

Electoral Management Bodies Capacity

Assessment Report

June 2008



Acknowledgements

We would like to thank the Commissioners and CEOs/Heads of the Secretariat of the electoral commissions of Botswana, Malawi, Madagascar, Mozambique, Zambia and Swaziland who so kindly gave of their time to respond to the questionnaire. Their insight and commitment to this project greatly assisted the drafting of the assessment report.

This report has been compiled by Louise Olivier and Ilona Tip with input from Belinda Musanhu



United Nations
Democracy Fund



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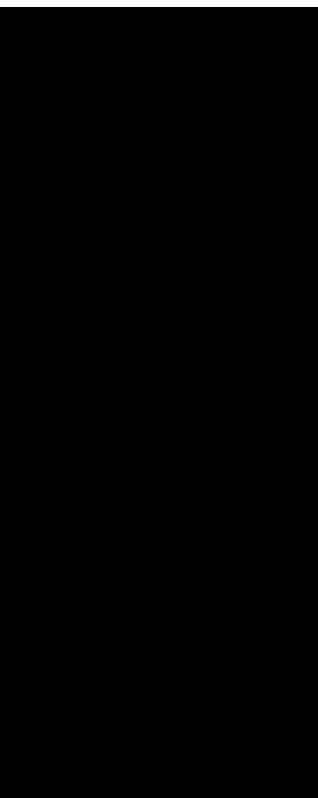
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Acronyms

BRIDGE	Building Resources in Democracy, Governance and Elections
CDF	Capacity Development Facility
CEI	Commission Électorale Indépendante
CEO	Chief Executive Officer
CNE	Conseil National Électoral
EBC	Elections and Boundaries Commission
EC	European Commission
ECF	Electoral Commissions Forum
ECN	Electoral Commission of Namibia
ECZ	Electoral Commission of Zambia
EISA	Electoral Institute of Southern Africa
EKN	Electoral Knowledge Network
EMBs	Electoral Management Bodies
GIS	Geographic Information System
ICT	Information and Communications Technologies
IEC	Independent Electoral Commission
MEC	Malawi Electoral Commission
MIRA	Ministère de l'Intérieur et de la Reform Administrative (Madagascar)
MPs	Members of Parliament
NEC	National Electoral Council
NGOs	Non-governmental Organisations
SADC	Southern African Development Community
STAE	Secretariado Técnico de Administração Eleitoral

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Executive Summary



This assessment report undertakes a determination of the needs and requirements of Electoral Management Bodies (EMBs) in southern Africa. The objective is to determine constraints and challenges that EMBs face in the delivery of their mandate to ensure free and fair elections. The assessment is a component of the ACE Electoral Knowledge Network (EKN) and provides guidance through a series of recommendations, on capacity development tools and educational programmes for EMBs.

The ACE EKN is a first-of-its-kind initiative of nine organisations that are active in electoral management, support and development. It is a partnership between EISA, Elections Canada, Federal Electoral Institute of Mexico (IFE), IFES, International IDEA, United Nations Electoral Assistance Division, United Nations Department for Economic and Social Affairs and the United Nations Development Programme. The European Commission (EC) is an ex-officio member.

The information that provided the basis for the assessment was accessed from responses received from six EMBs; Malawi, Mozambique, Swaziland, Zambia, Madagascar and Botswana. In the first three instances the interviews were conducted in-country and in the latter three instances the responses were sent electronically. The responses were elicited through a questionnaire tool developed specifically for this project. The EMB responses were supplemented by desktop research.

Key findings identified capacity constraints amongst electoral staff as the greatest challenge to the EMB's ability to deliver

The key findings identified capacity constraints amongst electoral staff as being the greatest challenge to an EMB's ability to deliver on its mandate. The overarching objective of an EMB is to deliver an election that is free and fair to the people of the country that it serves. Intrinsic to the ability to deliver such an election, is the quality of the personnel that work in the EMB. An under-resourced EMB or an EMB resourced with people that have inappropriate or negligible skills and expertise will not be able to deliver on this key mandates.

