



NDI Final Report

SWAZILAND: ENHANCING ELECTORAL INTEGRITY FOR THE 2008 PARLIAMENTARY ELECTIONS

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I. SUMMARY

Swaziland held its first parliamentary elections under its new constitution on September 19, 2008. This election was an opportunity for Swazi citizens to exercise their right to vote and increase the degree to which they hold their government accountable. In addition to providing a chance for citizens to participate, the elections also provided an environment to assess the degree to which reforms under the new constitution resulted in an electoral process that is consistent with regional and international standards.

With support provided by the United States Agency for International Development (USAID), the National Democratic Institute (NDI or the Institute) sought to increase electoral integrity based on the limited reforms of the 2005 constitution by:

- enhancing the understanding of civic organizations and parliamentary candidates on how to promote electoral integrity as well as regional and international standards for elections; and
- promoting communication among international, regional, and domestic election observers in accordance with the *Declaration of Principles for International Election Observation*.

The program was successful in enabling the Swaziland Coordinating Assembly of Non-governmental Organizations (CANGO) to conduct a domestic election monitoring effort that helped promote credibility and transparency and strengthen citizen participation in the electoral process. NDI conducted workshops for domestic civic organizations, parliamentary candidates and their agents, and international observers on election monitoring and deployment strategies. NDI created manuals and checklists for election-day observation and provided copies to CANGO and parliamentary candidates in preparation for observation. NDI also provided targeted training materials to CANGO, which led to an election-day monitoring effort involving more than 100 observers. The Institute provided support to CANGO on finalizing its statement on the September polls and advised on its dissemination. Finally, NDI helped to increase coordination among international election observers by facilitating consultations among regional and international observer missions as well as between these groups and domestic election monitors during the pre- and post-election periods.

In the aftermath of the elections, NDI conducted a parliamentary needs assessment and provided a comprehensive orientation for members of Swaziland's Ninth Parliament. The orientation enabled the newly elected members to more effectively represent citizens and provide oversight of government. Session topics included themes such as leadership, communication, constituent relations, goal-setting and negotiation skills. In addition, the training provided practical opportunities for members to interface with citizens through constituency outreach exercises.

Despite an extremely limited timeframe for implementation prior to the polls, NDI accomplished its objectives and, with cost savings, was able to help to build the capacity of parliamentarians to carry out their responsibilities. However, the country remains in need of additional support for future elections if it is to move toward regional standards for elections. In addition, parliamentarians and their staff require additional skills-building to ensure that they can fulfill their constitutional mandate. Finally, civil society would benefit from additional support to strengthen its capacity if it is to play a role in holding the government accountable.

II. BACKGROUND

Swaziland is the last remaining monarchy in Sub-Saharan Africa. The country is a modified traditional monarchy with executive, legislative and limited judicial powers ultimately vested in King Mswati III. Of the 65 members of the House of Assembly, 55 are elected by popular vote through the *Tinkhundla* system, while the King appoints 10. *Tinkhundla* is designed to blend western democracy with traditional Swazi law and customs. The King also appoints 20 of the 30-member Senate, with the remaining 10 selected by the House of Assembly. The new constitution, which came into effect in 2006, includes some concessions to democratic reform. However, political power remains largely with the King and his circle of traditional advisors.

Although the government has legalized political parties, candidates may only contest for political office as individuals, not as members of any particular political organization. Elections in Swaziland have historically been marked by low turnout and marred by allegations of intimidation of "opposition" candidates.

On September 19, 2008, the Kingdom of Swaziland elected its first parliament under the 2006 constitution. By providing an opportunity for civic groups and parliamentary candidates to engage in a political process, the election was regarded as a step in Swaziland's trajectory toward democratic and social transformation. Across most of southern Africa, capable domestic monitoring organizations and networks have emerged over the past 20 years. Swaziland, however, lacks a strong tradition of nonpartisan domestic election monitoring.

As the body charged with managing and supervising the Swazi elections, the Election Boundaries Commission (EBC) was a subject of discussion and debate in the weeks leading up to the polls. Overall, election management went smoothly, but challenges did arise. Observers noted that, although local regulations were followed in the voting process, the conduct of the elections did not meet internationally accepted standards. Particular concern surrounded the preparedness of poll workers, the designation of polling places, and communications and training for elections officials, resulting in late opening of stations and confusion. For instance, one

presiding officer explained that the EBC had informed her that she was to use a tent as a polling place. The tent was not pitched until noon, and so she had to improvise and use a classroom elsewhere. There also was miscommunication on the hours of voting. The observer accreditation packet noted the opening and closing times as 8:00 am and 5:00 pm, respectively, while elsewhere it was announced that voting would start at 7:00 am and end at 6:00 pm. The designation of tabulation centers also was communicated late in the process. These factors demonstrated organizational and communications difficulties on the part of the EBC.

In most polling stations, the long lines had cleared by mid-afternoon, with some voters trickling in until closing. There was no uniformity on the time and place for counting ballots in the constituencies, which proved challenging to observers. Overall, despite the relatively smooth and non-violent elections process, Swaziland could benefit from additional assistance on the technical aspects of managing the election processes.

NDI Program

NDI received funding from USAID to implement a short-term program to enhance the understanding of civic organizations and parliamentary candidates on how to promote electoral integrity as well as regional and international standards for elections and to promote communication among international, regional, and domestic election observers in accordance with the *Declaration of Principles for International Election Observation*. On December 18, 2008, NDI received approval for a no-cost extension to allow for an orientation of newly elected parliamentarians with remaining funds.

III. PROGRAM ACTIVITIES

Objective 1: Enhance the understanding of civic organizations and parliamentary candidates on how to promote electoral integrity as well as regional and international standards for elections

Materials Development

NDI developed three manuals – the *Manual for Domestic Observers* (see Annex I), *Manuals for International Observers and Polling Agents* (see Annexes II and III) – for use during workshops for civic and religious groups that observed the elections in Swaziland, for international observers and for candidate and polling agents, respectively. The domestic observer manual explored themes such as: how domestic groups observe elections; roles and responsibilities of domestic organizations; voting procedure in Swaziland; and regional standards for democratic elections. The manual for international observers and candidate and polling agents included topics such as: significance of elections; role of candidates and their agents; election-day monitoring; voting procedures; logistics and communications; regional standards for elections and a checklist for election observation.

Civic Organizations and Domestic Election Monitoring

NDI conducted a workshop on September 15, 2008 for domestic organizations that were preparing to observe the September 19 elections under the CANGO umbrella. A total of 75

participants drawn from across the country participated. In addition, NDI conducted a workshop in Manzini for 40 volunteer observers from the Swaziland Council of Churches on September 16. In both sessions, NDI used the election manual it created for observers to present on topics such as: the significance of elections in the democratic process; roles and responsibilities of domestic observers; election-day monitoring; and voting procedures in Swaziland. Participants received copies of the election observer manual and forms developed by NDI and CANGO. (See Annex IV).

In addition, NDI consulted with CANGO’s coordinators in Mbabane to help the group draft its election-day deployment plan and establish a communications system for observer reporting. With NDI's assistance, CANGO developed a deployment plan to send at least one observer to each of the country’s 55 constituencies, identified four regional coordinators who would be responsible for collecting information from observers, and elaborated a timetable that would ensure regular and timely reporting.

NDI Election Observation Training Summary		
Date	Participant Type	Number of People
September 11	International observers	15
September 12	Candidates and agents	20
September 15	CANGO domestic observers	75
September 16	Council of Churches	30
Total		140

Training of Parliamentary Candidates and Their Representatives

On September 12, 2008, NDI conducted a participatory workshop for candidates and their agents on election observation. A total of 20 participants attended the workshop, which helped to:

- familiarize candidates and polling agents with the electoral process in Swaziland;
- examine election-day roles and responsibilities; and
- facilitate a discussion of international and regional standards for elections.

Participants engaged in a detailed, step-by-step simulation of voting procedures and a demonstration of potential problems that might occur on election day. Considerable emphasis was placed on the supervisory role of EBC officials and their responsibility to manage the proceedings at the polling station. Candidates’ agents were encouraged to deal courteously with ECB officials and to raise reasonable concerns and anomalies when witnessed.

NDI also provided information on deployment strategy and urged candidates to develop a coordinating committee to oversee the monitoring work. A uniform communication strategy was suggested and agents were advised to refrain from giving haphazard press interviews. As much as possible, candidates also were encouraged to deploy agents closer to their polling station to allow them to vote and to facilitate coordination.

Training of International Observers

NDI conducted a workshop for international observers on September 11, 2009 at the U.S. Embassy. The session focused mainly on the role of international observers in election monitoring with an emphasis on the political and electoral environment in Swaziland and the main tool utilized was the *Manual for International Observers and Polling Agents*. Participants were exposed to various aspects of election observation work including: NDI's election program in Swaziland; roles and responsibilities of international observers; international and regional instruments for free and fair elections; election-day monitoring; logistics and communications; and voting procedures in Swaziland. NDI discussed the checklist for election observation it had developed to aid and standardize reporting. NDI also made recommendations for a coordination and communication strategy that would guarantee uniformity in the observation work between diplomatic missions and urged the international community to refrain from giving uncoordinated press interviews. NDI distributed copies of the *Manual for International Election Observers* and suggested the Embassy disseminate copies to other international observers.

Election-Day Observation

NDI provided technical and limited financial support through a small grant to CANGO to train and deploy 55 non-partisan observers and four regional supervisors. After receiving training from NDI, the Swaziland Council of Churches deployed about 45 observers. This provided CANGO access to 342 polling stations in 50 out of 55 constituencies. The EBC was only able to accredit 10 observers from CANGO. They stated that they were overwhelmed by international observers and hence, the restriction on local observers. CANGO expressed dissatisfaction at this arrangement as it restricted the CANGO team. The EBC did not change their position. Since 55 observers had been trained, CANGO decided that the remaining 45 observers would observe without the accreditation. This was communicated to the EBC. They cautioned that non-accredited observers should restrict their observation to outside the voting site so that they would not interfere with the presiding officer with the process. Also to be noted is that the local observers from CANGO did not get the election pack which was extended to the international observers and other election officials. CANGO accredited observers visited 10 polling stations covering 2 provinces in Mbabane and Manzini and tried to provide balance between urban and rural constituencies. The team observed the sealing of ballot boxes which were then taken to police stations in each constituency for safe-keeping until counting commenced the next day at 8:00 am.

Objective 2: Promote communication among international, regional, and domestic election observers in accordance with the *Declaration of Principles for International Election Observation*

Election Observation Activities

Planning Meetings: A three-member team of NDI staff engaged members of civil society, candidates' agents, members of the EBC and individuals from Embassies and international organizations for meetings in order to coordinate effective programming and plan for possible post-election activities. Meetings were held with the following groups and individuals:

- United States Embassy (the ambassador, deputy chief of mission, political officer)
- The Elections Boundaries Commission (Chief Gija Dlamini Chair)
- Council of Non-governmental Organizations (CANGO) (elections officer)
- Swaziland Coalition of Concerned Civic Organizations (Stephen Donaghy, Assistant to coordinator)
- Women and Law in Southern Africa (WILSA)(Lomcebo Dlamini, director)
- Skillshare International Swaziland (Senelisiwe Ntshangase, director)
- Swaziland Council of Churches (Khangezile Dlamini, secretary general)
- Parliament of Swaziland (Amos Maziya, editor)
- Media Institute of Southern Africa (MISA) (Comfort Mabuza, director)
- International Observer Missions (Pan African Parliamentary Forum, Electoral Institute of Southern Africa (EISA) and diplomatic missions)

Pre-election Meeting: With assistance from the Commonwealth and EISA, NDI facilitated a meeting of all international, regional and domestic election observer teams in Ezulwini on September 16, 2008. The meeting brought together the leadership of CANGO, the Swaziland Council of Churches, the African Union (AU), Pan African Parliament (PAP), Southern Africa Development Community (SADC), and SADC Election Commissioners Forum (ECF) to discuss the political environment and issues pertaining to the elections. Participants exchanged information on their findings to date and agreed to share deployment plans to ensure coordination on election day. In addition, NDI, EISA and the Commonwealth developed a joint contact list that was provided to all observers.

