best electoral practices and by making recommendations that are aimed at addressing any electoral shortcomings or challenges.

Allow me to urge all of us to familiarize ourselves with these SADC Principles and Guidelines, copies of which are available at this venue, and also on the SADC Secretariat website, [www.sadc.int](http://www.sadc.int). Our Mission also handed over these SADC Principles and Guidelines to all the stakeholders that took their time off their busy schedules to meet with us in the process of our consultations with the people of Eswatini. The SADC Principles and Guidelines are also informed by key instruments of the African Union, such as the African Charter on Democracy, Elections and Governance (2007), as well as relevant Conventions of the United Nations.

This Preliminary Statement therefore, covers the Mission's observations of the Pre-Election period and Voting Day. The Mission's final report will cover all phases of the election observation including the post-election period, with the aim of supporting and strengthening the democratic electoral processes in the Kingdom of Eswatini as a SADC Member State.

## **II. SUMMARY OF KEY FINDINGS**

### ***Distinguished Ladies and Gentlemen***

#### **(a) Political and Security Environment**

The Mission observed that the political and security environment during the Pre-election, Special Voting period and election period was calm and peaceful. This was also the general view of a diverse range of stakeholders that we consulted, though some were mindful of what they referred to

as the undercurrents arising from the unfortunate civil unrest that took place in June 2021.

The Mission further observed campaign activities which included organized and general campaigns conducted in a peaceful manner. The Police were visibly present during the voting process and did not interfere with the voting proceedings.

## **(b) The Electoral Law**

The General Elections of 2023 in the Kingdom of Eswatini are regulated by the Constitution of Eswatini of 2005. In addition to the Constitution, there are other applicable laws and these include: The Elections and Boundaries Commission Act; Elections Act No. 6 of 2013 (as amended); the Election of Women Act of 2018, Parliament Petition Act No. 8 of 2013, Senate Elections Act No. 7 of 2013, and Voter's Registration Act No. 4 of 2013 (as amended). The Mission noted that the country has conducted a review of the Electoral Laws. The Mission noted that the Constitutional Court has original jurisdiction in all matters concerning the elections. The Mission further noted the challenge involved, particularly for the lay citizens to acquaint themselves with the electoral laws given that the subject matter is covered by seven different Acts of Parliament.

### ***Distinguished Ladies and Gentlemen***

As alluded to earlier, the main objective of our SEOM is to support our Member States to make improvements that enhance the quality of our electoral systems, this in turn enhances national and regional peace and security. In this regard the SEOM makes recommendations for consideration by each relevant SADC Member State. In 2018, following the General Elections in the Kingdom of Eswatini, the SEOM made a number of recommendations. I am pleased to note that some of our recommendations have been implemented in the course of recent amendments to the legislation governing elections in Eswatini.

The amendment of the Voter registration Act 4/2013 and Elections Act 6/2013 were passed before the dissolution of Parliament. The Amendments are aimed at promoting transparency, integrity and credibility of the elections. The Voter's Registration Amendment Act 9/2023 provides for continuous voter registration to be done annually to allow time to ensure accuracy of the Voter Register during elections, create uniformity in respect of registration at urban and rural areas, as well as placing the burden of proof on the person objecting to the inclusion of the voter in the voter's register.

The Elections Amendment Act 8/2023 defines 'after elections', 'before elections' and 'election' campaign for clarity, and extends the time for appointment of candidate agents and messengers. It also extends categories for Special Voting. The Amendment further provides for the counting of ballots at polling stations instead of counting at a central place. This ensures secrecy of the vote by the calling out of the voter and entering the voter ID number on the counterfoil, as well as strengthen electoral offences to ensure implementation of sanctions.

It is important to also note that the amendments were gazetted just over a month before voting day, thus giving the electorate and candidates limited time to internalise and understand the changes to the two important laws. Some stakeholders noted that the amendments created some confusion regarding new requirements for nomination of candidates in the employment of the civil service. The amendments also created the need for public awareness in advance of the elections in the context of a comprehensive civic and voter education programme.

### **(c) The Management of the Electoral Process**

#### ***Distinguished Ladies and Gentlemen,***

The Mission noted the achievements made by the EBC with respect to the registration of voters. In this regard, the EBC reported that a total number of 584,710, voters was recorded, out of which 313,093 are female while 271,617 are male. This equates to a remarkable 91.2% of eligible voters in terms of the 2018 National Census which stood at 641,121.

The EBC facilitated the voter registration process from 10<sup>th</sup> May to 14<sup>th</sup> June 2023 and extended to 18<sup>th</sup> June, 2023. The extension was allowed to accommodate an influx of people that were registering on the last day of registration. In terms of the voters' registration Act 4 of 2013, upon completion of registration, voters are afforded an opportunity to validate the voters register. The process entails filing of objections, correction of voters' information and application of transfers from one Tinkhundla to another.

