

Principles for Election Management, Monitoring, and Observation in the SADC Region

As Adopted
on 6 November 2003
at the
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Benoni, Johannesburg



ELECTORAL
COMMISSIONS FORUM



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Contents

	Preface	vi
1.	Executive Summary	1
2.	Introduction	3
3.	Institutional Context of Elections In SADC Countries	7
3.1	Constitutional and Legal Framework	7
3.2	Electoral Systems	8
3.3	The Election Management Body (EMB)	11
3.4	Conflict Management	12
4.	Pre-Election Phase	14
4.1	Delimitation	14
4.2	Voter Registration	15
4.3	Registration of Political Parties	16
4.4	Nomination Process	17
4.5	Campaign Process	18
4.6	Media	18
4.7	Use of Public Resources	19
4.8	Political Violence and Intimidation	19
4.9	Role of Security Forces	20
4.10	Political Party Finance	21
4.11	Civic and Voter Education	21
5	Election Phase	23
5.1	Polling Stations	23
5.2	Secrecy of the Ballot	24
5.3	Ballots Papers, Ballot Boxes and Election Materials	25
5.4	Counting	26
6	Post-Election Phase	27
6.1	Announcement of Overall Results	27
6.2	Acceptance of Results	27
6.3	Post-Election Review	28
6.4	Post-Election Disputes	29

7	Election Monitoring and Observation	30
8	Conclusion	34
	Appendix 1: Task Team Members	35
	Appendix 2: Abbreviations	36
	Appendix 3: List of Participants	37

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free and fair elections based on secret balloting and universal franchise as an expression of the sovereignty of the people, the pluralistic system of political parties and organisations, and the separation of powers and independence of the branches of government.

Draft African Union Declaration on Elections, Democracy and
Governance, Article 3
20 February 2003

Electoral observation and monitoring has become an integral part of the democratic and electoral processes in Africa. International, regional and national observers have come to play important roles in enhancing the transparency and credibility of elections and democratic governance in Africa and the acceptance of election results throughout the continent. Election observation and monitoring missions can also play key roles in diminishing conflicts before, during and after elections.

The African Union, Guidelines for African Union Electoral Observation
and Monitoring Missions
20 February 2002

Preface

On behalf of our respective organisations, the Electoral Commission's Forum of SADC Countries (ECF) and the Electoral Institute of Southern Africa (EISA), we are glad to present to you this document on "Principles for Election Management, Monitoring and Observation in the SADC Region" (PEMMO).

This PEMMO document is a culmination of three years of hard work and involved a great deal of research and consultation in the region. It was adopted at a regional conference held in Johannesburg, South Africa on 6 November 2003 under the auspices of both our organisations where more than 100 electoral stakeholders from SADC were present. These participants came from all the 14 SADC countries and represented Electoral Management Bodies (EMBs) and leading civil society organisations (CSOs) for whom election observation is a core activity. As practitioners in the field of elections, both EMBs and CSOs have grappled with the demanding task of ensuring the delivery of credible, free and legitimate elections in their respective countries in the absence of a standard tool with which they could measure their success or otherwise.


ECF and EISA are proud to have developed these guidelines for running a professional and legitimate election. In addition, these election principles will serve as benchmarks on the basis of which the observation, monitoring and assessment of elections in the SADC region will be based from 2004 and beyond. They cover the whole period before, during and after the poll. PEMMO also provides guidelines on the conduct of observers during the electoral process. It is anticipated that, beyond election management, monitoring and observation, the PEMMO will inform and inspire post-election reviews and election reforms in all the countries in the SADC region.

The production of PEMMO is yet another significant step in the region's democratisation process. Let us all commit ourselves to striving towards meeting the principles recommended in this document and our region can only benefit from it. Our gratitude goes to all the representatives of EMBs and CSOs who took part in the process and to members of the Task Team charged with the responsibility of consulting widely and drafting the initial version of the document.

We hope that the PEMMO will be useful beyond the SADC region and that organisations and individuals from other parts of the African Continent will adapt it to their own circumstances.



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Executive Summary

Principles for Election Management, Monitoring and Observation in the SADC region is the product of an initiative that originated at a Southern African Electoral Forum Conference held from 11-14 June 2000 in Windhoek, Namibia. The Forum drew together more than 100 participants from governments, electoral commissions, political parties, civil society and research institutions and electoral and political experts from the SADC region. These stakeholders exchanged views about the determinants of best electoral practice, especially those issues related to improving election management, monitoring and observation, and enhancing the transparency of the electoral process.

The aim of the conference, whose theme was *In Pursuit of Electoral Norms and Standards*, was to define a set of criteria to guide electoral practice and to foster a sound enabling environment in which elections can take place. The Forum underlined the need for the development of what was then referred to as regional norms and standards, to provide benchmarks for national discussions and to offer a guide to 'best electoral management practice'.

The Forum recommended that a Task Team of six to eight experts reflective of the diversity of the participants be established. The Task Team was to consult widely in the region to develop further the framework for election standards identified during the Forum, assess regional experience, and highlight best practice for the entrenchment and deepening of democracy. At the conclusion of the Task Team's work a draft document was produced and presented to a conference of SADC electoral stakeholders, who examined it, further enriched it and adopted it unanimously.

This final document reflects the outcome of the process and underlines the need to have a sound political, constitutional and legal dispensation

that supports free and fair, credible and legitimate elections as a precondition for democratic election management.