NDI Election Observation Coordination Summary		
Date	Participant Type	Number of People
September 16	Domestic and International Observers	20
September 19	International and Domestic Observers	13
September 20	International Observers	10
Total		43

Election-Day Meeting: On election day, NDI organized a meeting to discuss preliminary observations on the conduct of the elections and plan for reporting the findings. Observers felt that the elections adhered to local laws, but that their overall conduct fell short of the SADC Principles and Guidelines Governing Democratic Elections. Participants agreed that a subsequent meeting was needed on the following day to discuss additional feedback.

Post-election Meeting: Following the elections, the Commonwealth, EISA, and NDI held a debriefing on September 20, 2008 with representatives from the AU, CANGO, the Commonwealth, EISA, PAP, SADC, and the U.S. Embassy. Observer groups exchanged commentary from all four regions in Swaziland.

Election Observation Final Report

CANGO requested that NDI review its draft final report on the September 2008 elections and provide guidance on how to improve the document's style, format and content. In response, NDI conducted a one-day consultation with CANGO program staff to discuss the Institute's feedback and finalize the report. A draft of the document is provided in Annex IV. NDI also provided advice to CANGO on the dissemination of its findings to the international community. The CANGO leadership ultimately determined that it would not publicly release the report, opting instead to share it only within its network of trusted civic activists and international donors.

Activities under No-Cost-Extension

Pre-training Assessment and Preparation for New Member Orientation

In an effort to identify training needs for a parliamentary orientation program, NDI administered a survey to Swazi members of parliament (MPs). The parliamentary self-assessment included 30 questions on the functional areas of representation, lawmaking, and oversight. The assistant clerk of parliament distributed the survey to MPs and collected 40 responses (see assessment results – Annex V). The assessment elicited feedback from members on their expectations for an orientation program, staff training needs, and information necessary to help MPs develop a constituency profile and action plan. Based on a review of the assessment results and consultations with parliament, NDI developed a four-day orientation program agenda (Annex VI). The agenda included skills building for parliamentarians in the areas of public speaking, constituent relations, negotiations, and goal setting.

NDI staff travelled to Swaziland for consultative meetings to plan the orientation program. They met with parliamentary officials and staff, the Speaker of parliament, U.S. embassy officials and representatives from Skillshare International. As a result of the trip, NDI refined concepts for the program and obtained buy-in from the Speaker and parliamentary staff. The Speaker was particularly excited about the proposed training concepts. He welcomed civil society involvement in the program and noted that the unique blend of NDI's proposed training represented an innovation for Swaziland.

Orientation for New Parliamentarians

NDI received a no-cost extension to enable the Institute to use its remaining program funds to conduct training with MPs to help equip them with the requisite skills to serve the Swazi electorate. NDI conducted the orientation program for new members of parliament from February 9 – 11, 2009. Approximately 80 elected and appointed MPs and Senators participated in the program, which included constituency outreach, skills building, and peer-to-peer learning between newly elected members and lawmakers. NDI's approach emphasized the unique relationship between parliamentarians and civic groups and focused on constituent relations, reflecting the need for legislators to develop strong relationships with citizens to be effective representatives. In conducting the training, NDI utilized its recently published manual, *Constituent Relations: A Guide to Best Practices*.

NDI staff also consulted the United Nations Development Program (UNDP), the Commonwealth Parliamentary Association (CPA), and the Southern African Development Community-Parliamentary Forum (SADC-PF), all of which had plans to offer varying degrees of post-election training and technical assistance to parliamentarians in Swaziland. The Institute coordinated its orientation with these partners, and invited observers from SADC-PF to attend.

The first day of the orientation program consisted of constituency outreach visits to nine different destinations, while the second and third days helped members to develop and deepen their skills in media relations, public speaking, constituent relations, and conflict resolution and negotiations. NDI also helped participants to draft personal action plans to be successful legislators.

During the orientation program, MPs visited different sites to learn about local challenges related to health, education, transportation, disaster and relief. Site visits emphasized the importance of public service and communicating with citizens in a variety of formal and informal settings to learn about their problems and begin to identify solutions. The sites were selected based on feedback from the needs assessment in which MPs were asked to articulate their top concerns for Swaziland's development. During group work in advance of the outreach exercise, participants were tasked with developing three questions to ask people that they visited. Afterwards, they were asked to develop PowerPoint presentations summarizing the feedback they obtained and recommendations for what parliament could do to address the issues raised. The constituency outreach exercise provided elected and appointed Swazi legislators with practical opportunities to network with citizens and representatives of civil society.

For example, a group that visited with Skillshare International exchanged frank dialogue about the role of civil society and perceptions of civic groups and politicians. The participating MPs were amazed at the amount of information that Skillshare had at its disposal, demonstrating the unique role civic groups can play in a democracy. The participants exchanged contact details and expressed interest in continuing to liaise and share information in the future.

The workshop was covered in the *Times of Swaziland* and the *Swazi Observer* newspapers. This demonstrated that members could be covered in the media in a positive way, dispelling common perceptions that the media is a foe of government officials.

Building on the information obtained during the site visits, NDI conducted four tailored training modules:

- Developing Effective Media Outreach and Being a Successful Public Speaker;
- Developing Healthy Constituent Relations and Working with Allies in Government and Civil Society;
- Learning and Practicing the Fundamentals of Negotiation; and
- Developing Personal Action Plans for Success as a Legislator.

Participants were divided into four groups of approximately 18 people each to ensure that the training was participatory and practical in nature. NDI also worked with parliamentary staff in the planning and execution of the orientation by participating in outreach sessions in a supportive role and in the skills-building sessions as observers.

The orientation underscored that new MPs may not have prior experience serving the electorate and require a tremendous amount of support to be successful in carrying out their mandate. The constituency outreach portion of the program was particularly well-received by participants. Seventy one percent of respondents to the post-orientation survey “strongly agreed” that it met their expectations. A further 26 percent said that they “agree.” While merely 3 percent noted that they were neutral, no negative feedback was received. (Appendix VIII).

IV. RESULTS/ACCOMPLISHMENTS

Objective 1: Enhance the understanding of civic organizations and parliamentary candidates on how to promote electoral integrity as well as regional and international standards for elections

Two civic organizations that participated in an NDI workshop on domestic observation, CANGO and the Swaziland Council of Churches, deployed a total of 90 observers each on election day. CANGO observers visited polling stations in all four districts and reported all findings back to headquarters within two days of the election. Observers who participated in the NDI workshop communicated that they appreciated learning about what to look for during the course of the election. The director of CANGO reported the following in an email to NDI staff:

“We would like to express our appreciation for supporting us on the election observation. NDI came at the right time when we were confused. You also tried to stretch yourselves in order to ensure that we fully participated. We really value the partnership with NDI. We are planning a local dialogue to seek consensus among civil society, so that we engage organizations not to resort to senseless killings [due to election violence].”

This domestic observation effort marked a major milestone for civic groups in Swaziland who, for the first time, directly participated in the electoral process.

With NDI assistance, CANGO developed a statement on the September elections that included reference to guidelines in the SADC *Declaration of Principles for International Election Observation*. Through its participation in meeting and trainings, CANGO also helped to promote communication about the SADC principles within its network of civic activists and international donors.

CANGO found that voters were largely able to express their will in free from intimidation or undue influence, but reported shortcomings in the overall electoral process. CANGO also noted that Swaziland’s government system, based as it is on individual merit system, does not allow for political parties to compete openly. This undermines the spirit of the *SADC Principles and Guidelines*, which provides for: equal opportunities for political parties to

access the state media; acceptance and respect of the election results by political parties; and transparent funding mechanisms for political parties, where applicable.

Objective 2: Promote communication among international, regional, and domestic election observers in accordance with the *Declaration of Principles for International Election Observation*

In meetings hosted by NDI during critical periods in the election process representatives from the international community and regional and domestic observers improved their respective understandings of the process through discussions; sharing deployment strategies, offering initial feedback and sharing findings on the overall conduct of the electoral process. In one of the post-election meetings that was attended by the AU, CANGO, the Commonwealth Secretariat, EISA, NDI, PAP, and the U.S. Embassy, participants shared observations on the election process relative to the *Declaration of Principles for International Election Observation*. They discussed the voting process and considered it peaceful and orderly. It was noted that while local regulations were generally followed, the voting process did not reflect or meet expectations of international standards due to the lack of freedom to organize political parties and the absence of a fully representative political system among other expectations set forth in the *Declaration of Principles for International Election Observation*.

Unanticipated Results

NDI was able to complete additional activities under its no cost extension that yielded a number of unanticipated results. The orientation for newly elected parliamentarians: prepared and provided elected and appointed Swazi legislators with practical opportunities to network and engage with citizens and representatives of civil society; enhanced the ability of Swazi legislators to communicate with citizens using the media and through public speaking; exposed members to the fundamentals of negotiation; and assisted legislators to develop personal action plans to succeed as a legislator.

The site visits conducted during the orientation represented the only time legislators have ever made such visits in the country's history. They helped parliamentarians understand the variety of challenges faced by constituents on a daily basis. As a result, some members have begun to take action to address them. For example, the Swaziland Hospice at Home provides care to people that are terminally ill to "put life into their days." Parliamentarians who visited it had the opportunity to witness the poor conditions in which the terminally ill were being cared for. The visit sensitized parliamentarians to the issues that patients and staff in the health sector are facing. As a result, participating members determined to move a motion in parliament to ensure palliative care would be recognized in the national health and HIV/AIDS policy. In another example, lawmakers that visited the Mbabane Central Hospital learned that funding streams and lengthy bureaucratic procedures negatively impacted the purchase of machines and equipment. Following the visit, MPs called for a motion in parliament to encourage the Minister of Health to create a hospital board within three months.

There is additional evidence the program is beginning to bear fruit. In the period since the training occurred, MPs have conducted independent visits to media houses and hospitals and have brought members of the press with them to cover these activities.

V. EVALUATION/CONCLUSIONS

As evidenced by the results described above, NDI's program in Swaziland exceeded initial expectations. At the onset of the program, NDI understood that the extremely short time available before the election presented a risk to the achievement of program results and a severe constraint to the effectiveness of the proposed activities. However, a critical assumption that NDI would obtain support for the program during the lifespan of the grant held, resulting in the achievement of program objectives. Despite the short period of this grant, NDI was able to work with the Swazi government and civic groups to build the necessary relationships and understanding for support of democratic reform.

However, developments over the life of the program suggested a narrowing of space for freedom of expression and growing intolerance of divergent political views. For example, on December 3, 2008, state police stormed a Media Institute of Southern Africa (MISA) training workshop for media personnel and threatened to disrupt it if they were not allowed to monitor the event. Similarly, local and foreign journalists covering the "first fruits" harvest during the *Incwala* ceremony in late December 2008 were reportedly harassed, banned and had their equipment confiscated by the police. There was an unprecedented amount of harassment, censorship, intimidation and assault of journalists since the beginning of 2009. MISA issued as many as 15 alerts on media violations between January and February. These developments marked a sharp increase in media violations and represented further evidence of a general attempt to control the media.

In addition to concerns over media freedom, Swaziland remains out of step with the region, as it is the only country that has not legalized political parties. Swaziland does not have an electoral act governing the conduct of elections; rather the elections are held according to a series of decrees and the Constitution. In addition, during NDI's post-election training for parliamentarians, the Institute was requested by intelligence agents to provide a full file of briefing material to his majesty the king. These developments reflect a narrow space in which democracy promotion organizations are permitted to operate.

Despite the challenging political environment, NDI was able to conduct its activities with the support of parliament and the executive branch. NDI's program achieved unanticipated results during the post-election period, as the Institute was able to stretch funding to successfully conduct a comprehensive orientation program for new members of parliament. The training served as a primer and has begun to see results, but revealed that additional assistance is required to deepen the training concepts and support parliament to play its constitutionally mandated role to represent citizens, monitor and oversee government performance and pass laws, even within the limitations of precedent and constraints on parliament's independence.

Election Observation

There were challenges in the implementation of the election observation trainings and the observation efforts themselves. Although NDI was able to hold positive meetings with the EBC, its limited capacity, especially with regard to pre-election preparation, posed a significant risk to the achievement of program objectives. The EBC did not have a list of candidates as late as 10 days prior to the election, hampering NDI's efforts to inform candidates and their agents of the workshop. To respond to this challenge, NDI placed advertisements in the newspaper and on the radio to encourage attendance. Despite NDI's best efforts, attendance at the session was lower than expected.