In an effort to be more inclusive, the Commission conducted civic and voter education that targeted marginalized groups and held consultative meetings with Non-Governmental Organizations (NGO's) and relevant stakeholders particularly those representing people living with disabilities, the youth and women. This was a deliberate effort by the Commission to encourage meaningful participation and representation of marginalized

groups. This is in line with section 11.4.1. of the SADC Principles and Guidelines which highlights that *Member States agree that civic and voter education are indispensable to democratic consolidation, as they allow for the electorate to make informed choices on who decides on their governance priorities.*

On the other hand, the Mission also took note of some stakeholders perspectives that they believed that the EBC did not have sufficient time and financial resources to deliver a comprehensive civic and voter education programme ahead of the elections, and that this is a challenge that needs to be addressed in future.

#### **(d) The Tinkhundla System of Governance**

The SEOM noted the unique form of political governance of the Kingdom with respect to the *Tinkhundla* system, which amongst other consultative processes was formalised following a comprehensive review by a Commission of 1992, and is currently being administered by a dedicated Ministry of Tinkhundla Administration and Development. The electoral system is embedded in the Tinkhundla system of Government, which is based on direct representation and individual merit wherein a Single Member Plurality (SMP) also referred to as First- Past the- Post applies.

#### ***Distinguished Ladies and Gentlemen***

The SEOM in 2018 recommended that the Government and the people of Eswatini, and I quote, *“to conduct peaceful and tolerant dialogue with respect to the organisation of the political system, in particular, the recognition of the role of political parties in the context of the Tinkhundla system. The dialogue should give full effect to s25 of the Constitution as well as s236 thereof that also subscribes to the SADC values and norms as enshrined in the Principles and Guidelines Governing Democratic Elections which provides for the right to freedom of association.”*

The need for this dialogue was reiterated by subsequent SADC Missions, particularly those that came to this beautiful country in the wake of the violent disturbances that took place in June 2021. The purpose of these missions was to assist the Kingdom in finding lasting and sustainable solutions to the political and security challenges that the Kingdom faced.

For example, the Organ Technical Fact-Finding Mission that was deployed in July 2021 observed *“that the issues behind the disturbances were political, structural or systemic in nature, with the Tinkhundla system at the centre.”* The call for peaceful dialogue in a collective exploration of options for political governance was subsequently backed up by a formal SADC-mediated national dialogue proposal for consideration by the Government of Eswatini. Suffice to state that the General Elections of 2023 took place within the same legal framework as those of 2018, our particular Mission can do no better than to once again, appeal for a peaceful and timely process of national dialogue to give the people of Eswatini an opportunity to explore options for their political system.

Our Mission was informed by stakeholders in Government and others, that national dialogue on this critical structural issue will take place after the General Elections. May I take this opportunity to underscore the importance of a dialogue process that is inclusive, and to reiterate that the relevant SADC structures are ready to assist the Government and the people of Eswatini in this process.

#### **(e) Participation of Women in Politics**

The Mission noted that representation of women in elected political positions in the country is minimal. Based on the data on candidates who succeeded to participate in the secondary elections, the composition of Parliament is going to be predominantly male. Data from the EBC shows that the successful candidates for both Member of Parliament and Indvuna Yenkhundla were 86% male and 14% female. The Constitution of Eswatini provides that, if after the general elections, the female candidates will not meet the required 30% representation in Parliament, the house shall elect not more than four additional women by region. However, it should be noted that the quota allocation for women has not yet been implemented in practice. Challenges regarding the representation of women in elected political positions are not unique to Eswatini. Though some SADC Member States do better on this aspect, it remains a Regional, and indeed a global challenge that we must overcome.

#### **(f) Participation of Youth in Politics**

The SEOM noted complaints from the youth that they feel excluded from the political arena due to cultural and socio-economic practices. They also complained about being prohibited from participation during campaigns before primary elections, which excluded them from disseminating their manifestos to the public to ensure that they are nominated to contest in elections.



### **III. Special Voting Day-26<sup>th</sup> September, 2023**

#### ***Distinguished Ladies and Gentlemen,***

The SEOM observed Special Voting that took place on 26<sup>th</sup> September, 2023 to cater for Security staff, EBC and other essential workers who would be working on Polling Day on 29<sup>th</sup> September, 2023.

In brief, the following observations were made by the SEOM:

- (i) The positioning of the ballot booths was such that it did not strictly guarantee the secrecy of the vote.
- (ii) Overall, Special Voting went well and without any incident of concern.

### **III. OBSERVATIONS ON ELECTION DAY- 29 SEPTEMBER, 2023**

#### ***Distinguished Ladies and Gentlemen***

On Election Day, the SADC Electoral Observation Mission observed the voting process in 4 Regions of the Kingdom of Eswatini. The deployed observer teams covered 159 polling stations in their respective areas. The voting process was generally peaceful and free of irregularities.