The document is structured in such a way as to reflect the chronology of events in the management of elections. It begins by discussing the requirements for a sound political and constitutional dispensation that will give birth to an election regime and its supporting electoral institutions. It then looks at the three stages of the electoral process – the pre-election (preparatory) phase, the election phase and the post-election phase. These three phases are all equally important to the procedures and processes necessary to deliver free and fair, credible and legitimate elections in a climate of peace and stability. Specific regional trends and challenges are identified for all three phases and recommendations made for best practice in the management of elections. Because they cut across all the phases, election monitoring and observation are treated separately and are included in the document before the conclusion.

The recommended principles address the following major issues:

- the need for a comprehensive constitutional and legal framework;
- the importance of transparent and accessible pre-election procedures (including the delimitation process, voter registration and candidate nomination);
- the equitable use of the media and public resources and issues of political party finance;
- the organisation and management of the election phase, including the location of polling stations, their layout, and access to them; the secrecy of the ballot, and the counting process;
- the post-election phase, including the settlement of election disputes and ways of ensuring that results are acceptable;
- the requirements for unhindered, credible, professional and impartial monitoring and observation of the electoral process.

2

Introduction

Southern Africa has made significant progress in the past decade in institutionalising democracy. This is reflected in a number of developments in SADC countries including the holding of successful multi-party elections in several of them in the past ten years. There is evidence of increased popular participation in governance, and dialogue between governments and stakeholders has taken root. Democratic institutions have been set up and a number of major constitutional, legal and administrative changes have been undertaken with the objective of consolidating and deepening democracy.

Regional structures have also been established to support such a process. These include the SADC Electoral Commissions Forum (ECF), the Electoral Institute of Southern Africa (EISA), the SADC Electoral Support Network (ESN) and the SADC Parliamentary Forum. These organisations have committed themselves to supporting the growth and deepening of democracy in the sub-region. In pursuit of these aims election observers are sent to monitor and observe elections in the region, training is provided for election personnel and a number of other activities are undertaken.

Notwithstanding these achievements, major challenges remain. There are pockets of conflict in several countries in the region and there have been situations in which election results have not been acceptable to all parties involved, resulting, on occasion, in violence and instability. Even in some countries where there is a certain level of acceptance of election results, elements of discontent can be discerned after elections.

Thus, a major challenge is the need to secure the integrity of the electoral process by adopting people-oriented voting procedures and facilities as

well as establishing a culture of peace and tolerance. Alternative dispute resolution mechanisms focused specifically on election-related conflict need to be established to complement existing legal provisions.

Experience in the region and beyond has shown that deepening democracy entails more than holding periodic elections and creating a set of institutions. It also involves developing a generally accepted set of values that ensures fair electoral practice predicated on representation, accountability, inclusiveness, transparency, gender equality, tolerance and respect for diversity. These basic values have been agreed upon by the SADC countries and are expressed in the various declarations and instruments to which they are signatories: the Harare Declaration of 1991, the Windhoek Declaration on the Freedom of the Media (1991), the SADC Treaty of 1992 and the 1997 SADC Declaration on Gender and Development. In 2001, SADC leaders identified as part of their common agenda the promotion of common systems and political and other shared values transmitted through institutions that are democratic, legitimate and effective; as well as the consolidation and maintenance of democracy, peace and security. This led, among other things, to the adoption by SADC member states in 2002 of a Regional Indicative Strategic Development Plan (RISDP).

Although they are an important expression of political will, commitment to these instruments alone does not necessarily translate into 'best' democratic practice, which is a critical element of democracy. Accordingly, there is a need for a common definition and a common understanding of what constitutes 'best' democratic practice. This can only be reached through a process of dialogue between the major stakeholders in the electoral process and by learning from experience.

In an attempt to address this, a number of initiatives have been undertaken at global, regional and national levels. For example, the Commonwealth Secretariat produced a working document in 1997 entitled *Good Commonwealth Practice*; International IDEA in Stockholm, Sweden, has developed a *Code of Conduct for Ethical and Professional Discharge of Electoral*

Administration Activities; the US-based National Democratic Institute produced a guide entitled *Evaluating Elections: Basic Issues and Principles in selected Case Studies*; and the United Nations has a *Handbook on Legal, Technical and Human Rights Aspects of Elections*. The Organisation for Security Cooperation in Europe (OSCE) produced an *Election Observation Handbook* in April 1999 and the African Union adopted the *Guidelines for Electoral Observation and Monitoring Missions* in February 2002 and, in July 2003, the *Declaration on the Principles Governing Domestic Elections in Africa*.

In March 2001 the SADC Parliamentary Forum released *Norms and Standards for Elections in the SADC region*. This document provides a framework from a parliamentary perspective that addresses the political environment conducive to the holding of free and fair elections. The initiative by the EISA/ECF Task Team, therefore, intended to complement the work of the Parliamentary Forum by addressing the more technical and procedural aspects of, and requirements for good electoral practice.

The Windhoek Forum was an initiative by a cross-section of stakeholders in democracy in Southern Africa to exchange views on what defines sound electoral practice. In choosing the theme of the conference, *In Pursuit of Electoral Norms and Standards*, those involved sought to define a set of criteria to guide electoral practice and to foster a sound enabling environment in which elections can take place. The Windhoek meeting underlined the need to develop regional principles that can provide benchmarks for national discussion and offer a guide to best electoral management practice.