Following advice from NDI, CANGO's election statement recommended: Swaziland take measures to include political party participation; clear legislation governing the electoral process; promotion of transparency in the counting of votes; equal accreditation of observers; increased voter education; and more equitable constituency delimitation. These recommendations were informed by the *Declaration of Principles for International Election Observation* and if implemented, would help to level the playing field for political contestants, strengthen political competition and build confidence in the electoral process.

Although CANGO was able to observe the election and draft a statement on the polls with training and support from NDI, the group's lack of willingness to publicize or disseminate it to a wider audience limited the degree to which program objectives could be met. Although CANGO helped to identify shortcomings in Swaziland's electoral process, its reticence to disseminate the report, presumably to avoid the perception that it is opposed to the government, reflected a self-censorship tendency within civil society. While the group's internal awareness of the *Declaration of Principles for International Election Observation* increased, increased awareness of the part of other actors in Swaziland was met to a limited degree. This highlights the need to design new and innovative approaches to support local groups as they advocate for electoral reforms in the post-election period. Increasing citizen awareness of democratic benchmarks on the part of local civic activist and reform-minded political elites is a recommended approach for future democratic development strategies in Swaziland.

Post-Election Activities

NDI was able to increase the impact of its program and with remaining funds by completing additional activities under the no-cost extension. NDI carried out an orientation for newly elected parliamentarians. The program underscored that MPs, many of whom do not have experience in the legislature, require a tremendous amount of support to be successful in carrying out their mandate.

During the orientation, NDI staff observed some level of apprehension on the part of participants concerning the definition of democracy in Swaziland. Several participants requested that trainers provide an explanation on democracy and how it was relevant to the training concepts. Democracy is often seen to be in direct conflict with Swaziland's unique monarchy system. As such, for many Swazis, democracy is equated with anti-monarchy or direct opposition of the King. To address these challenges, NDI staff provided a presentation that clearly articulated the Institute's mission and the way the organization conducts its work in a

manner that is tailored to all types of democratic systems of government. The Institute also offered examples of best practice, rather than being prescriptive about Swazi reforms. This approach is recommended for future programming in Swaziland. NDI staff addressed comments that were raised with candor and sensitivity. In the closing remarks, the deputy president of the Senate said that, “NDI identified and assembled a high caliber of resource persons that have both the academic qualifications and relevant practical experience that made the program successful.”

NDI also received accolades from Ambassador Maurice Parker, who noted that he was impressed by NDI’s orientation training program and that the program had begun to demonstrate results. For example, following the NDI orientation program, a team of parliamentarians did an independent site visit to a hospital and mobilized members of the press with them to cover the visit in which they discussed needed reforms to health care. The Ambassador attributed this to an application of skills NDI imparted during the constituency outreach program.

Recommendations for Sustainability

Several recommendations are offered to sustain the progress NDI made in Swaziland.

- (1) Swaziland’s legislature operates more like a government department than an independent legislature. Further, Swaziland has a poorly functioning parliamentary committee system and inadequate staff support for parliamentary operations. Swazi parliamentarians could benefit from training on committee strengthening, internal committee systems management, parliamentary standing orders, and skills building on conflict resolution, constituent relations, media skills and parliamentary ethics.
- (2) Parliamentary staff currently lacks support and ongoing training. Staff could benefit from training to produce regular briefings and reports for members. Staff also should be supported to develop research skills and relationships with technocrats in a variety of public policy sectors such as health, agriculture, education and other issues.
- (3) Parliament currently has few linkages with civic groups. The orientation training helped members appreciate the value of working with these groups for the first time. Assistance is needed on methods for establishing and strengthening linkages between civic groups and parliamentarians.
- (4) Informal consultations revealed that civic groups are reticent to engage with parliamentarians and have a tendency to self-censor. Civic groups could be provided with advocacy skills training and support to develop their capacity to effectively engage decision-makers and take advantage of opportunities to work with reform-minded political leaders.
- (5) Efforts are needed to support civic groups to advocate for reforms articulated in CANGO’s election statement. This support could include a series of electoral reform roundtables with civic activists and influential political actors.

Although Swaziland remains out of step with the SADC region on its democratic development performance, a number of opportunities exist within the framework of the current system, particularly on increasing parliament’s linkages with citizens using the model that NDI used in its orientation program.

Future programs should be both demand-driven and culturally sensitive. NDI's parliamentary orientation activities were based heavily on feedback from the 2008 parliamentary needs assessment results and represents a best practice. Progress on achievement of results in the area of parliamentary strengthening could be measured against the benchmarks of this assessment. Future programs also should be more comprehensive in nature, targeting the legislature and civic groups.

Prioritizing parliament is critical in the post-election period, particularly as members begin to grapple with their newly assumed roles. During the orientation training, NDI observed that debate over needed democratic reforms was vibrant among the new class of MPs.

VI. ATTACHMENTS

- Annex I: Manual for Domestic Elections Monitors.
- Annex II: Manual for International Observers
- Annex III: Manual for Candidates and Polling Agents
- Annex IV : The Coordinating Assembly of NGOs (CANGO) Draft Observation Report on the 19th September Swaziland Parliamentary Elections
- Annex V: Parliamentary Training Needs Survey Results
- Annex VI: Indicator Data Report

Annex I

OBSERVING THE SWAZILAND ELECTIONS

**A MANUAL FOR DOMESTIC ELECTION
OBSERVERS**

Compiled by NDI Swaziland
September, 2008

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ABOUT NDI IN SWAZILAND

The National Democratic Institute for International Affairs (NDI) is an institution that works to promote democracy worldwide. Currently working in over 70 countries, NDI works with local partners to enable them engage in the democratic process more meaningfully. Through its regional office in Johannesburg, South Africa, NDI provides programming to promote democratic development in the Southern Africa Development Community (SADC) region.

With the support of the US Embassy in Mbabane and from the United States International Agency for Development (USAID) in southern Africa, NDI is working in Swaziland to assist in enhancing the understanding of civic organizations and parliamentary candidates on how to observe the voting process in order to promote electoral integrity as well as regional and international standards for democratic elections. NDI plans to provide this assistance by conducting election monitoring training workshops in readiness for the September 19, 2008 elections. This training will draw participants from civic organizations, candidates and their agents and members of foreign missions.

This document was designed based on the relevant constitutional and statutory regulations of the Kingdom of Swaziland. While every attempt was made to ensure its accuracy, it is understood that the prevailing laws and regulations of the Kingdom of Swaziland will take precedence.

INTRODUCTION

Elections provide citizens with a unique opportunity to select their leaders. As Article 21(1) of the Universal Declaration of Human Rights provides, "everyone has the right to take part in the government of his country, directly or through freely chosen representatives".¹ The prominence of elections is clearly spelt out in subsection 3 of the same declaration which states that "the will of the people shall be the basis of authority of government: this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."² The importance of elections and its significance of citizen participation enshrined in the international instruments are also included in the Swazi Constitution.

Section 84 of the Swaziland Constitution guarantees the right to be heard through freely chosen representatives.

¹ United Nations Document A/810 at 75 (1948): Universal Declaration

² Ibid

The Swaziland Constitution also guarantees the right to vote at elections (Section 88 and 89).

The constitution of Swaziland (section 79) states that “ *the system of government for Swaziland is a democratic, participatory, Tinkhundla-based system which emphasizes devolution of state power from central government to Tinkhundla areas and individual merit as a basis for election or appointment to public office.*”

Citizens vote for a variety of reasons .Some of the reasons why citizens vote are:

- By voting, citizens assume control over their lives and what happens to their communities.
- Voting ensures that all citizens have the opportunity to elect candidates who share their interests and top concerns.
- Voting also gives citizens the opportunity to remove representatives they feel do not represent them.
- Voting is a peaceful way of determining who will exercise political power.
- Voting demonstrates citizens’ commitment to the democratic process

After electing their leaders, citizens should be able to demand performance, transparency and accountability because the elected are in office to represent the wishes of the electorate. Therefore, the process by which leaders are ushered into office must be one that is open, inclusive, and legally competitive and produces a true representation of the will of the voters. It must be a process which does not condone intimidation, bribery, coercion or any manipulation that distorts the people’s will.

DOMESTIC ELECTION OBSERVATION

Election observation is the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment. Election observation is the impartial and professional analysis of such information and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and analysis. There is an established and growing international trend, evidenced by state practice that accepts the positive contribution of nonpartisan election observation by national citizen organizations. This is based on the right of citizens to participate in government, the very precept from which electoral rights derive. Election observation by nonpartisan domestic organizations helps to raise public confidence in the election process; deters irregularities and electoral manipulation and exposes them if they occur; provides an important avenue for citizens to take part in electoral processes; and furnishes the domestic and international communities with important information concerning the integrity of elections, as well as recommendations for improving the process.

Why Observe?

The presence of observers:

- Gives voters and candidates confidence to the degree warranted
- Promotes popular participation in democracy
- Demonstrates citizen commitment to credible elections
- Deters and exposes irregularities and fraud
- Mitigates conflict and promotes peaceful resolution
- Provides impartial assessment & recommendations
- Confirms the level to which regional and international standards were applied

Rights of an Observer

To facilitate their work and guarantee their effectiveness, election observers have the following rights:

- ü Receive accreditation in a non-discriminatory manner
- ü Move freely within the country
- ü Obtain information about key aspects of electoral process, including voter registration, the voters' list and the complaints and appeals process
- ü Obtain information from electoral stakeholders, including election administrators, candidates, and voters about the election process
- ü Access to Polling Stations and Counting Centres
- ü Communicate with international observation missions
- ü Communicate objectively with the media

Responsibilities of an Observer

To ensure their work is credible and respectful of the electoral process, election observers have the following responsibilities:

- ü Comply with all national laws and regulations
- ü Conduct observation duties with impartiality, i.e. no indications of bias or preference of candidates in word or attire
- ü Refuse money or gifts from election stakeholders
- ü Refrain from interfering in all election administration processes
- ü Report all information gathered honestly and accurately
- ü Refrain from making premature statements about the quality of the process
- ü Provide reports in a timely manner to supervisors

Regional and International standards

In the last few years, African and other countries have demonstrated support for shared international and regional standards concerning the conduct of elections. In some places, this need arose due to questionable electoral practices whose product (elected leaders) have proceeded to install themselves into office against the will of the people. This prompted the development of international standards and guidelines that all countries are expected to adhere to in the conduct of elections. The integrity and credibility of an electoral process is judged according to how well these standards were upheld. The most prominent regional and international standards are:

- ü Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections
- ü African Union (AU) Declaration on the Principles Governing Democratic Elections in Africa
- ü The Principles for Election Management, Monitoring and Observation (PEMMO)

In summary, these standards examine:

- ✓ The constitutional and legal framework for elections
- ✓ The importance of transparent and accessible pre-election procedures (such as the delimitation process, voter registration and candidate nomination)
- ✓ Equitable access to media and the fair use of public resources
- ✓ Organization and management of the election phase, including the location and accessibility of polling stations, layout of polling stations, secrecy of the ballot and the counting process
- ✓ Post election issues including settlement of disputes and ways of ensuring that results are acceptable to all contestants and
- ✓ Requirements for unhindered, professional, credible and impartial monitoring and observation of the electoral process.

IMPORTANT: As an observer, it is critical that you read and understand the regional and international standards, especially those from SADC: the SADC Principles and Guidelines Governing Democratic Elections, adopted at the SADC Heads of State Summit in 2004, commits all SADC member states to holding elections in accordance with regional and international standards. Consistent with legal and policy instruments of the African Union Declaration on the Principles Governing Democratic Elections in Africa, the SADC instrument articulates basic tenets which are to be upheld by member states in the conduct of elections and encapsulates the fundamental rights of election observers within the electoral process. The instrument enshrines democratic norms such as the right of political parties and candidates to freely campaign; voter education; equal access for political parties and candidates to state-run media; impartiality of electoral management bodies; transparency in the ballot counting process; mechanisms for parties and candidates to lodge complaints and appeals; the nondiscriminatory accreditation of observers; and access of observers to all relevant actors and aspects in the electoral process. The norms enshrined in the SADC Principles and Guidelines Governing Democratic Elections, ratified by all SADC member states, is the bar set by member states themselves for evaluation of the credibility of electoral processes.