### **KEY OBSERVATIONS**

On polling day, the SEOM observed the voting process and the performance of the Elections and Boundaries Commission. The SEOM observed the following critical aspects at the 159 polling stations that we visited:

- (i) The environment at the polling stations was calm and peaceful.
- (ii) 93% of the polling stations opened on time. Voting progressed smoothly notwithstanding issues relating to the electronic voters roll, which delayed the voting process at some Polling Stations.

(iii) Security Personnel were visibly present at all Polling Stations and acted professionally.

(iv) The positioning of the ballot booths was such that it did not strictly guarantee the secrecy of the vote at some polling stations.

(v) Most Polling Stations were accessible to all voters including persons with disabilities except a few cases where the polling stations were either located upstairs and/or had no ramps. Nonetheless, voters with disabilities, pregnant women and the elderly were given priority and those requiring assistance were helped.

(vi) During the voting period, at 89% of the Polling Stations observed, all registered voters were allowed to cast their ballots except in cases where the voters went to the wrong Polling Station.

(vii) There was a manual voters register as a backup to the electronic voters register.

(viii) There was inconsistent application of inking of voters' fingers. However, the Mission noted that there were several measures that were put in place to avoid double voting, and that the electoral law is silent on the issue of inking voters' fingers.

(ix) Closing procedures were observed at 12 polling stations. The closing procedures were generally adhered to except in a few cases in which the following were observed:

(a) In 25% of the Polling Stations observed at, the Presiding Officer did not reconcile the number of used and spoilt ballots before counting.

(b) In 33% of the Polling Stations observed at closing, announcement was not made on the reconciliation of ballots cast.

(c) In 25% of the Polling Stations, minutes of the closing of the Polling Stations were not completed.

#### **IV. BEST PRACTICE**

The Mission commends the Kingdom of Eswatini for the following best practices that were noted:

- (a) Facilitation of Special Voting for essential workers including security personnel, and the staff of the EBC; and
- (b) Timely distribution of election materials on the special voting day.

## **V. RECOMMENDED IMPROVEMENTS IN THE ELECTORAL PROCESS**

At this juncture, allow me to recall that the SEOM is continuing the process of electoral observation in the post-election phase. As such, the Mission will not be rendering comprehensive recommendations or qualifications of the election at this stage. However, the Mission has observed the following areas of the electoral process and system that relevant stakeholders may wish to consider improving:

### **(a) Legal Framework**

The Mission encourages the Government of the Kingdom of Eswatini to consider the consolidation all the seven laws governing the elections into one comprehensive law for ease of accessibility.

### **(b) Political Organisations and Political Parties**

The Mission reiterates that the Government and citizens of the Kingdom conduct peaceful and inclusive dialogue with respect to the organisation of the political system, in particular, the recognition of the role of political parties in the context of the *Tinkhundla* system. The dialogue should give full effect to section 25 of the Constitution as well as section 236 thereof that also subscribes to the SADC values and norms as enshrined in the *Principles and Guidelines Governing Democratic Elections* which provides for the right to freedom of association.

### **(c) Women participation in politics**

Government is encouraged to implement the quota allocation for women should the 30% threshold for women representation in Parliament not be effected.

#### **(d) Secrecy of the vote**

In order to enhance the secrecy of the vote, the Mission urges the EBC to ensure that in future elections, the positioning of the ballot booths minimises exposing the voter's voting choices to any other person.

#### **(e) Civic and voter education**

The Mission encourages the Government and the EBC to make provision for timely and comprehensive civic and voter education programmes ahead of the elections.

#### **(f) Participation of youth in politics**

The Mission encourages the Government and stakeholders to consider the adoption of measures to improve the level of participation of youths in elected political positions.

#### **Participation of people living with disabilities**

**(g)** The Mission also encourages the Government and the EBC to ensure that in future, all polling stations are designed in a manner that facilitates access by all persons living with disabilities, in addition to taking measures that enhance their general participation in the electoral process.

## **VI. CONCLUSION**

In conclusion, the Mission observed that the pre-election and voting phases, on the 29<sup>th</sup> September, 2023 General Elections were peaceful, calm and well organized in line with the *Revised SADC Guidelines and Principles Governing Democratic Elections.*"

Finally, the Mission commends the people of the Kingdom of Eswatini for maintaining a peaceful political environment during the pre-election and on voting day. The Mission will release its final report after the validation and proclamation of final results, as provided for in the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)*. The final report will be shared with the Government and EBC first, and 90 days thereafter with relevant stakeholders.

In terms of the revised SADC Principles and Guidelines Governing Democratic Elections (2021), our long term of observers will remain on the ground to continue with the post-election observation until the 5<sup>th</sup> October, 2023. The SEAC shall return at an appropriate time, to undertake a post-election review to determine the extent to which the recommendations of SEOM have been implemented and the nature of support, if any, that the Member State holding elections may require from the SADC region, to implement those proposals.

In the event of any electoral disputes, the Mission appeals to all contestants to channel their concerns through established legal procedures and processes.

***Thank you very much***  
***Muito Obrigado***  
***Merci beaucoup***  
***Asante sana***  
***Siyabonga***