In each instance the EMBs identified the capacity of their staff or personnel as being their most important challenge and the area where they required the most support and assistance. A number of EMBs (Mozambique, Madagascar and Swaziland) identified skills capacity-building as a requirement, as well as more staff to conduct the activities, as being their most important need. Malawi identified more staff as being their most pressing need as they felt that staff they had in place were of a high calibre but were lacking extra support and could not manage all the responsibilities. Both Botswana and Zambia indicated in their responses that they were reasonably well staffed and the staff that were in place had the requisite electoral skills and expertise. However

despite being on the edge of the continuum with less capacity-building requirements they still identified ongoing training, support and development as their major requirements.

Other important challenges that were identified by the EMBs included the relationship between the commissioners and the secretariat. The main challenge to Commissioners and the directorate/secretariat is clearly defining the parameters between the roles. Although the Constitution or Electoral Commission Act may identify particular functions with the directorate/secretariat being

the executive arm of the Commission, their roles may from time to time become blurred, more so where commissioners are full time. Newly appointed Commissioners may play a more active role in regard to the line functions of the technical arm, often because of the need to familiarise themselves with the functioning of the technical arm and in other instances where a new director/secretary/chief executive officer (CEO) is appointed. Managing the relationship between the

commissioners and the secretariat requires clear lines of responsibility and reporting and this aspect of electoral management needs to be addressed sensitively and within the context that each EMB works.

Technological challenges can be directly related to personnel capacity constraints as EMBs often find that there are few staff who have the necessary skills, knowledge and experience to use technical equipment for delimitation, demarcation, geographic information systems, voter registration and the maintenance of the voters' roll. As tabulation of results becomes sophisticated it requires the use of advanced technology and these skills are also often in short supply.

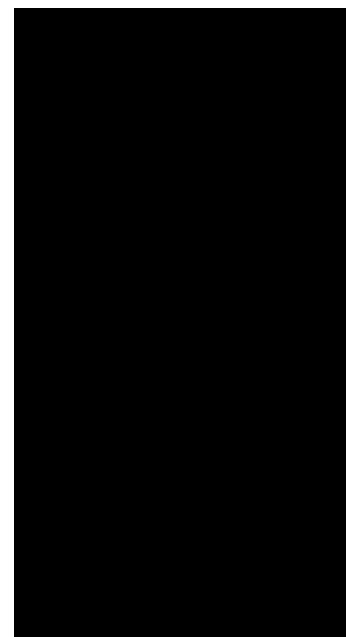
Interestingly, financial constraints were not identified as being of primary importance and a number of EMBs indicated that their budget was sufficient. However it can be assumed that the budget is not always sufficient as some of the EMBs identified too few staff as one of their main challenges. This lack of EMB staff may be attributed to a lack of available professional skills but may also be due to a limited budget that makes employing highly skilled staff difficult for the EMB.

The responses provided the ACE EKN with a unique opportunity to provide the requisite capacity-building support through training, education and development programmes. These programmes should be formalised to best present a cohesive, coherent and inclusive framework of development and capacity-building initiatives for EMBs.

This report makes several recommendations, which may be summarised as follows:

This report makes several recommendations which are detailed in the pages that follow

- * Capacity building for electoral staff, including commissioners and CEO/head of the secretariat, is the seminal requirement of each EMB.
- * Capacity-building courses or modules should provide specialised skills for electoral management staff; technical skills for technical staff; and materials development and training skills for the civic voter education staff.
- * A series of ‘update training’ sessions should be offered to assist the capacity-building requirements of the EMBs.
- * Assessment of training and development needs to be ongoing.
- * Twinning or partnership relationships are an important component of any capacity-building initiative and ACE must identify, which EMBs are best able to offer international best practice.
- * Newly appointed commissioners should undergo an induction programme.
- * Support of organisational and strategic planning to assist EMBs in clearly articulating the line management structure.
- * Organising internal post-election reviews that provide an opportunity for commissioners and technical staff to review their performance and make recommendations where necessary. (This is a different process to a post-election review with stakeholders to reflect on the EMB’s performance as a whole.)
- * Organising a SADC workshop to explore technologies in greater depth and debunk some of the mythology around elections and technology.



Introduction

Electoral Management Bodies (EMBs) are a critical component of any country's democratic dispensation. The credible and transparent establishment, positioning and work of EMBs are recognised as being an important pillar of good governance, in the same way as an independent judiciary, vibrant and accountable legislature and a free media. As the seminal role of free and fair elections in a democracy is recognised and supported the role of a professional, effective and efficient EMB is seen as being central in the delivery of these elections.