What to observe

Ideally, observers are supposed to observe the election process before Election Day. The electoral process goes as far back as when legislation is being developed (creation of a constitution and election laws or regulations). This is important because these documents are the basis and the final authority on an election. If certain provisions are built in to disadvantage some contestants at this stage, the rest of the process will continue to run with a bias whose outcome will not be a reflection of the will of the people.

The other processes that follow after legislation include delimitation of constituencies, voter registration, voter education, candidate nominations, campaigns and election day activities.

However, it is rarely possible to have observers on the ground for long, protracted periods. Therefore, at this stage of the Swaziland election, you are expected to observe:

Pre-Election Period

- Voter Registration
- Changes to Electoral Law
- Candidate Nomination/Registration
- Campaigns
- Level Playing Field
- Material Preparations
- Use of and access to media
- Polling and Counting
- Consolidation & Announcement of Results
- Post-Election Activities

Election Day

- Presence of election commission personnel
- Election materials
- Opening of Polls
 - Polling stations & booths marked and easy to find?
 - Polling officials present?
 - Candidate agents & other observers present?
 - All required materials available?
 - Ballot box shown to be empty before being sealed?
 - Polling station opens on time (7 am)?

Polling

- Security forces present?
- Polling officials and security personnel impartial?
- Officials trained and knowledgeable?
- Unauthorized individuals prevented from entering?
- Ballot box in clear view?
- Identity of voters verified?
- Voters checked against roll?
- Voters allowed to cast tendered ballots?
- Ineligible voters turned away?
- Candidate agents verify sealing of each ballot box?
- Blind/incapacitated voters allowed assistance according to the official regulations?
- Secrecy of the ballot upheld?
- Challenged, tendered, & spoiled ballots in specified packets?
- Polling proceeded peacefully & without disruption?
- Polling Officials listen to & respond to complaints?
- Candidate agents attempt to influence voters?
- Area around station free of campaigning?
- Area around the station free from campaign posters?

•Closing of Polls

- Polls close on time?
- People in line at closing allowed to vote?
- People who arrived after closing prevented?
- All ballot boxes taken to counting room?
- Boxes accompanied if moved from polling station to other location by authorized personnel?

•Counting

- All ballot boxes still sealed?
- Candidate agents present?
- Unauthorized individuals prevented from witnessing?
- Sufficient light & space?
- Counting proceeded peacefully & without disruption?
- Votes transparently counted and recorded?
- Valid & invalid votes correctly & consistently assessed?
- Presiding Officer considers & impartially settles disputes?
- Following ballot papers declared invalid?

- Unofficial papers
- Without official mark
- Marked with anything other than the stamp
- No mark
- Marks for more than one candidate
- One mark that falls evenly between two candidates

Closing of Counting

- Invalid ballot papers placed in a separate envelope?
- Candidate agents allowed signing the final results form?
- Results posted?
- Record:
 - # of ballots cast
 - # of spoiled ballots
 - # of challenged ballots
 - # of tendered ballots
 - # for each candidate for each race

The Voting process step by step

The activity that will occupy all your time on September 19 will be visiting polling stations and recording what you observe during your visit. This is why you must understand the steps that take place inside a polling station as a voter walks through. If you are ignorant of the voting process, you will be as good as a tree standing in the polling station.

You must ensure that you are at a polling station before it opens so that you can verify the opening procedures. Polling stations open at 7am and close at 5pm.

Here is what happens at a polling station- watch carefully:

1. The voter arrives at the polling station and joins the que
2. Voter enters polling station and produces his registration card
3. The voter's name is crossed out of the voters list
4. Voter is given a ballot paper for MP
5. Voter moves into polling booth
6. Voter makes a cross on the picture of one candidate of their choice and folds the ballot paper
7. Voter shows election official the official mark on the folded ballot
8. Voter drops the ballot into the ballot box for MP
9. Voter collects ballot paper for Tinkhundla candidates
10. Voter makes a cross on the picture of one candidate of their choice and folds the ballot paper
11. Voter shows election official the official mark on the folded ballot
12. Voter drops the ballot into the ballot box for Tinkhundla
13. The voter's card is punctured as proof of voting

14. The voter leaves the polling station

Take note: While this process is taking place, some irregularities might be taking place outside the station (such as voter intimidation, vote buying, stopping of voters from entering the station before closing time, illegal campaigning at the station, etc). Be sensitive to these issues and record them wherever you observe them.

Remember:

- ***You cannot enter the polling station if you are not accredited. Ensure that you receive your accreditation from the Elections and Boundaries Commission before Election Day.***
- ***You are not at a polling station to supervise or do the work of election officials. Be courteous to the officials, but do not interfere with their work or the process.***
- ***The first thing you should do as you visit each polling station is to introduce yourself to the Presiding Officer.***

Tips for observers

- Understand the political context
- Identify yourself
- Maintain neutrality at all times
- Know & respect election rules
- Identify & document violations
- Report detailed information
- Refrain from commenting publicly on any aspect of the election
- Raise all the legitimate concerns /problems with the presiding officer
- Document/write down comments relating to your observation work

Security tips

- ü The rule of thumb is to avoid all dangerous or risky situations. **RUN IF YOU MUST**
- ü Do not provoke or cause unnecessary conflict
- ü Avoid areas where there are riots and demonstrations
- ü Do not take sides in conflict situations
- ü Report your presence to the local police

Observation Checklist

To make it easier for you to record information about what happens at each polling station, it is useful to have several copies of a polling station observation form. You fill one form for each polling station that you visit. This helps you stay focused and provides you with accurate details. Below is one observation form, which your institution may add to should they need to capture extra information.

POLLING STATION OBSERVATION FORM

DATE:

A. Observer information			
1	Observer name		
2	Arrival time at the polling station	3	Departure time

B. Polling station details			
4	Polling station number	5	Polling station name
6	Constituency number	7	Constituency name
8	Number of registered voters in the PS	9	Number of those having voted at the time of visit

C. Voting and counting process			
Tick the box if you observed any of the following irregularities <u>and provide your comments on the comment pages</u>			
10	Polling station did not open on time	11	Indelible ink was not applied
12	EBC staff attendance at the polling station was not adequate (less than 7)	13	Secrecy of the vote was not respected
14	Some or all of the election material were missing	15	Voters were not given a ballot papers
16	Ballot boxes not properly sealed	17	There was a misunderstanding regarding procedures to follow for the 2 ballot papers
18	Instances of voter intimidation	19	Counting was not done in the presence of the candidates, agents and observers
20	Instances of persons claiming they had registered but their names were not found on the voter list	21	Controversial decisions on doubtful ballot papers
22	Instances of persons allowed to vote without being on the voter list (apart from polling station staff and security officers)	23	Presiding officer, agents and observers did not agree on the reconciliation of ballots
24	Instances of persons allowed to vote without presenting a voter card or an ID card	25	Other irregularities

D. Candidate agents. Please write down the candidates that had agents present at the polling station			
26		27	
28		29	
30		31	

32		33	
34		35	
E. CONSTITUENCY VOTE RESULTS			

TO BE FILLED OUT BY THE OBSERVER AT THE END OF THE COUNTING OF CONSTITUENCY VOTES IN
THE POLLING STATION

Total number of votes cast	
Total number of ballots issued	
Total number of <u>spoiled</u> ballots	
Total number of <u>rejected</u> ballots	

Name of the Candidate (Constituency Votes)	Number of Votes

CONCLUSION :

- *try to visit as many polling stations as possible but do take the time to observe all aspects of the voting process at each station.*
- *you must observe the counting process at one polling station. Once the counting starts, you should stay in the station until the counting process is complete.*
- *do not interfere with the voting or the voters in any way*
- *compile your report based on your objective observation*
- *you are responsible for your own security*

**✓ GOOD LUCK ON SEPTEMBER 19, 2008 AND ENJOY THE
HARD WORK !!**

Annex II

OBSERVING THE SWAZILAND ELECTIONS

**A MANUAL FOR INTERNATIONAL
OBSERVERS FROM FOREIGN MISSIONS**

Compiled by NDI Swaziland
September, 2008

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ABOUT NDI IN SWAZILAND

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INTRODUCTION

Elections provide citizens with a unique opportunity to select their leaders. As Article 21(1) of the Universal Declaration of Human Rights provides, "everyone has the right to take part in the government of his country, directly or through freely chosen representatives".¹ The prominence of elections is clearly spelt out in subsection 3 of the same declaration which states that "the will of the people shall be the basis of authority of government: this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."² The importance of elections and its significance of citizen participation enshrined in the international instruments is also included in the Swazi Constitution.

¹ United Nations Document A/810 at 75 (1948): Universal Declaration

² Ibid

Section 84 of the Swaziland Constitution guarantees the right to be heard through freely chosen representatives.

The Swaziland Constitution also guarantees the right to vote at elections (Section 88 and 89).

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Citizens vote for a variety of reasons .Some of the reasons why citizens vote are:

- By voting, citizens assume control over their lives and what happens to their communities.
- Voting ensures that all citizens have the opportunity to elect candidates who share their interests and top concerns.
- Voting also gives citizens the opportunity to remove representatives they feel do not represent them.
- Voting is a peaceful way of determining who will exercise political power.
- Voting demonstrates citizens’ commitment to the democratic process

After electing their leaders, citizens should be able to demand performance, transparency and accountability because the elected are in office to represent the wishes of the electorate. Therefore, the process by which leaders are ushered into office must be one that is open, inclusive, and legally competitive and produces a true representation of the will of the voters. It must be a process which does not condone intimidation, bribery, coercion or any manipulation that distorts the people’s will.

INTERNATIONAL OBSERVATION

In the last 20 or so years, countries around the world have taken an interest in elections in other countries. The main interest emanates from a desire to enhance the credibility of electoral processes and to promote international standards for election administration and observation. International Observers are not participants in the electoral process and therefore can be viewed as objective by all competitors. International Observers can add international credibility to leaders that are elected through credible elections. During contentious elections, international observers can be an important conduit for ensuring that standards are adhered to and for alerting the relevant authorities if problems arise. The presence of observers can boost the confidence of voters and candidates in situations where there is a lack of trust in the system. Therefore, as an observer, your role extends far beyond visiting polling stations on Election Day. In situations of dispute, reports of international observer missions can be relied upon to mitigate and diffuse the potential disagreements and conflicts.

Election observers should be distinguished from election monitors. Election observers, whether domestic or international, are accredited persons or groups who oversee the

election and voting process whereas monitors are usually election commission officials who supervise the election process and can intervene directly in the process. Various categories of observers include:

- Domestic observers
- International observers
- Representatives of print and electronic media

International election observation is the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment. Election observation is the impartial and professional analysis of such information and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and analysis.

Why Observe?

The presence of observers:

- Gives voters and candidates confidence
- Promotes popular participation in democracy
- Demonstrates the international community's support
- Deters and exposes irregularities and fraud
- Mitigates conflict and promotes peaceful resolution
- Reinforces efforts & credibility of domestic monitors
- Provides impartial assessment & recommendations
- Confirms the level to which international standards were applied

Rights of an Observer

To facilitate their work and guarantee their effectiveness, election observers have the following rights:

- ü Have access to polling stations and counting centres
- ü Obtain official information about the country, election officials and election process
- ü Attend observers briefs
- ü Speak to or communicate with anyone outside the polling station with regards to the election

Regional and International standards

In the last few years, African and other countries have demonstrated support for shared international and regional standards concerning the conduct of elections. In some places, this need arose due to questionable electoral practices whose product (elected leaders) have proceeded to install themselves into office against the will of the people. This prompted the development of international standards and guidelines that all countries are expected to adhere to in the conduct of elections. The integrity and

credibility of an electoral process is judged according to how well these standards were upheld.

