



**STATEMENT BY H. E MR. ENOCH KAVINDELE, FORMER
VICE PRESIDENT OF THE REPUBLIC OF ZAMBIA AND
HEAD OF THE SADC ELECTORAL OBSERVATION MISSION
(SEOM)**

TO

**THE OFFICIAL LAUNCH OF THE SADC ELECTORAL
OBSERVATION MISSION (SEOM) TO THE PRESIDENTIAL,
LEGISLATIVE & PROVINCIAL ELECTIONS OF
DEMOCRATIC REPUBLIC OF CONGO**

FLEUVE CONGO HOTEL, KINSHASA

14 DECEMBER 2023

- **Distinguished Members of the SADC Organ Troika;**
- **Distinguished Representatives of the Government of the Democratic Republic of Congo;**
- **His Excellency, Mr. Elias Magosi, SADC Executive Secretary**
- **Professor Kula Theletsane, Director of the SADC Organ on Politics, Defence and Security Affairs;**
- **Chairperson, Representatives and Members of the Independent National Electoral Commission (CENI);**
- **Distinguished Representatives of International Electoral Observation Missions;**
- **Your Excellencies, Heads and Representatives of the Diplomatic Missions Accredited to the Democratic Republic of Congo;**
- **Members of the SADC Electoral Advisory Council (SEAC);**
- **SADC Election Observers;**
- **Representatives of Local Election Observers;**
- **Religious Leaders and Members of the Civil Society Organisations;**
- **Members of the Media;**
- **Distinguished Guests;**
- **Ladies and Gentlemen.**

It is my honour and privilege to welcome you to the official launch of the SADC Electoral Observation Mission (SEOM) on behalf of His Excellency, Mr. Hakainde Hichilema, President of the Republic of Zambia, and Chairperson of the SADC Organ on Politics, Defence and Security Cooperation.

From the onset, I wish to take this opportunity to thank the Government of the Democratic Republic of Congo for inviting SADC to observe the

country's Presidential, Legislative and Provincial Elections, scheduled for 20 December 2023.

**Distinguished Guests,
Ladies and Gentlemen,**

SADC observes elections in its Member States based on the *Revised SADC Principles and Guidelines Governing Democratic Elections (2021)*. All SADC Member States affirmed their commitment to implementing these Principles and Guidelines. The Principles and Guidelines provide an objective and scientific methodology for observing elections to contribute to the consolidation of democracy in the Region by enhancing best electoral practices and addressing any electoral shortcomings. The Principles and Guidelines are also informed by key instruments of the African Union (AU), such as the African Charter on Democracy, Elections and Governance of 2007, and the relevant Conventions of the United Nations (UN).

Consistent with the revised SADC Principles and Guidelines Governing Democratic Elections, the deployment of this SEOM was preceded by a Pre-Election Assessment Goodwill Mission of the SADC Electoral Advisory Council (SEAC) from 12-20 October 2023. Precedent to that Mission, in 2021, the SEAC had also conducted a Post-Election review to assess if and how recommendations arising from the SEOM observations of the Presidential, Legislative & Provincial Elections of 2018 that were conducted in the Democratic Republic of Congo have been implemented.

**Distinguished Guests
Ladies and Gentlemen,**

The SEOM has been in the Democratic Republic of Congo since 6 December 2023 to observe the Presidential, Legislative & Provincial Elections set for 20 December 2023. The SEOM noted that the elections are governed by the Constitution of the Democratic Republic of Congo and a comprehensive set of relevant laws, which include Law No. 22/029 of 29 June 2022, amending and supplementing Law No. 06/006 of 09 March 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections as amended by Law No. 11/003 of 25 June 2011, Law No. 15/001 of 12 February 2015 and Law No. 17/013 of 24 December 2017.

It is in line with these national legal instruments that the SEOM will assess the conduct of the elections against a set of central principles stipulated in the revised SADC Principles and Guidelines Governing Democratic Elections, which include the following:

1. Full participation of the citizens in the democratic and development processes;
2. Enjoyment of human rights and fundamental freedoms such as freedom of association, assembly and expression;
3. Observance of the provisions of relevant legal frameworks in relation to the date or period of elections;
4. Measures to prevent corruption, bribery, favouritism, political violence, intimidation and intolerance;
5. Equal opportunity for all political parties to access the State Media as well as access to information by all citizens;

6. Respect for values of electoral justice such as integrity, impartiality and fairness;
7. No undue restraints against the opportunity to exercise the right to vote and be voted for;
8. Independence of the Judiciary and impartiality of the electoral institutions;
9. Capacitation and empowerment of citizens through civic and voter education;
10. Acceptance of, and respect for the election results by candidates and political parties as proclaimed to have been free, fair, transparent, credible and peaceful by the competent and independent Electoral Commission following the law of the land; and
11. Provision of electoral justice through expedient settlement of electoral disputes as provided for in the law.