The draft *Principles for Electoral Management, Monitoring and Observation* were developed by a Task Team formed as a result of the Windhoek meeting and comprising the members whose names are attached as Appendix 1. The Electoral Commissions Forum and the Electoral Institute of Southern Africa held a follow-up gathering on 5 and 6 November 2003 in Johannesburg at which these principles were presented to stakeholders, debated, and unanimously adopted. The principles contained in this

document are premised on the understanding that every country has its own political, legal, social and cultural peculiarities. It is expected that countries will adapt the document to their particular national situations.

3

Institutional Context of Elections in SADC Countries

3.1 Constitutional and Legal Framework

The constitutional and legal frameworks are fundamental documents of the state that provide the context and legal environment in which elections take place. The Constitution of any country should both provide the legal framework for that country and serve as the basis for the conduct and delivery of free, fair, credible and legitimate elections.

Most SADC countries have committed themselves to upholding the fundamental rights and freedoms embodied in their constitutions as well as to multi-party elections that are free, fair, credible and legitimate. The majority have enacted legislation to govern the general conduct of elections. However, in general constitutional and legislative provisions relating specifically to elections are very limited. Even where provisions exist, they tend not to contain adequate detail about the management of elections. Moreover, in former one-party systems, constitutional and legislative provisions have not been re-aligned to conform to the requirements of democratic plural politics.

Recommended Principles

The constitutional and legal framework should:

- guarantee fundamental freedoms and human rights, promote good governance and the values of political stability;
- provide for mechanisms with which to address conflict management in the electoral process;

- make provision for the review of the Constitution in keeping with principles of democratic practice;
- provide explicitly for gender equality and affirmative action as a temporary measure until balanced representation is achieved;
- provide a clear statement on the type of electoral system;
- provide for the regular scheduling of elections;
- provide that elections be held not fewer than 45 and not more than 90 days from the setting of an election date;
- not violate the principles of fundamental human rights and freedoms (for example, specific provisions for the respect of human rights such as freedom of association and freedom of expression), which freedoms should include the right to form and belong to political parties or to be independent candidates;
- be drafted in plain language and translated into the languages of the country;
- provide for the establishment of an independent and impartial electoral management body;
- enact constitutional and legal provisions which deal specifically and in detail with electoral issues and should include a right of appeal for aggrieved persons.

3.2 Electoral Systems

An electoral system is a method by which votes are translated into legislative seats. The choice of system therefore determines the nature of representation and the format by which seats are allocated. Of the four main electoral systems used throughout the world (see below), the two most dominant in the SADC region are the Single Member Plurality System, also known as First-Past-the-Post (FPTP), and the Proportional Representation (PR) system. The type of system selected has an impact on participation, especially that of women and other disadvantaged groups. The evidence in SADC shows that those countries that use the PR system have more women in parliament and local government than those that use FPTP.

Whereas these electoral systems have shaped the nature of representation in the legislature, some SADC governments also use a system of specially appointed seats, which allows the ruling party to appoint between four and thirty MPs to occupy special seats in the legislature. In this regard, ruling parties in the SADC region have tended to enjoy undue political advantage relative to opposition parties, which has triggered discontent, political tensions and conflict in some SADC countries. However, in a few countries this system has been used positively to place women and representatives of other disadvantaged groups in parliament and local government.

Recommended Principles

- Each SADC State should adopt an electoral system in accordance with its own political dispensation, history and party system.
- The electoral system should be entrenched in the Constitution.
- The Electoral Act should clearly set out the form, content and operation of the electoral system adopted.
- All stakeholders, particularly the electorate, should understand the type of electoral system in use; how the state determines the allocation of legislative seats; the nature of representation and the political consequences of the chosen system.
- Electoral systems should promote and protect fundamental human rights as well as the secrecy of the ballot.
- Positive measures such as affirmative action, including quotas for women and other disadvantaged groups, should be adopted as part of intra-party and national electoral systems, and mechanisms put in place to ensure their enforcement.
- The following principles must lie at the heart of the electoral system:
 - broad representation of diverse political interests and population groups;
 - inclusiveness and the political participation of key actors;
 - political accountability of Members of Parliament to the voters;
 - a transparent and legitimate election process and outcome;

- the entrenchment of a culture of intra-party democracy that ensures the credibility and legitimacy of the nomination process within political parties.

TYPES OF ELECTORAL SYSTEMS

The four main types of electoral system and their essential characteristics

(a) Single Member Plurality (SMP)

Commonly known as 'First-Past-The-Post' (FPTP), this system is considered the simplest. The country is divided into electoral constituencies, each of which chooses only one candidate as its representative in the legislature. The winner in each constituency is the candidate who receives a minimum of one more vote than each of the other candidates, and does not have to obtain more votes than all the others combined. Although this system may mean that a party with a minority of votes countrywide becomes the ruling party and although it unduly disadvantages small parties, the SMP system is reputed to entrench the accountability of the MP to the constituency. The majority of SADC States (8) use the Single Member Plurality system.

(b) Single Member Majority (SMM)

In a Single Member Majority (SMM) system the country is also divided into constituencies but the advantage of the SMM over the SMP system is that the winner must obtain an absolute majority of votes in the constituency. Although this system is not commonly used in the SADC region, some states use it for presidential elections. Where a presidential candidate fails to secure an outright majority, a run-off election is often required.