The most prominent regional and international standards are:

- ü The Principles for Election Management, Monitoring and Observation (PEMMO)
- ü SADC Standards for Election Observation
- ü SADC Norms and Standards for Democratic Elections
- ü African Union Guidelines on Election Observation and
- ü Election Standards and Code of Conduct for Observers

In summary, the principles examine:

- ✓ The constitutional and legal framework for elections
- ✓ The importance of transparent and accessible pre-election procedures (such as the delimitation process, voter registration and candidate nomination)
- ✓ Equitable access to media and the fair use of public resources
- ✓ Organization and management of the election phase, including the location and accessibility of polling stations, layout of polling stations, secrecy of the ballot and the counting process
- ✓ Post election issues including settlement of disputes and ways of ensuring that results are acceptable to all contestants and
- ✓ Requirements for unhindered, professional, credible and impartial monitoring and observation of the electoral process.

IMPORTANT: As an observer, it is critical that you read and understand the regional and international standards, especially those from SADC.

What to observe

Ideally, observers are supposed to observe the election process before Election Day. The electoral process goes as far back as when legislation is being developed (creation of a constitution and election laws or regulations). This is important because these documents are the basis and the final authority on an election. If certain provisions are built in to disadvantage some contestants at this stage, the rest of the process will continue to run with a bias whose outcome will not be a reflection of the will of the people.

The other processes that follow after legislation include delimitation of constituencies, voter registration, voter education, candidate nominations, campaigns and election day activities.

However, it is rarely possible to have observers on the ground for long, protracted periods. Therefore, at this stage of the Swaziland election, you are expected to observe:

- Pre-election Activity
 - Voter Registration

- Changes to Electoral Law
- Candidate Nomination/Registration
- Campaigns
- Level Playing Field
- Material Preparations
 - Use of and access to media
- Polling and Counting
- Consolidation & Announcement of Results
- Post-Election Activities

Election Day

- Presence of election commission personnel
- Election materials
- Opening of Polls
 - Polling stations & booths marked and easy to find?
 - Polling officials present?
 - Candidate agents & other observers present?
 - All required materials available?
 - Ballot box shown to be empty before being sealed?
 - Polling station opens on time (7 am)?

Polling

- Security forces present?
- Polling officials and security personnel impartial?
- Officials trained and knowledgeable?
- Unauthorized individuals prevented from entering?
- Ballot box in clear view?
- Identity of voters verified?
- Voters checked against roll?
- Voters allowed to cast tendered ballots?
- Ineligible voters turned away?
- Candidate agents verify sealing of each ballot box?
- Blind/incapacitated voters allowed assistance according to the official regulations?
- Secrecy of the ballot upheld?
- Challenged, tendered, & spoiled ballots in specified packets?
- Polling proceeded peacefully & without disruption?

- Polling Officials listen to & respond to complaints?
- Candidate agents attempt to influence voters?
- Area around station free of campaigning?
- Area around the station free from campaign posters?

•Closing of Polls

- Polls close on time?
- People in line at closing allowed to vote?
- People who arrived after closing prevented?
- All ballot boxes taken to counting room?
- Boxes accompanied if moved from polling station to other location by authorized personnel?

•Counting

- All ballot boxes still sealed?
- Candidate agents present?
- Unauthorized individuals prevented from witnessing?
- Sufficient light & space?
- Counting proceeded peacefully & without disruption?
- Votes transparently counted and recorded?
- Valid & invalid votes correctly & consistently assessed?
- Presiding Officer considers & impartially settles disputes?
- Following ballot papers declared invalid?
 - Unofficial papers
 - Without official mark
 - Marked with anything other than the stamp
 - No mark
 - Marks for more than one candidate
 - One mark that falls evenly between two candidates

Closing of Counting

- Invalid ballot papers placed in a separate envelope?
- Candidate agents allowed signing the final results form?
- Results posted?
- Record:
 - # of ballots cast
 - # of spoilt ballots
 - # of challenged ballots
 - # of tendered ballots
 - # for each candidate for each race

The Voting process step by step

The activity that will occupy all your time on September 19 will be visiting polling stations and recording what you observe during your visit. This is why you must understand the steps that take place inside a polling station as a voter walks through. If you are ignorant of the voting process, you will be as good as a tree standing in the polling station (of course looking international).

You must ensure that you are at a polling station before it opens so that you can verify the opening procedures. Polling stations open at 7am and close at 5pm.

Here is what happens at a polling station- watch carefully:

1. The voter arrives at the polling station and joins the que
2. Voter enters polling station and produces his registration card
3. The voter's name is crossed out of the voters list
4. Voter is given a ballot paper for MP
5. Voter moves into polling booth
6. Voter makes a cross on the picture of one candidate of their choice and folds the ballot paper
7. Voter shows election official the official mark on the folded ballot
8. Voter drops the ballot into the ballot box for MP
9. Voter collects ballot paper for Tinkhundla candidates
10. Voter makes a cross on the picture of one candidate of their choice and folds the ballot paper
11. Voter shows election official the official mark on the folded ballot
12. Voter drops the ballot into the ballot box for Tinkhundla
13. The voter's card is punctured as proof of voting
14. The voter leaves the polling station

Take note: While this process is taking place, some irregularities might be taking place outside the station (such as voter intimidation, vote buying, stopping of voters from entering the station before closing time, illegal campaigning at the station, etc). Be sensitive to these issues and record them wherever you observe them.

Remember:

- ***You cannot enter the polling station if you are not accredited. Ensure that you receive your accreditation from the Elections and Boundaries Commission before Election Day.***
- ***You are not at a polling station to supervise or do the work of election officials. Be courteous to the officials, but do not interfere with their work or the process.***
- ***The first thing you should do as you visit each polling station is to introduce yourself to the Presiding Officer.***

Tips for observers

- Understand the political context
- Identify yourself
- Maintain neutrality at all times
- Know & respect election rules
- Identify & document violations
- Report detailed information
- Refrain from commenting publicly on any aspect of the election
- Raise all the legitimate concerns /problems with the presiding officer
- Document/write down comments relating to your observation work

Security tips

- ü The rule of thumb is to avoid all dangerous or risky situations. **RUN IF YOU MUST**
- ü Do not provoke or cause unnecessary conflict
- ü Avoid areas where there are riots and demonstrations
- ü Do not take sides in conflict situations
- ü Report your presence to the local police

Observation Checklist

To make it easier for you to record information about what happens at each polling station, it is useful to have several copies of a polling station observation form. You fill one form for each polling station that you visit. This helps you stay focused and provides you with accurate details. Below is one observation form, which your institution may add to should they need to capture extra information.

POLLING STATION OBSERVATION FORM			
DATE:			

A. Observer information			
1	Observer name		
2	Arrival time at the polling station	3	Departure time

B. Polling station details			
4	Polling station number	5	Polling station name
6	Constituency number	7	Constituency name
8	Number of registered voters in the PS	9	Number of those having voted at the time of visit

C. Voting and counting process Tick the box if you observed any of the following irregularities <u>and provide your comments on the comment pages</u>			
10	Polling station did not open on time	11	Indelible ink was not applied
12	EBC staff attendance at the polling station was not adequate (less than 7)	13	Secrecy of the vote was not respected
14	Some or all of the election material were missing	15	Voters were not given a ballot papers
16	Ballot boxes not properly sealed	17	There was a misunderstanding regarding procedures to follow for the 2 ballot papers
18	Instances of voter intimidation	19	Counting was not done in the presence of the candidates, agents and observers
20	Instances of persons claiming they had registered but their names were not found on the voter list	21	Controversial decisions on doubtful ballot papers
22	Instances of persons allowed to vote without being on the voter list (apart from polling station staff and security officers)	23	Presiding officer, agents and observers did not agree on the reconciliation of ballots
24	Instances of persons allowed to vote without presenting a voter card or an ID card	25	Other irregularities

D. Candidate agents. Please write down the candidates that had agents present at the polling station			
26		27	
28		29	
30		31	
32		33	
34		35	

E. CONSTITUENCY VOTE RESULTS

TO BE FILLED OUT BY THE OBSERVER AT THE END OF THE COUNTING OF CONSTITUENCY VOTES IN THE POLLING STATION

Total number of votes cast	
Total number of ballots issued	
Total number of <u>spoiled</u> ballots	

Total number of <u>rejected</u> ballots	
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Name of the Candidate (Constituency Votes)	Number of Votes

CONCLUSION :

- *try to visit as many polling stations as possible but do take the time to observe all aspects of the voting process at each station.*
- *you must observe the counting process at one polling station. Once the counting starts, you should stay in the station until the counting process is complete.*
- *do not interfere with the voting or the voters in any way*
- *compile your report based on your objective observation*
- *you are responsible for your own security*

✓ GOOD LUCK ON SEPTEMBER 19,2008 AND ENJOY THE HARD WORK !!

Annex III

OBSERVING THE SWAZILAND ELECTIONS

A MANUAL FOR CANDIDATES AND POLLING AGENTS

Compiled by NDI Swaziland
September, 2008

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ABOUT NDI IN SWAZILAND

The National Democratic Institute for International Affairs (NDI) is an institution that works to promote democracy worldwide. Currently working in over 40 countries, NDI works with local partners to enable them engage in the democratic process more meaningfully. Through its regional office in Johannesburg, South Africa, NDI provides programming to promote democratic development in the Southern Africa Development Community (SADC) region.

With the support of the US Embassy in Mbabane and from the United States International Agency for Development (USAID) in southern Africa, NDI is working in Swaziland to assist in enhancing the understanding of civic organizations and parliamentary candidates on how to observe the voting process in order to promote electoral integrity as well as regional and international standards for democratic elections. NDI plans to provide this assistance by conducting election monitoring training workshops in readiness for the September 19, 2008 elections. This training will draw participants from civic organizations, candidates and their agents and members of foreign missions.

This document was designed based on the relevant constitutional and statutory regulations of the Kingdom of Swaziland. While every attempt was made to ensure its accuracy, it is understood that the prevailing laws and regulations of the Kingdom of Swaziland will take precedence.

Elections and Democracy

Elections remain the most critical element in a democracy because it accords the citizens a unique opportunity to select their leaders. Democracy has been defined as the system of government that recognizes and uphold citizens participation in the governance process. Elections on the other hand denotes a process whereby citizens participate in the selection of the leaders and formation of government.

Various international instruments recognizes citizens participation in the electoral process. Article 21(1) of the Universal Declaration of Human Rights provides, “*everyone has the right to take part in the government of his country, directly or through freely chosen representatives*”.¹ The prominence of elections is clearly spelt out in subsection 3 of the same declaration which states that “*the will of the people shall be the basis of authority of government: this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*”² The importance of elections and the significance of citizen participation enshrined in the international instruments is also included in the Swazi Constitution.

¹ United Nations Document A/810 at 75 (1948): Universal Declaration

² Ibid

Section 84 of the Swaziland Constitution guarantees the right to be heard through freely chosen representatives.

The Swaziland Constitution also guarantees the right to vote at elections (Section 88 and 89).

The constitution of Swaziland (section 79) states that “ *the system of government for Swaziland is a democratic, participatory, Tinkhundla-based system which emphasizes devolution of state power from central government to Tinkhundla areas and individual merit as a basis for election or appointment to public office.*”

Citizens vote for a variety of reasons .Some of the reasons why citizens vote are:

- By voting, citizens assume control over their lives and what happens to their communities.
- Voting ensures that all citizens have the opportunity to elect candidates who share their interests and top concerns.
- Voting also gives citizens the opportunity to remove representatives they feel do not represent them.
- Voting is a peaceful way of determining who will exercise political power.
- Voting demonstrates citizens’ commitment to the democratic process

After electing their leaders, citizens should be able to demand performance, transparency and accountability because the elected are in office to represent the wishes of the electorate. Therefore, the process by which leaders are ushered into office must be one that is open, inclusive, and legally competitive and produces a true representation of the will of the voters. It must be a process which does not condone intimidation, bribery, coercion or any manipulation that distorts the people’s will.

POLITICAL PARTY AND CANDIDATE AGENTS

Given the fact that political parties and candidates are the foremost players in the electoral process, most countries allow for parties and or candidates to send agents to observe the elections on their behalf. Individuals who represent parties or candidates at the polling and counting stations on election day are called party or candidate agents. It is important to remember that in Swaziland, the law does not allow parties to field candidates for the elections. Accordingly, candidates will stand as independents but would nevertheless be allowed to deploy agents in the polling stations.