**Distinguished Guests,
Ladies and Gentlemen,**

It is essential that all stakeholders understand that the mandate of the SEOM is to determine the adherence of the Member State holding elections to the relevant provisions of the SADC Principles and Guidelines Governing Democratic Elections. In this respect, please allow me to go into some detail for the benefit of all.

In order to fulfil its mandate, the SEOM assesses and evaluates the following, amongst others:

- (i) whether the legal and constitutional framework guarantees freedom of expression, freedom of assembly, freedom of association and human rights.
- (ii) the structure and model of the electoral system, the Electoral Management Body (EMB), the Electoral Act and regulations and the nature of civil and political rights; and economic, social and cultural rights.
- (iii) the establishment, process of appointment and retention of members of EMBs; in addition to assessing the composition, status, independence, impartiality, professionalism and preparedness of the EMB for the election.
- (iv) the SEOM shall ensure that the delimitation of election boundaries was done in a manner acceptable to stakeholders, and whether the factors that prompted delimitation were in accordance with the laws of the land.
- (v) Whether the delimitation process was undertaken in accordance with the national law and without undue exclusion of particular groups or political interests.
- (vi) The procedures for nomination and provision of reasonable time frames to allow political parties and candidates to comply with the requirements of the registration process.

- (vii) The existence of a Code of Conduct governing all political parties and candidates.
- (viii) The neutrality of the security forces in providing election security and the existence of requisite special voting facilities for security forces to enable them to cast their votes.
- (ix) The requirements and practices regarding direct and indirect access to the mass media for political parties, candidates, supporters and the general public;
- (x) The requirements and practices concerning reporting by state controlled, public and private media about political parties, candidates and supporters or opponents.
- (xi) The capacity and quality of civic and voter education programmes to afford all prospective voters accurate, comprehensible and adequate information upon which to make electoral choices.
- (xii) The extent to which the process enjoys the trust of the electorate, including inclusiveness, accuracy, and transparency, and whether the electorate are able to own and identify with the process.
- (xiii) The appropriateness of locations of polling stations, and adequacy and accessibility of their facilities;
- (xiv) The production and distribution to polling stations and storage of ballots and other sensitive election materials;

- (xv) The conduct of voting, including assistance to voters, counting, tabulation and announcement of results; the transparency of procedures and adequacy of safeguards against inaccuracies; and
- (xvi) The conduct of procedures and processes concerning electoral complaints and challenges by citizens, prospective voters, and those seeking election, including the provision of effective remedies for violations of electoral related rights.

In order to obtain an objective and impartial bases from which to draw its findings, the SEOM consults a broad, diverse, and unrestricted range of stakeholders in each Member State holding elections.

**Distinguished Guests,
Ladies and Gentlemen,**

I am pleased to inform you that the SEOM to the 2023 Presidential, Legislative & Provincial Elections in the Democratic Republic of Congo consists of 71 personnel, with 52 deployable. They are from five SADC Member States, namely, Republics of Angola, Zambia, Namibia, Zimbabwe, South Africa and United Republic of Tanzania.

Our observers have been deployed to various provinces of the Democratic Republic of Congo. The SEOM observations will focus on the pre-election, election day and post-election periods, which include the campaigns, the polling day and the process of the counting of the ballot papers.

SADC urges all registered voters to exercise their civic and political rights by voting on 20 December 2023. We encourage all stakeholders to ensure

that these elections are peaceful, free, fair, transparent and credible. We look forward to an electoral process that adheres to democratic values and principles envisioned in the SADC Treaty, the Protocol on Politics, Defence and Security Cooperation; and the revised SADC Principles and Guidelines Governing Democratic Elections.

The consolidation of democracy in our region can be enhanced if all Member States also focus on implementing the various recommendations of the SEOMs where such recommendations seek to close gaps and address specific challenges in the electoral systems of our Member States.

May I also take this opportunity to invite you all to attend the release of our Preliminary Statement regarding our observations of the 2023 Presidential, Legislative & Provincial Elections, on 22 December 2023 in this venue.

**Distinguished Guests,
Ladies and Gentlemen,**

It is now my honour and privilege, on behalf of the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency, Mr. Hakainde Hichilema, President of the Republic of Zambia, to formally launch the SADC Electoral Observation Mission to the 2023 Presidential, Legislative & Provincial Elections in the Democratic Republic of Congo.

***Thank You Very Much
Merci Beaucoup
Muito Obrigada
Asante Sana***