(c) Proportional Representation System (PR)

Although there are various types of Proportional Representation systems, the commonly used variant is the closed party list system. In most PR

systems the whole country is taken to constitute a single constituency so no constituency delimitation process is required, as would be the case with the FPTP and SMM. The PR system generally ensures that all parties contesting an election have some representation in parliament in proportion to the total number of valid votes cast. Although this system is reputed to ensure better representation and a better reflection of public opinion, it tends to link Members of Parliament to parties rather than to the electorate. Only four SADC countries operate the PR system.

(d) Mixed Member Proportional System (MMP)

The Mixed Member Proportional system combines the key elements of the FPTP and the PR systems. The system allows for some Members of Parliament to be elected through the FPTP system while others occupy legislative seats through the closed party list system. Although many ordinary voters find the MMP confusing it tends to maximise the positive aspects of both the PR and the FPTP, namely broad representation and accountability. On the other hand, the MMP also embodies the negative aspects of both PR and FPTP. Only two SADC countries have adopted the MMP system.

3.3 The Election Management Body (EMB)

Most SADC countries have election management bodies (EMBs) in the form of independent electoral commissions (IECs), and a range of models has been adopted. Some of the main constraints to their operation include limited independence, unclear mandates and inadequate resources. Controversies have arisen with respect to the appointment procedures and tenure of members of the EMB, which undermines the legitimacy and credibility of the electoral process.

Recommended Principles

- Government must adequately fund the EMB in order for it to deliver a credible and legitimate election. The EMB must promote financial

sustainability and cost-effective management of elections. The size of the EMB should be manageable to ensure the efficient, effective, consensual and financially sustainable administration of elections.

- The composition of the EMB should be representative of the society, and the body should comprise at least 30% women. Consideration should be given to appointing independent persons known within the society for their integrity. It is recommended that at least one of the commissioners should be a person who holds or has held high judicial office (a high court or supreme court judge). A percentage of EMB commissioners should be full-time members in order to ensure organisational and institutional continuity.
- Appointment and dismissal procedures should be clearly articulated and the process undertaken in a manner that is impartial, accountable and transparent. These procedures should also take into consideration the need to ensure institutional continuity.
- The EMB should be accountable to the National Assembly / Parliament through, for example, the Public Accounts Committee rather than a ministry, and should be required to report to the national legislature annually on its activities.
- The budget for the EMB should be decided by a vote in the National Assembly / Parliament.

3.4 Conflict Management

Election-related conflict is one of the major threats to democracy and political stability in SADC. Historically adjudicatory institutions such as the courts, and more particularly the electoral courts, have dealt with election-related disputes and conflicts.

Alternative dispute resolution and conflict management processes such as mediation, arbitration and conciliation are potentially a more accessible, cost-effective and rapid means by which to address such disputes. Only a few countries have instituted these processes.

Recommended Principles

- The legislative framework should incorporate alternative conflict management processes.
- The EMB, political parties and civil society should facilitate the establishment of conflict prevention and management processes to deal with election-related disputes, including such strategies as stakeholder liaison committees.
- Independent, skilled and well-trained mediators and arbitrators should staff the conflict management panels established by the EMB.
- Agreements reached through mediation, conciliation and arbitration should be enforceable by law.
- Appeal procedures should be established for all elections and should be dealt with by the courts.

4

Pre-Election Phase

4.1 Delimitation¹

In most SADC countries the EMB is responsible for the delimitation of constituencies, however some countries appoint special commissions to handle delimitation. The establishment, composition and status of an EMB applies equally to a delimitation commission. In most cases the mechanisms for establishing the body responsible for delimitation are entrenched in the Constitution.

It is important to note that the delimitation process is a technical exercise that can be used to achieve political goals. It is therefore important that the process be guided by clear criteria (see Table 1).

Table 1
DELIMITATION OF CONSTITUENCIES

Delimitation should ensure that each constituency contains approximately the same number of eligible voters. The following considerations should be taken into account:

- i) population density
- ii) ease of transport and communication
- iii) geographical features
- iv) existing patterns of human settlement
- v) financial viability and administrative capacity of electoral area
- vi) financial and administrative consequences of boundary determination
- vii) existing boundaries
- viii) community of interest

¹. Sometimes referred to as demarcation.

Recommended Principles

The delimitation process should:

- be managed by an independent and impartial body that is representative of the society, comprising persons with the appropriate skills;
- be conducted on the basis of clearly identified criteria such as population distribution, community of interest, convenience, geographical features and other natural or administrative boundaries;
- be made accessible to the public through a consultation process;
- be devoid of manipulation of electoral boundaries to favour particular groups or political interests;
- be conducted by one body;
- include all spheres of government, both national and local.

4.2 Voter Registration

The purpose of voter registration is to identify those persons who are eligible to cast a ballot on election day. The current practice in SADC is that the EMB is responsible for compiling a national voters' roll and undertaking voter registration. In many SADC countries the transparency and legitimacy of the voter registration process has been disputed, resulting in a lack of acceptance of the election results. Conflicts associated with the voter registration process include the legislative prescription for voting, the time allocated for the process and for inspection of the voters' roll and the accuracy of the voters' roll.

Recommended Principles

- The voter registration process should promote broad participation and should not inhibit the participation of eligible voters.
- Eligible voters should be provided with a continuous and accessible voter registration facility.