It is imperative to note that as a candidate agent, the primary responsibility is to represent and protect the interest of your candidate first and to serve a greater course of democracy by ensuring that the elections in Swaziland is free and fair. To this end, it will be incumbent upon you as an agent to make reasonable intervention to ensure that the interest of your candidate is protected and that anomalies are promptly brought to the attention of the Presiding officer.

Tasks of an Agent

To effectively discharge their responsibilities and to protect the interest of their candidates, polling agents must perform the following tasks;

- ü Be familiar with the political and electoral environment leading up to the election day.
- ü Fully understand the electoral process beginning with the enactment of the relevant electoral laws, registration of voters, nomination, campaigns and the election day itself.
- ü On election day, observe the layout of the polling station, polling materials, presence of election and boundary commission personnel.
- ü Take particular note on the opening and closing of the polling station.
- ü Check the voter registration list to make sure that it is accurate and that only duly registered voters are allowed to vote.
- ü Ascertain that the counting and tallying of votes is done in a transparent manner.
- ü That all polling materials are transported without interference or manipulation.
- ü Check whether the announcement of results reflects the count accurately.

Why do Parties /Candidates Monitor Elections

As mentioned earlier, political parties and candidates have a direct stake in the outcome of the elections, as such they monitor elections for a number of reasons namely;

- ü To give voters and candidates confidence in the electoral process.
- ü To promote popular participation in democracy.
- ü To deter and exposes irregularities and fraud.
- ü To mitigate conflict and promotes peaceful resolution.
- ü To reinforce efforts & credibility of domestic and international monitors.
- ü To provides impartial assessment & recommendations.

Rights of Polling Agents

An election or polling agent may observe election proceedings during voting, counting of votes, and the determination and declaration of results. To facilitate their work and guarantee their effectiveness, polling agents have the following rights:

- ü Have access to polling stations and counting centres
- ü Obtain official information about the proceedings and other pertinent issues affecting elections from the presiding officers.
- ü Verify all voting materials and ensure that they comply with the particulars of the polling station.
- ü Participate in the assistance of illiterate and disabled voters.
- ü Verify and sign the official results to verify their accuracy.

Please Note that: The absence of an election or polling agent from a place where any electoral proceeding is being conducted shall not invalidate those proceedings.

ELECTION DAY MONITORING

Ideally, party and candidates agents are supposed to observe the election process before Election Day. The electoral process goes as far back as when legislation is being developed, particular attention should be paid to other aspects of the electoral process namely; registration of voters; nominations, campaigns and election day itself. This is important because these documents are the basis and the final authority on an election. If certain provisions are built in to disadvantage some contestants at this stage, the rest of the process will continue to run with a bias whose outcome will not be a reflection of the will of the people.

Polling day is the culmination of all aspects of election and it is the final determinant of the efforts that political parties and candidates have put in the campaign process. Since most activities occur on this day simultaneously agents are supposed to be very professional and vigilant.

The following tips are important at various stages;

Pre-election Activity

- Voter Registration
- Changes to Electoral Law
- Candidate Nomination/Registration
- Campaigns
- Level Playing Field
- Material Preparations
- Use of and access to media
- Polling and Counting
- Consolidation & Announcement of Results
- Post-Election Activities

Election Day

- Presence of election commission personnel
- Are there sufficient election materials in the polling station as is required?
- Opening of Polls on time
- Polling stations & booths marked and easy to find?
- Does the layout of the polling station guarantee security and secrecy of votes?
- Are there other agents present at the polling station?

- All required materials available?
- Ballot box shown to be empty before voting begins?

Polling

- Security forces present?
 - Polling officials and security personnel impartial?
 - Officials trained and knowledgeable?
 - Unauthorized individuals prevented from entering?
 - Ballot box in clear view?
 - Identity of voters verified?
 - Voters checked against roll?
 - Voters allowed to cast tendered ballots?
 - Ineligible voters turned away?
 - Candidate agents verify sealing of each ballot box?
 - Blind/incapacitated voters allowed assistance according to the official regulations?
 - Secrecy of the ballot upheld?
 - Challenged, tendered, & spoiled ballots in specified packets?
 - Polling proceeded peacefully & without disruption?
 - Polling Officials listen to & respond to complaints?
 - Candidate agents attempt to influence voters?
 - Area around station free of campaigning?
 - Area around the station free from campaign posters?
- **Closing of Polls**
 - Polls close on time?
 - People in line at closing allowed to vote?
 - People who arrived after closing prevented?
 - Boxes properly sealed and candidates agents allowed to append their signatures
 - All ballot boxes taken to counting room?
 - Boxes accompanied if moved from polling station to other location by authorized personnel?
- **Counting**
 - All ballot boxes still sealed?
 - Candidate agents present?

- Unauthorized individuals prevented from witnessing?
- Sufficient light & space?
- Counting proceeded peacefully & without disruption?
- Votes transparently counted and recorded?
- Valid & invalid votes correctly & consistently assessed?
- Presiding Officer considers & impartially settles disputes?
- Following ballot papers declared invalid?
 - Unofficial papers
 - Without official mark
 - Marked with anything other than the stamp
 - No mark
 - Marks for more than one candidate
 - One mark that falls evenly between two candidates

Closing of Counting

- Invalid ballot papers placed in a separate envelope?
- Candidate agents allowed signing the final results form?
- Results posted?
- Record:
 - # of ballots cast
 - # of spoilt ballots
 - # of challenged ballots
 - # of tendered ballots
 - # for each candidate for each race

How to Handle Problems, Incidents and Complaints on Election Day

It is important to remember that the Election and Boundary Commission is the body charged with the responsibility of supervising and managing the Elections. Accordingly, agents should respect this chain of command and deal courteously and respectfully with the election personnel. Agents should intervene by conveying information to the presiding officers in cases of anomalies or irregularities that may escape the attention of the Presiding officers.

- ü Intervene by referring the complaints and information about irregularities on site and asking them to intervene immediately.
- ü Report all incidences of riots or demonstration occasioned by other agents, groups or supporters to the PO and the security personnel present.
- ü Document in writing specific information about all complaints and irregularities.

The Voting process step by step

The activity that will occupy all your time on September 19 will be visiting polling stations and recording what you observe during your visit. This is why you must understand the steps that take place inside a polling station as a voter walks through. If you are ignorant of the voting process, you will be as good as a tree standing in the polling station.

You must ensure that you are at a polling station before it opens so that you can verify the opening procedures. Polling stations open at 7am and close at 5pm.

Here is what happens at a polling station- watch carefully:

1. The voter arrives at the polling station and joins the que
2. Voter enters polling station and produces his registration card
3. The voter's name is crossed out of the voters list
4. Voter is given a ballot paper for MP
5. Voter moves into polling booth
6. Voter makes a cross on the picture of one candidate of their choice and folds the ballot paper
7. Voter shows election official the official mark on the folded ballot
8. Voter drops the ballot into the ballot box for MP
9. Voter collects ballot paper for Tinkhundla candidates
10. Voter makes a cross on the picture of one candidate of their choice and folds the ballot paper
11. Voter shows election official the official mark on the folded ballot
12. Voter drops the ballot into the ballot box for Tinkhundla
13. The voter's card is punctured as proof of voting
14. The voter leaves the polling station

Take note: While this process is taking place, some irregularities might be taking place outside the station (such as voter intimidation, vote buying, stopping of voters from entering the station before closing time, illegal campaigning at the station, etc). Be sensitive to these issues and record them wherever you observe them.

Remember:

- ***You cannot enter the polling station if you are not accredited. Ensure that you receive your accreditation from the Elections and Boundaries Commission before Election Day.***
- ***You are not at a polling station to supervise or do the work of election officials. Be courteous to the officials, but do not interfere with their work or the process.***
- ***The first thing you should do as you when you arrive at the polling station is to introduce yourself to the Presiding Officer.***

Logistics and Communication

Successful monitoring and observation work must have a well coordinated communication strategy. Candidates must ensure that they develop a sound communication strategy to facilitate the work of the agents in the constituency. The chain of command should be respected and polling agents should refrain from giving media reports and personal interviews. As part of the logistics, the following is important;

- ü Ensure that you have accreditation from the relevant officials.
- ü Agents must have appointment letters authorizing them to act in the capacity as agents.
- ü Wear your accreditation badge all the time.
- ü Candidates should appoint and deploy agents near to their polling station.
- ü Note book and a pen is A MUST.
- ü Carry a spotlight or lamps in case of power failure.
- ü Wear shoes that are convenient (no high heels)

Regional and International standards

Given the developments within the SADC region with regard to the promotion of free and fair elections, it is imperative for polling agents to be familiar with the various instruments and standards that govern election with a view to examining whether Swaziland complies with these instruments. In the last few years, African and other countries have demonstrated support for shared international and regional standards concerning the conduct of elections. In some places, this need arose due to questionable electoral practices whose product (elected leaders) have proceeded to install themselves into office against the will of the people. This prompted the development of international standards and guidelines that all countries are expected to adhere to in the conduct of elections. The integrity and credibility of an electoral process is judged according to how well these standards were upheld.

The most prominent regional and international standards are:

- ü The Principles for Election Management, Monitoring and Observation (PEMMO)
- ü SADC Standards for Election Observation
- ü SADC Norms and Standards for Democratic Elections
- ü African Union Guidelines on Election Observation and
- ü Election Standards and Code of Conduct for Observers

In summary, the principles examine:

- ✓ The constitutional and legal framework for elections

- ✓ The importance of transparent and accessible pre-election procedures (such as the delimitation process, voter registration and candidate nomination)
- ✓ Equitable access to media and the fair use of public resources
- ✓ Organization and management of the election phase, including the location and accessibility of polling stations, layout of polling stations, secrecy of the ballot and the counting process
- ✓ Post election issues including settlement of disputes and ways of ensuring that results are acceptable to all contestants and
- ✓ Requirements for unhindered, professional, credible and impartial monitoring and observation of the electoral process.

Observation Checklist

To make it easier for you to record information about what happens at each polling station, it is useful to have several copies of a polling station observation form. You fill one form for each polling station that you visit. This helps you stay focused and provides you with accurate details. Below is one observation form, which your institution may add to should they need to capture extra information.

POLLING STATION OBSERVATION FORM	
DATE:	

A. Preliminary Information			
1	Observer name		
2	Arrival time at the polling station	3	Departure time

B. Polling station details			
4	Polling station number	5	Polling station name
6	Constituency number	7	Constituency name
8	Number of registered voters in the PS	9	Number of those having voted at the time of visit

C. Voting and counting process			
Tick the box if you observed any of the following irregularities <u>and provide your comments on the comment pages</u>			
10	Polling station did not open on time	11	Indelible ink was not applied
12	EBC staff attendance at the polling station was not adequate (less than 7)	13	Secrecy of the vote was not respected
14	Some or all of the election material were missing	15	Voters were not given a ballot papers
16	Ballot boxes not properly sealed	17	There was a misunderstanding regarding procedures to follow for the 2 ballot papers
18	Instances of voter intimidation	19	Counting was not done in the presence of the candidates, agents and observers
20	Instances of persons claiming they had registered but their names were not found on the voter list	21	Controversial decisions on doubtful ballot papers
22	Instances of persons allowed to vote without being on the voter list (apart from polling station staff and security officers)	23	Presiding officer, agents and observers did not agree on the reconciliation of ballots
24	Instances of persons allowed to vote	25	Other irregularities

	without presenting a voter card or an ID card		
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Other Agents, and Observers Present			
		27	
28		29	
30		31	
32		33	
34		35	
E. CONSTITUENCY VOTE RESULTS			

TO BE FILLED OUT BY THE OBSERVER AT THE END OF THE COUNTING OF CONSTITUENCY VOTES IN THE POLLING STATION

Total number of votes cast	
Total number of ballots issued	
Total number of <u>spoiled</u> ballots	
Total number of <u>rejected</u> ballots	

Name of the Candidate (Constituency Votes)	Number of Votes

✓ GOOD LUCK ON SEPTEMBER 19,2008 AND ENJOY THE HARD WORK !!