- There should be sufficient time for eligible voters to register, for public inspection of the voters' roll, for objections and for the adjudication of appeals.
- Cost effective voter identification protocols should be established to enable inclusion of the maximum possible eligible voters while minimising multiple or illegal voter registration – for example, the development of a multi-purpose national identity card to accompany a national population register.
- Provision should be made for political parties to monitor the voter registration process through party agents appointed by themselves.
- Parties should have access to the voters' roll, without charge.
- Voting rights should be based on considerations that include:
 - citizenship;
 - legal age of majority (this may differ from country to country);
 - residency requirements, if applicable;
 - any other additional grounds for disqualification (eg, prisoners in detention, persons with a criminal record, mentally disadvantaged, and so on).

4.3 Registration of Political Parties

In most SADC member states political parties are required to register in order to take part in an election. A time limit for registration is usually imposed. A healthy multi-party democracy requires the participation of a number of political parties.

The amount of time political parties are given to register may be contested if the parties are not given enough time to meet all requirements. The process of party registration should not violate the principle of freedom of association.

Recommended Principles

- A registrar of political parties should be established and qualifications

and disqualifications for registration should be clearly provided for by law.

- While the registrar of political parties must conform with certain regulatory requirements such as candidate or party deposits, signatures of registered voters, and the submission of party names and logos, these regulations should not be so stringent as to exclude parties from participating in the elections.
- The criteria for registration of political parties should be clearly defined and transparently applied, and should include appeal mechanisms.
- Political parties should be required to sign an electoral code of conduct upon registration.

4.4 Nomination Process

The commitment to deepening democracy must apply to intra-party democracy. The selection of candidates at party level is not always democratic and there is a general absence of mechanisms to encourage diversity and equal representation. Intra-party selection procedures should not undermine democratic values or impede the representation of women and other disadvantaged groups. With respect to the nomination process at national level, concerns have been raised in some countries about the lack of accessibility of nomination centres, which sometimes results in the disqualification of candidates.

Recommended Principles

- The process of nomination of candidates (both independent and party candidates) should be transparent.
- Candidates should be able to submit their nomination papers in the electoral area that is accessible to them, for instance the constituency in which they seek election.
- Candidates should have sufficient time to comply with the requirements of the nomination process.

- There should be an attesting officer or commissioner of oaths in every constituency, to facilitate easy access and speedy compliance.
- There should be sufficient time for the public to inspect candidate nomination lists and for objections to be lodged and disputes resolved.
- Before contesting an election political parties should be required to ensure equal gender representation and at least 30 per cent of women candidates by 2005, in line with the 1997 SADC declaration on gender and development.

4.5 Campaign Process

The period between the conclusion of candidate nomination and election day is used by political parties to mount heightened political campaigns. Sometimes in SADC countries, insufficient time is allocated for this purpose. During the campaign period, competing parties and candidates tend to ignore the code of conduct and resort to unlawful practices such as the designation of 'no-go' areas, preventing rivals from entering those zones.

Recommended Principles

- At least two weeks should be allotted for parties and candidates to carry out their election campaigns.
- In the campaign process, parties and candidates should adhere to the electoral code of conduct that guides their behaviour.

4.6 Media

Most SADC constitutions guarantee freedom of the press as a fundamental right. However, in many countries the ruling party dominates the public media. Though the emergence of independent media has had the effect of challenging this monopoly there is still a perception that in some cases the public media are not sufficiently accountable to the populace, often resorting to sensational and biased reporting.

Recommended Principles

- All contesting parties and candidates should have equal access to the public media.
- Media regulations should be issued by an independent media authority responsible for monitoring and regulating the media on a continuous basis.
- Media coverage of the elections should be subject to a code of conduct designed to promote fair reporting.

4.7 Use of Public Resources

Not all political parties and candidates have access to public resources – governing parties in SADC have an unfair advantage in this area, using the public resources to which they have exclusive access for campaign purposes or to further their political ends.

Recommended Principles

- The use of public assets and funds for party political purposes should be regulated in order to level the playing field for political competition.
- The use of public resources for political campaigns and political party activities should generally be avoided but, if permitted, access thereto must be equitable and be paid for, and conditions for such access and payment must be clearly provided for in the law.
- Political parties and candidates should account to the EMB for the use of such resources.

4.8 Political Violence and Intimidation

There can only be a free, fair, credible and legitimate electoral process in a climate that is free from political violence and intimidation. However, election-related political violence and intimidation has occurred in certain

SADC member states. There is therefore a need to create a culture of peace and tolerance and general agreement on what constitutes acceptable and unacceptable conduct.

Recommended Principles

- All electoral stakeholders should commit themselves to a culture of peace and tolerance at all times.
- All electoral stakeholders should put into place programmes that cultivate and promote a culture of peace and tolerance before, during and after election day.
- An enforceable code of conduct regulating the behaviour of political parties and their supporters should be adopted through a consultative process involving the EMB, political parties and other electoral stakeholders.

4.9 Role of Security Forces

The role that should be played by the state security forces – army, police and intelligence – in protecting the security of the election process has not been properly established in SADC countries. It is generally the police who keep the peace on a daily basis, including on election day. They play a critical role in protecting the integrity of the electoral process. However, the presence of security forces around polling station may intimidate and instil fear in voters.

Recommended Principles

- Security forces should maintain a neutral role in the provision of election security.
- Security forces should be regulated by a code of conduct contained in the electoral law, and their behaviour should not intimidate voters.
- The EMB should meet regularly with the security forces to discuss issues relating to polling day security, national security during the election period, and any other logistical assistance that may be required.