ANNEX IV

THE COORDINATING ASSEMBLY OF NGOS (CANGO)

DRAFT

OBSERVATION REPORT ON THE 19TH SEPTEMBER 2008 SWAZILAND PARLIAMENTARY ELECTIONS

1. Executive Summary

The 19 September 2008 Swaziland parliamentary, or secondary, elections were held in accordance with the Constitution of Swaziland to determine constituency representatives in parliament for the next five years. The Coordinating Assembly of NGOs (CANGO) conducted its observation of the 2008 parliamentary elections with respect to the constitution of Swaziland and regulations governing the electoral process, with respect to the Principles for Election Management, Monitoring and Observation (PEMMO), and in accordance with the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections.

CANGO found that voters were largely able to express their will in these elections free from intimidation or undue influence. The work of the Elections and Boundary Commission (EBC), responsible for undertaking preparations for the secondary elections, was professionally executed. However, CANGO would like to raise concern with the governance system based on individual merit rather than multipartyism, which is in contrast with regional and international standards that provide for the effective competition of political parties in the electoral process.

With the goal of promoting public confidence, understanding, transparency and accountability in the Swaziland electoral process, CANGO offers the following recommendations to the government of Swaziland on behalf of ordinary citizens in the spirit of national cooperation:

- The government of Swaziland should consider reforming its governance system to permit for political party participation in accordance with regional and international standards and practices.
- Legislation governing the electoral process should be enacted to clarify and articulate the roles and responsibilities of election administrators and election observers.
- The counting of votes should take place at the polling station immediately after voting in accordance with article 4.1.8 of the SADC Principles & Guidelines Governing Democratic Elections and standard regional and international practice.
- Accreditation of observers should be administered in a non-discriminatory manner in accordance with articles 4.1.9, 6.1.2, and 7.8 of the SADC Principles & Guidelines.
- Voter education should be intensified to enable voters to exercise their rights under the law competently.

- Delimitation should be fully implemented with immediate effect to encourage smaller chiefdoms to fully participate as currently they are dominated by larger chiefdoms within the constituency.

2. Context

On the 19th September 2008, the country was engaged in parliamentary or secondary elections, which determine constituency representatives in Parliament for the next five years.

Members of Parliament in Swaziland are elected on individual merit based on people's appreciation of individual contribution to their constituency development.

3. Methodology

CANGO planned to field a team of 55 observers across all the Tinkhundla Centers. However, CANGO's plans were affected by the late changes brought about by the Elections and Boundary Commission (EBC) wherein elections were held at Chiefdom level. To this end, the 55 observers were expected to at least cover some Chiefdoms in a Constituency.

In view that the Constitution of Swaziland does not prevent any observation mission in carrying out its duties as it is silent on the issue of elections observation, the Coordinating Assembly of Non-Governmental Organizations (CANGO), with the support of National Democratic Institute for International Affairs (NDI), decided to observe the elections. CANGO used the Principles for Election Management, Monitoring and Observation (PEMMO), which stipulates the rights and responsibilities for election monitoring and observation in the SADC region, as its guidelines to observe the 2008 parliamentary elections.

In addition, CANGO conducted its observation mission in accordance with the SADC Principles and Guidelines Governing Democratic Elections. Consistent with legal and policy instruments of the *African Union Declaration on the Principles Governing Democratic Elections in Africa*, the SADC Principles and Guidelines Governing Democratic Elections articulates basic tenets which are to be upheld by member states in the conduct of elections and encapsulates the fundamental rights of election observers within the electoral process. It enshrines democratic norms such as the right of political parties & candidates to freely campaign; voter education; equal access for political parties & candidates to state-run media; impartiality of electoral management bodies; transparency in the ballot counting process; mechanisms for parties & candidates to lodge complaints and appeals; the non-discriminatory accreditation of observers; and access of observers to all relevant actors and aspects in the electoral process.

4. Preparation of the mission

CANGO, through financial support from the National Democratic Institute (NDI), organized a one day workshop for the recruited domestic observers for the 2008 parliamentary elections. Facilitators from the National Democracy Institute were drawn to train the observers. The objective of the workshop was to orient participants on how to conduct elections observation. The participants were also provided with the election process in Swaziland as well as an understanding of the SADC Principles and Guidelines Governing Democratic Elections. Also, the forum went on to discuss, what to look for in an election observation, including, the role of observers. The workshop trained a total of 64 potential observers who were then reduced by CANGO to 55 observers covering the 55 Tinkhundla centers.

The CANGO team leader met various observation missions to exchange findings and preliminary observations regarding the electoral process. These were domestic and international observers from the African Union (AU), the Pan African Parliament (PAP), the Southern African Development Community (SADC), the SADC Election Commissioners Forum (SADC ECF), the Commonwealth, the United States Embassy, and the Electoral Institute of Southern Africa (EISA), and the Swaziland Council of Swaziland Churches

5. Accreditation process

Accreditation, which is a pre-requisite to observation, was done very well with the international observers who received an accreditation ID card and observation pack, which included:

- A map showing the directions to Tinkhundla centers
- The constitution of Swaziland
- Registration flier
- Polling procedure flier
- Code of conduct for observers
- List of polling centers
- Elections order, 1992 voter registration order, 1992 notes for candidates
- A brief summary on the conduct of elections in Swaziland.

The EBC was only able to accredit 10 observers from CANGO. They stated that they were overwhelmed by international observers and hence, the restriction on local observers. CANGO expressed dissatisfaction at this arrangement as it already restricted the CANGO team. The EBC could not change their position. With the effort of training 55 observers in mind for the same assignment, a decision to observe without the accreditation was taken for the remaining 45 observers who were without accreditation. This was communicated to the EBC. They were however, cautioned to restrict their observation outside the voting site so that they would not interfere with the presiding officer with the process. Also to be noted is that the local observers from CANGO did

not get the election pack which was extended to the international observers and other election officials. The limited number to be accredited was also not received well by the observers as they invested their time and resources to attend trainings for observation and only to be told on the last day that there is no accreditation.

These action taken by the EBC in the accreditation process undermine multiple articles of the SADC Principles and Guidelines Governing Democratic Elections, including article 4.1.9, which calls for the establishment of the mechanism for assisting the planning and deployment of electoral observation missions; article 6.1.2 which calls for accreditation as election observers on a non-discriminatory basis; and article 7.8 which calls on SADC member states to ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors.

6. Observation during the voting day

6.1 Voter turnout

The mission observed the high turnout of voters in the 2008 Parliamentary Elections. The enthusiasm the voters had was palpable. Some CANGO team observers at Mliba Centre and Zombodze Emuva constituency reported that voters arrived at the polling centers at dawn. This was also confirmed by the long queues where voters patiently waited to vote way before the opening time.

It is worth noting that whilst queues were long, presiding officers were able to manage the long queues in the scorching sun, as the temperatures were generally very high. However, there are some officers who were very slow could not keep pace with the process. Advice from voters on how to fast track voting process was ignored. Some frustrated voters threatened to leave without voting. It is difficult to confirm whether indeed some left without voting due to this problem or not. However, after all this, due to the enthusiasm, most voters were able to wait patiently to vote and returned to their various households on a reasonable time.

6.2 Voters Behavior

The mission noted that in general voters were well behaved. Despite the long queues and the scorching heat waves, the voters looked prepared and eager to cast their vote.

6.3 Security

Also to note was the presence of police officers in every polling station, as least two officers per station and at most eight were present. The difference in the distribution or deployment of officers was caused by the anticipated voter turnout per centre as per the voters' roll.

Security was more tight at Zombodze Emuva polling station, comprising; community police, Royal Swaziland Police, correctional services officials, Umbutfo Defence Force (USDF) and OSSU who were deployed at strategic points around the polling station. This was due to the fact that there were about a 100 people who were demonstrating at the gate of the polling station. Demonstrators were issuing statements against one of the candidates and dressed up in T-shirts with a label of one of South African political parties (Inkatha freedom Party- Youth league).

The presence of police officers inside polling stations can contribute to a sense of voter intimidation.

6.4 Polling Station Organization

Most of the polling stations were opened on the official time which was 07:00 hours. However in a few cases they started the voting process 30 – 40 minutes later, this was due to the late arrival of the candidates or their agents at the polling site.

The mission observed that, in some instances, there was a confusion of where exactly the polling centre would be. This was due to the fact that there was no information on voting sites in some constituencies, as the presiding officers did not make any announcement. At mbelebeleni, for an example, some voters went to the nearest school; some went to a community centre while the presiding officer and her team were at the umphakatsi. Also the security officers, some candidates and the observers also could not locate the site on time This was a clear indication of poor communication on the part of the EBC. However there was a quick intervention and the voters were collected and transported to the polling centre.

The mission does applaud the manner in which the polling centers were organized. Inside the polling centre the voting booths were widely spaced in a manner that promoted secrecy.

The voting material was also well organized. The mission has not witnessed any obstacles or cases of shortages of stationary material or whatsoever. However 19 of the voting sites did not have sufficient lighting. Some times EBC officials used candles, some used torches, and some used hand gas. All this did not give the necessary sufficient lighting that would allow every one to see especially on the counting day. At one Inkhundla they imported power from a neighbour. While counting was still going on, the cable was disturbed and the power went off. The retuning officer had to use the hand gas, for lighting, until counting finished.

However, at Mangwaneni polling station there was insufficient space between the polling booths which compromised privacy of the voters. Further, in some instances the presiding officer was too busy such that voters had to assist each other compromising the secrecy of the vote.

6.5 Voter Check-in

The mission was concerned with the manner the voters roll was handled. It had been previously announced that the voters' roll would be available at voting centers for inspection and maybe, if need be, reconciliation with other registration centers especially for those that registered in other centers needed to be transferred.

The long queues were sometime caused by in ability to confirm the registration card against the voters' roll this created congestion at the entrance of the polling centre. However it is worth noting that some presiding officers managed that challenge with some degree of professionalism. The presiding officers intervened and expanded the tables to allow four different queues to be attended at the same time since they had enough polling officers. A suggestion would have been that the voters' roll should be in chronological order not alphabetical as was the case, because it also contributed to the delay.

6.6 Election Officials

The EBC deployed, at most polling centers, 16 election officials per polling station. In some instances there were eight officials while other centers had seventeen. Though there were four or six men in some centers, but on average the election officials were mostly dominated by women.

6.7 Closing of the polling

The polling centers were closed generally around 18:00 hours which was the official time for closing. In some areas they closed some 40 minutes later due to the fact that voters were still on the line.

The officials called the candidates and/or their agents to come closer to the ballot boxes for sealing. The officials used padlocks and wax to lock and seal the ballot boxes. This was done in front of everyone, including the observers and the police. Then the candidates and or their agents were given the chance to inspect the boxes, especially the way they were sealed, so that they can be able to identify if any of the boxes have been tampered with the following morning.

After the sealing the boxes were taken to police stations. In some cases, the transportation was done using open vans. The safety of the votes was compromised. As a measure of transparency, article 4.1.8 of the SADC Principles and Guidelines of Democratic Elections states that the counting of votes should take place at the polling station immediately after the closing of polling.

6.8 Collection of ballot boxes from the police stations.

Decisions to collect the ballot boxes at 06:30 hours from the police stations were taken after the conclusion of the sealing process. Some observers did witness the collection of the ballot boxes from the police stations. The officials came on the agreed time while at some police stations the candidates and or their agents were late and thus letting the counting to start late at most 08:30hours. Others did start at 07:00 hours.

6.9 Counting and Announcement of Results

In a number of the Tinkhundla centers, counting started at about or between 07:00hours and 09:00 hours. The presiding officers allowed for inspection of the ballot boxes by the candidates and the agents including the observers and security officers. This was to make sure that the ballot boxes were not tampered with. Counting continued with some 10-15 minutes breaks in between. The polling officers were given the names of the contesting candidates and a pile of the ballot papers of that particular candidate was assembled in front of the named polling officer to count. As that particular polling officer was counting, he or she had to verbalize the counting and shout for everyone in the room to hear 1, 2, and 3 and so on as he puts each ballot paper on the table for everyone to see.

6.10 Announcement of the Overall Results:

After counting the winners were announced and the number of votes for each candidate was also mentioned by the returning officer. However, in the case of Zombodze Emuva the names of the overall winners were not announced but the votes per candidate were mentioned by the returning officer.

7. Conclusion

From what we have observed on the secondary elections we conclude that there was no evidence that there was intimidation and undue influence on voters however evidence of intimidation was noted at one polling station- Zombondze Emuva. Further, voters were patient and willing to cast their votes despite long queues and unfavourable weather conditions. In some areas voters also arrived early in the morning indicating that they were ready and eager to cast their votes.

However, observing the political environment in Swaziland, there are areas of serious concern to us as civil society. A clear observation on the weakness of the electoral process was noted when the primary elections were conducted even before the voters' roll was published. It was also observed that the system of governance which is based on individual merit which conflicts with regional and international standards, which favours multi party system of governance, remains a challenge, as a section of those in favour of multiparty are unable to participate in the elections. The Blockade protest which was planned just prior to the elections serves to confirm this problem. Swaziland

remains the only country in the SADC region that does not permit for political parties to legally participate in the electoral process.

We would like to observe that the Elections and Boundary Commission (EBC) preparations for the Secondary Elections was professionally executed and this is commendable. We would like to further observe that whilst the polling stations at Chiefdom level reduced congestion and facilitated effective management of voters, voters are tempted to focus on their local candidate instead of the whole Constituency. Hence, the smaller Chiefdoms may continue to be marginalized.

Prepared by CANGO

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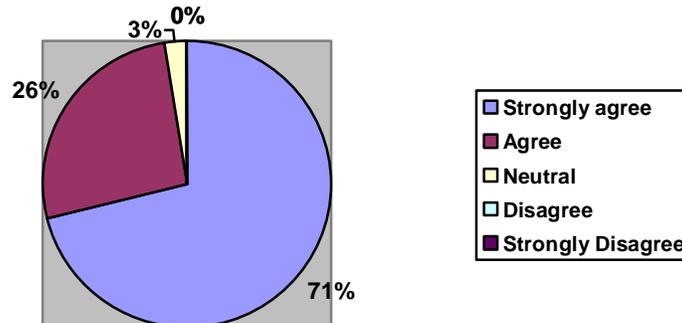
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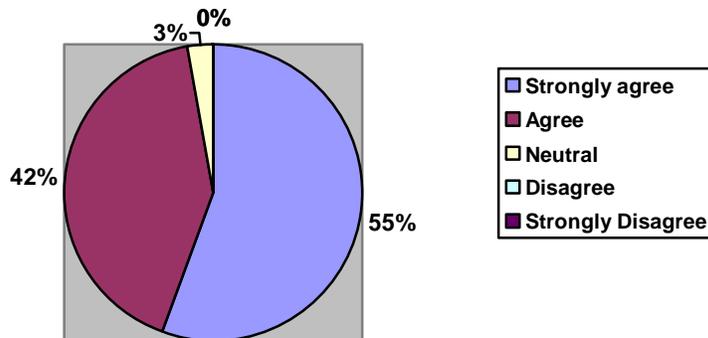
Website: www.cango.org.sz

Appendix V: Participant Training Evaluation Form Summary

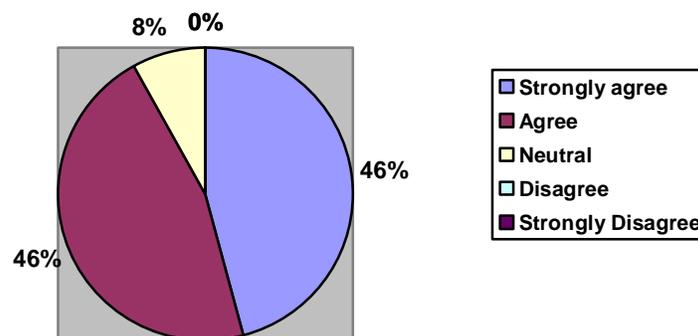
1. The training met my expectations



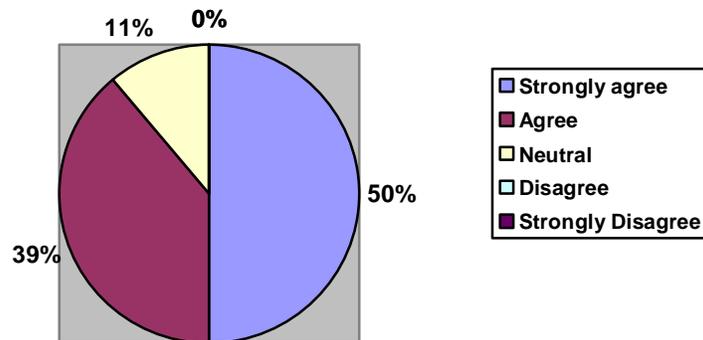
2. I will be able to apply the knowledge learned



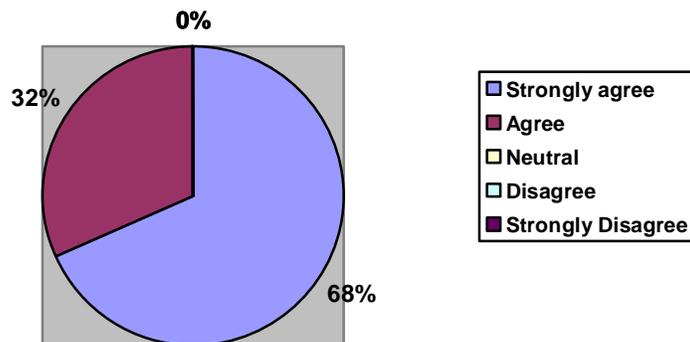
3. The training objectives for each topic were identified and followed



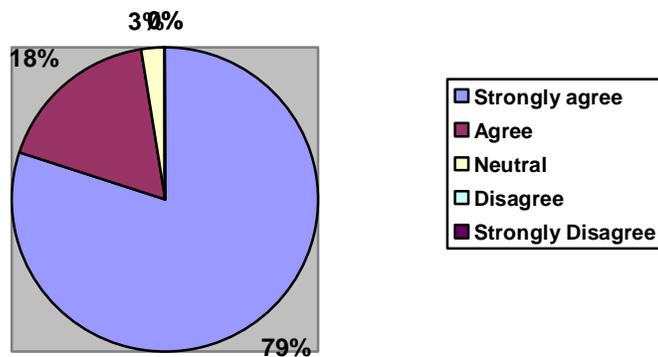
4. The content was organized and easy to follow



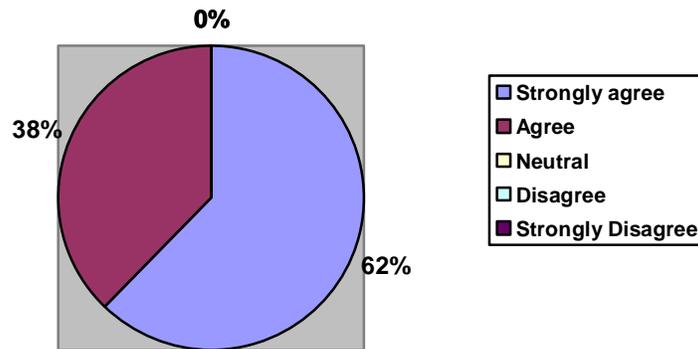
5. The material distributed were useful



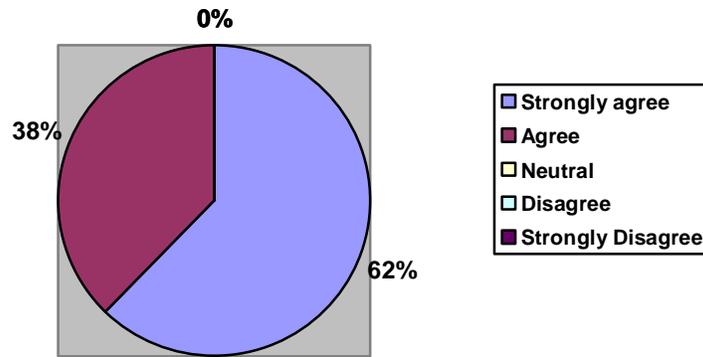
6. The trainer was knowledgeable



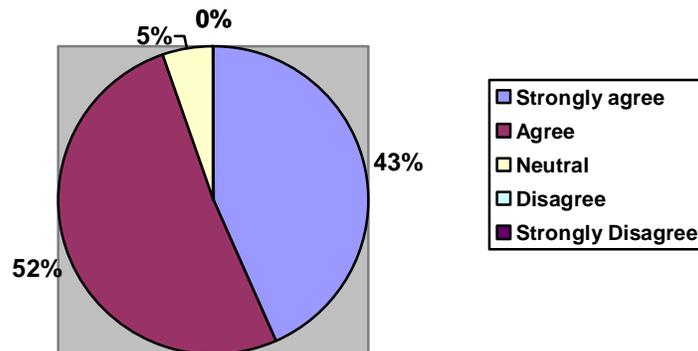
7. The quality of instruction was good



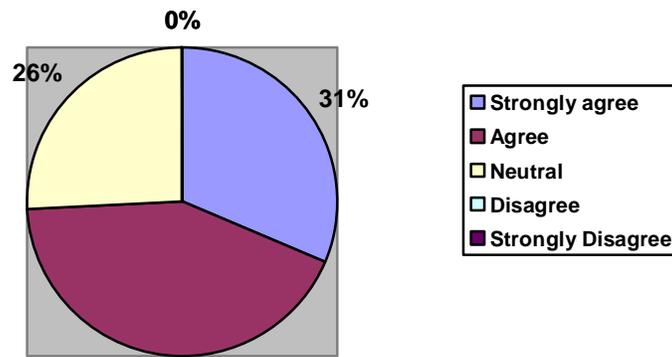
8. The trainer met the training objectives



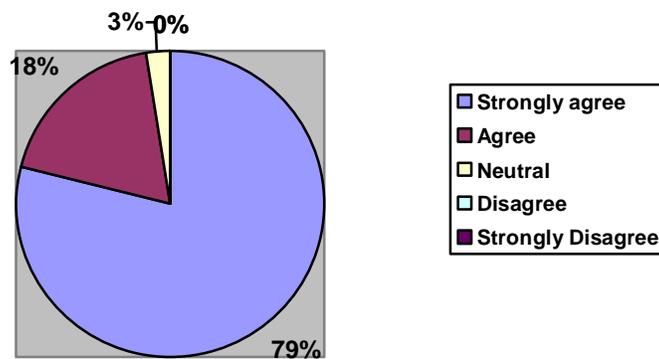
9. Participation and interaction were encouraged



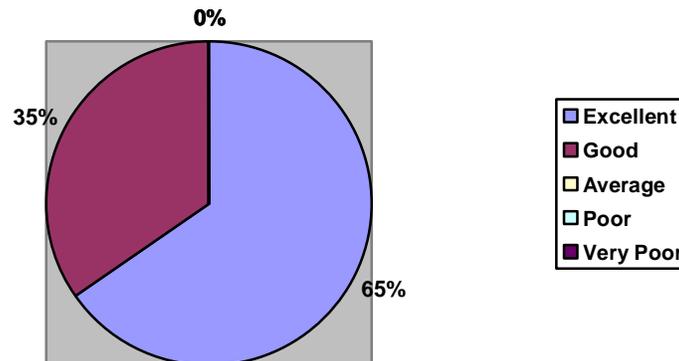
10. Adequate time was provided for questions and discussion



11. The venue for the training was conducive to learning



12. How do you rate the training overall?



Annex VI: Indicator Report

INDICATOR	RESULT	COMMENTS
Objective 1. Enhance the understanding of civic organizations and parliamentary candidates on how to promote electoral integrity as well as regional and international standards for elections.		
Number of civic organizations and parliamentary candidates that develop election-day monitoring plans	2	
Number of civic organizations and parliamentary candidates that deploy election-day monitors/poll watchers according to their plans	2	
Number of polling stations monitored	10	<i>Additional polling stations were monitored from the outside due to accreditation challenges.</i>
Number of statements issued by civic organizations or parliamentary candidates on the conduct of the parliamentary elections	0	<i>Statement drafted but not publicly issued. See evaluation in report.</i>
Objective 2: Promote communication among international, regional, and domestic election observers in accordance to the <i>Declaration of Principles for International Election Observation</i>.		
Number of statements issued by civic organizations or parliamentary candidates that make reference to regional and/or international election standards	0	<i>Statement drafted but not publicly issued. See evaluation in report.</i>
Number of meetings held and communication links established among international, regional, and domestic observers based on the <i>Declaration of Principles for International Election Observation</i>	2	