- Special provision should be made for the security forces to vote prior to election day if they are required to be deployed away from their constituencies on that day.

4.10 Political Party Finance

The majority of SADC member states provide public funding to political parties for election purposes. This is necessary in order to level the playing field and to strengthen the democratic process. However, in some countries, public funding is not provided, and political parties do not always disclose the sources of foreign funding. In some cases this has led to suspicion and tensions, particularly between ruling and opposition parties.

Recommended Principles

- Public funding should be extended to all parties (and independent candidates) contesting elections who can demonstrate a track record of support in the most recently held elections, based, for example, on their share of the popular vote.
- The EMB should be responsible for regulating the use of these public funds and beneficiaries of the funds must provide verifiable accounts to the EMB.
- Consideration should be given to the establishment of rules governing the disclosure of all sources of funding of political parties.

4.11 Civic and Voter Education

All SADC member states undertake civic and voter education with the assistance of Non-Governmental Organisations (NGOs) and other organised civil society formations. Most civic and voter education programmes are inadequate, in terms both of content and frequency, and tend to be over-reliant on donor funding. Rural voters, especially those residing in remote areas; women and the youth do not always have access to voter education programmes. Illiteracy is also an obstacle to voter

education. It is widely accepted that these problems contribute to voter apathy, which is most prevalent among the youth of the region.

Recommended Principles

- In the interest of deepening democracy, enhancing participation and encouraging informed choice, civic and voter education should be given high priority in the SADC region.
- To ensure consistency and quality control, overall responsibility for the co-ordination of civic and voter education should rest with the EMBs.
- Voter education should be provided in the general context of a commitment to civic and democracy education throughout the country, even between elections.
- Governments should prioritise the funding of civic and voter education by providing for it in the state budget prior to the elections.
- Civic and voter education should be provided in a manner that is non-partisan, independent, co-ordinated and consistent.
- An effort should be made to ensure that rural voters are given special attention and that the participation of women and the youth in the elections is encouraged.
- Civil society capacity such as NGOs, Community Based Organisations (CBOs), faith based organisations (FBOs) and other institutions should harness and support civic and voter education to ensure effective distribution throughout the country.
- Existing forums, such as traditional ones, should also be used to educate and inform voters about the elections.
- Political parties should provide their supporters with civic and voter education and information about the voting process which should be consistent with the voter education and information provided by the EMB.

5

Election Phase

Increasing popular participation in the electoral process is an important way of strengthening democracy. This can only be achieved if the public has confidence in the electoral process and if it is accessible to them. Lack of confidence and limited access may lead to voter apathy, as reflected in the generally poor voter turnout evident in some countries.

5.1 Polling Stations

The location of polling stations plays an important role in ensuring easy access to the process. The selection of polling stations is usually based on a number of factors such as the number of voters per station, the proximity of the station to voters, adequacy of lighting and communications, transport and other logistical considerations.

In most SADC member states, there is an imbalance between infrastructure and services in urban and rural areas; polling stations in urban areas tend to be more easily accessible and better serviced than those in rural constituencies.

Recommended Principles

- An effort should be made to design election materials that are accessible to disadvantaged voters such as the blind and the deaf. In the absence of these materials, assistance should be provided to enable such voters to vote.
- Where applicable, special arrangements should be made to allow special categories of voters, such as voters living abroad and prisoners, to vote.

- Polling station should be situated in venues that are accessible to all voters, especially the elderly and the people with disabilities.
- To ensure easier access, minimise waiting time and enhance efficiency there should be as many polling stations as population density and settlement patterns demand.
- Public buildings such as schools should be given priority as polling stations. If necessary, mobile units should be used.
- Polling station staff should be recruited in a non-partisan manner by the EMB and should receive training well in advance of election day.
- Selection criteria for the recruitment of polling staff and performance management processes should be institutionalised by the EMB.
- Party agents, and any persons authorised to be present in the polling station, should receive training in the voting process as well as in their role and function at the polling station.

5.2 Secrecy of the Ballot

The secrecy of the ballot is one of the great pillars on which free and fair, credible and legitimate elections rest. To avoid suspicion, mistrust, political violence, intimidation and fear of political retribution and victimisation voters, election officials, party agents and party supporters need to be assured that their vote will be secret.

The majority of SADC member states observe the secrecy of the ballot. However, there have been cases where attempts to undermine the secrecy of the ballot through misinformation and intimidation have been reported.

Recommended Principles

- The voting station should be laid out in such a way that no one is able to see how voters are marking their ballot papers.
- There should be clear procedures for the provision of necessary assistance to disabled, illiterate and elderly voters that protect, as far as possible, their right to vote secretly.

- Where ballot papers are designed with a counterfoil and serial number all precautions should be taken to ensure that it is impossible to reconcile cast ballots with the names of individual voters (eg, by marking their identity number on the counterfoil).

5.3 Ballot Papers, Ballot Boxes and Election Materials

The majority of SADC member states, including those that have electronic voting systems, use ballot papers and ballot boxes. In most cases the EMB oversees the production and security of voting materials. In a few cases, election materials are printed abroad. If not properly handled by the EMB, the procurement, distribution and types of election material may generate conflict.

Recommended Principles

- Ballot papers should be designed and printed under the management of the EMB and in conditions of strict security. The design of ballot boxes and all election materials should be consistent.
- Ballot papers, rather than tokens or envelopes, should be used.
- All necessary election materials (ballot boxes, ballot papers, voter registers, indelible ink, etc) should be distributed to all voting stations on time and in more than sufficient quantities.
- Election material should be procured in a transparent manner.
- Ballot papers should be designed so they can be easily understood by voters.
- Sensitive election materials such as ballot boxes and ballot papers should be stored and delivered under strict security in order to prevent electoral fraud.
- Appropriate methods should be put in place to prevent multiple voting.
- At the opening and closing of the poll, the procedures for handling and sealing ballot boxes should be open to the scrutiny of those party agents and other observers who may be present.

- In the event that ballot boxes and other sensitive election materials have to be stored overnight, party agents and observers should be allowed to remain at the polling station with the boxes. Alternatively, provision should be made for them to place their own seal on the ballot boxes.

5.4 Counting

In SADC countries vote counting is done manually, at the polling station, with varying degrees of acceptability by the political parties and voters. To enhance the credibility and transparency of the count, several SADC countries are establishing results centres to provide a national record of the results. The transportation of ballot papers between centres of voting and counting is a potential source of suspicion and fraud.

Recommended Principles

- The EMB should retain overall responsibility for the management of the counting process.
- Procedures for counting should be known to those election officials, party agents, observers and any other authorised persons who are permitted to be present during the count.
- The counting process should take place in the polling station immediately after the close of voting.
- If the voting station is to function effectively as a counting station it must have adequate lighting, communication systems and security.
- Where feasible, the staff who count the votes should not be the same as those who have been involved in the voting process.
- Counting staff should be given effective training.
- When the counting process is completed the results should immediately be announced and posted at the counting station.

6

Post-Election Phase

6.1 Announcement of Overall Results

In most SADC countries, the EMB is responsible for officially announcing the election results. Slow tabulation and poor infrastructure and coordination leading to significant delays in announcing results are common. This leads to suspicion and a reduction in the degree of acceptance of the results, both of which undermine the integrity of the electoral process.

Recommended Principles

- Result centres should be established in all SADC countries and should be open to the public and used to ensure acceptance of election results.
- The electoral legislation should establish a specific time frame in which results must be announced, in order to reduce uncertainty and minimise potential conflict or fraud.
- Electoral legislation should indicate clearly who has the authority to announce the results.
- Results from the result centres should be announced publicly.
- Time frames should be set for the confirmation of results and the allocation of seats.
- The EMB report on the elections should contain a detailed account of the number of eligible voters who registered and the number of registered voters who voted.

6.2 Acceptance of Results

In some SADC countries electoral outcomes have been disputed for a variety of reasons. These include dissatisfaction with the ‘winner-takes-all’ system,

which leads to a feeling of exclusion from the process; and with a lack of transparency and accountability.

Recommended Principle

- A culture of acceptance of election results needs to be cultivated through civic education and the promotion of a transparent electoral process.

6.3 Post-Election Review

The conduct of credible, cost effective and sustainable elections requires that a post-election review be held, either by means of an evaluation by independent consultants, agreed upon by the EMB, or by use of opinion polls, exit polls and research. The post-election review is conducted in the interest of improving the conduct of future elections. In most SADC countries EMBs undertake a post-election review that makes recommendations for future elections. However, the process of evaluation tends to exclude stakeholders in the election.

Recommended Principles

- In order to evaluate the process effectively it is necessary to include in the evaluation electoral stakeholders such as EMB Commissioners and staff, political parties, observers, media, voters and other civil society organisations.
- A results programme should be designed to indicate how many women, men and young people of various ages voted. This provides useful information for future electoral planning and voter education.
- The results of the evaluation process should be shared with the electoral stakeholders.
- The EMB should submit a final report on the elections to an appropriate institution.
- The EMB should be evaluated after every election.

6.4 Post-Election Disputes

Post-election disputes emerge when parties that have lost the elections do not accept the results. It is therefore very important that mechanisms be put in place to deal with these disputes as they have the potential to undermine the integrity of the electoral process and lead to either overt or covert social conflict.

Recommended Principles

- There should be clear provisions for appeals against the results and any other matters related to the conduct of the elections.
- Any conflict management structures established in addition to recourse to the appropriate jurisdiction should operate in the post-election period in order to facilitate the settlement of disputes.

7

Election Monitoring and Observation

Election monitoring and observation have become an integral part of the electoral process in SADC countries, with most accepting monitors/observers from international, regional and national organisations. Such monitors/observers have come to play an important role in enhancing the transparency and credibility of elections and the acceptance of results.

Although the terms ‘monitoring’ and ‘observation’ are often used interchangeably it is worth noting that the two processes are, in fact, fairly distinct, albeit intertwined. Observation refers to information gathering or on-site fact-finding and making an informed judgement about the credibility, legitimacy and transparency of the electoral process. It is often carried out by external agencies who cannot intervene in any material way in the voting and counting operations. Monitoring refers to information gathering and examination and evaluation of the electoral process. It is often carried out by domestic agencies who are able to draw the attention of the presiding officers to observed deficiencies in the voting and counting operations.

Election monitoring and observation may take two main forms: (a) long-term, covering all the phases of the electoral process and (b) short-term, covering mainly polling day activities. These processes are key instruments for evaluating and assessing whether or not the electoral process in any given country has been conducted in a free, fair, transparent and credible manner. In addition, monitoring and observation can assist a country holding elections to prevent, manage or transform election-related conflicts through impartial and timely reporting as well as identifying strengths and possible weaknesses of the election process as a whole.

In the SADC region bodies such the Electoral Commissions Forum of SADC countries (ECF), the Electoral Institute of Southern Africa, the SADC Parliamentary Forum, the SADC Electoral Support Network and many national and regional civil society organisations, including NGOs, FBOs and trade unions, have become increasingly involved in election observation/monitoring.

Recommended Principles

- As far as possible monitoring and observer missions should deploy a pre-election assessment team to the host country many months before polling day to ascertain whether or not preconditions exist for them to dispatch a mission. These preconditions include free political activity and guarantees that monitors and observers may move around freely and engage with organisations of their choice to assist with their assessment of the electoral process.
- Observer and monitoring missions must prepare timeously for election observation and monitoring so that adequate logistical arrangements can be put in place well in advance of polling day.
- Observer and monitoring missions must ensure that all participants declare any conflicts of interest prior to taking part in the mission.
- Election monitoring and observer missions must collectively possess adequate knowledge of the SADC region in general and the country holding the elections in particular.
- The EMB or relevant authority must invite observer missions timeously to allow the mission to prepare adequately.
- Monitoring and observer missions must be accredited by the EMB of the country or by whichever other body may be relevant.
- The EMB must ensure that the accreditation process for observers and monitors is speedy, efficient and non-discriminatory.
- Upon accreditation, election monitors and observers must be accorded the same protection by the law and the authorities as any citizen of the host country.
- Monitoring and observer missions must compile a comprehensive check-list defining the scope of their assessment of the electoral process.

- Monitoring and observer missions should interact with all the actors in the electoral process and organise briefing and debriefing meetings with key stakeholders or role-players, including the EMB, media, political parties, civil society organisations and security forces.
- Monitoring and observer missions should produce and distribute widely impartial, credible and professionally written press releases and interim and final assessment reports, which will help the EMB and other interested parties identify any constraints on or shortcomings of the electoral process. Such constraints and shortcomings should be taken into consideration by the EMB and other interested parties when preparing for the next round of elections.
- Timely reports from election monitoring and observer missions may be used to help electoral conflict management bodies prevent or manage potential conflict.
- The EMB must, in consultation with key electoral stakeholders, develop a code of conduct for election monitors and observers to ensure acceptable conduct in accordance with the Constitution and laws of the country holding elections.
- Monitors and observers should use the principles contained in this document as a basis for assessing future electoral processes in the SADC region.
- It is critical that codes of conduct do not impinge on the ability of monitors and observers to discharge their duties freely.
- A standard code of conduct for election monitors/observers should seek to uphold their behaviour in line with, *inter alia*, the following values:
 - to abide by the Constitution and the laws of the host country;
 - to respect the cultures and traditions of the host country;
 - to declare any conflict of interest prior to taking part in the mission;
 - to act in a strictly impartial and unbiased manner in relation to all electoral stakeholders, including voters, political parties or candidates, and the media;

- to refrain from actions that could lead to a perception of sympathy for a particular candidate or political party;
- to refrain from wearing any party symbols or colours;
- to contribute to the legitimisation or otherwise of the electoral process and its outcome;
- to support the enhancement of and respect for basic political, social, legal and other human rights in the host country;
- to increase public confidence in the electoral process;
- to offer support and show empathy to those directly involved in the electoral process;
- to uncover and make public any observed irregularities and malpractices in the electoral process for possible redress by relevant institutions;
- to exercise sound judgement and the highest level of personal discretion at all times.

8

Conclusion

The ECF and EISA acknowledge that democratic governance is a major challenge facing the SADC region today and that elections occupy a place of cardinal importance in a democracy. This document provides a comprehensive guide for the management, observation and monitoring of elections in the SADC region. It proposes, in a succinct manner, imperatives for the entrenchment of a working democracy in the region and in particular the holding of free, fair, legitimate and credible elections as one of the key pre-requisites for the nurturing and consolidation of democracy.

The recommendations are based upon the firm conviction that their adoption will:

- instil the necessary trust and confidence in the management of elections at all levels;
- encourage a greater sense of ownership of the electoral process by the general public;
- increase participation in elections by all the people of the region.

In this way the Southern African region will make commendable strides towards ensuring successful elections, free of conflict and controversy. These conditions are a prerequisite for regional peace, stability and development, all of which would add value to democratic consolidation in the region.

Appendix I: Task team members

NAME	DESIGNATION
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Appendix 2: Abbreviations

CBO	Community Based Organisation
CSO	Civil Society Organisation
ECF	Electoral Commissions Forum of SADC Countries
EISA	Electoral Institute of Southern Africa
EMB	Election Management Body
FBO	Faith Based Organisation
FPTP	First-Past-the-Post
IEC	Independent Electoral Commission
MMP	Mixed Member Proportionality
MP	Member of Parliament
NGO	Non-Governmental Organisation
OSCE	Organisation for Security Cooperation in Europe
PR	Proportional Representation
RISDP	Regional Indicative Strategic Development Plan
SADC	Southern African Development Community

Appendix 3: List of participants

REGIONAL CONFERENCE ON PRINCIPLES FOR ELECTION
MANAGEMENT, MONITORING AND OBSERVATIO
IN THE SADC REGION
5 & 6 November 2003;
Johannesburg ; South Africa

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