The ACE EKN sees the main outputs of the CDF as part of an ongoing process that aims to provide continuous support, knowledge and information to EMB.

The groundswell of popular support for regular, free and fair elections conducted by an independent and competent EMB is evidenced in the southern African region. Though there are still varying degrees of credibility that EMBs in southern Africa enjoy, most countries have committed themselves to an independent body that manages and conducts elections. A country that does not have such an EMB is seen as disadvantaged in its ability to provide its people with an institution that can regularly deliver an election that reflects the will of its people.

At the forefront of EMB support and promotion is the ACE Electoral Knowledge Network (EKN), which is a groundbreaking initiative of nine organisations that are active in electoral management, support and development. It is a partnership between EISA, Elections Canada, Federal Electoral Institute of Mexico (IFE), IFES, International IDEA, United Nations Electoral Assistance Division, United Nations Department for Economic and Social Affairs and the United Nations Development Programme. The European Commission (EC) is an ex-officio member.

The ACE EKN seeks to improve the practice of electoral administration through three components:

- * Knowledge Services, which aims to provide electoral knowledge through the ACE Encyclopaedia and associated products
- * Practitioners Networks, which provides online peer support and opportunities for experience sharing on electoral issues especially election management
- * Capacity Development Facility (CDF).

The main outputs of the CDF will be:

- * Capacity Development Projects for institutions building support for EMBs
- * Regional Training Programmes for EMBs
- * Targeted Assistance Activities for EMBs
- * Capacity Development Tools and Educational Programmes for EMBs.●

The ACE EKN sees these components as part of an ongoing process that aims to provide continuous support, knowledge and information to EMBs. It also recognises that any support that is developed and provided should be as a response to the direct needs of the EMBs. The ACE EKN has taken the approach that any programmes, activities or action that they devise and implement must be in accordance with the needs of the EMBs, as expressed through their responses in this assessment. The context that the EMB works in provides an important indicator of the type of assistance it requires. To this end the ACE EKN has conducted a needs assessment of a sample of EMBs in southern Africa.

Purpose and method of conducting the assessment

EISA is the lead organisation that is managing the capacity development needs assessment and design of the tools. To this end it advertised for a consultant to undertake the project. The consultant worked closely with the EISA ACE EKN programme manager and a specifically assigned EISA staff person.

The consultant's terms of references included developing a work plan with four key components, namely:

- * development of a needs assessment tool
- * situational analysis to determine capacity needs of EMBs, conducted through a general questionnaire to be circulated to six Southern African Development Community (SADC) EMBs as well as a more in-depth analysis of three countries to be identified by EISA
- * administering the assessment tool through site visits to three in-country EMBs
- * developing the assessment report with recommendations for capacity-building methodologies and appropriate tools.

The needs assessment tool was developed at the initial stage of the project, submitted to EISA for comment and adjustments and then amended to include these recommendations. The needs assessment tool takes the form of an 11 page comprehensive questionnaire (see Annexure A) and covered the following areas:

- * the political and institutional context in which the EMB works
- * the legal and regulatory framework
- * support services of the EMB such as finance, communication and logistics
- * the office of the Commissioners vis-à-vis the office of the Secretariat or CEO

- * assessment of the various departments or units of the EMB including delimitation and demarcation, voter registration and the voters' roll or register, voting operations and counting operations, training, voter education, political party and stakeholder management
- * the challenges and capacity of satellite, regional/provincial and/or local offices of the EMB.

The administration of the tool was conducted in-country by the consultant with the EISA assigned person. Thus all responses received were checked and confirmed by the two interviewers. The tool was administered through in-country visits to three countries selected by EISA, namely, Swaziland, Mozambique and Malawi. In Swaziland the interview was conducted on 23 May 2008 with Ms Sibongile Mohamed, the CEO of the Elections and Boundaries Commission in Mbabane.

The Mozambique interview was conducted on 29 May 2008 with six people: Mr Felizberto Naife, General Director for (STAE); Mr José Grachane, Commissioner (CNE); Mr Mário Ernesto, Director, Department of Electoral Operations (STAE); Mr Cláudio Albasini, Director, Department of Training and Civic Education (STAE); Mr César Pereira, Department of Training (STAE); and Alípio Siquice, Commissioner (Department of Training within the CNE).

The interviews with the Malawi Electoral Commission took place in Lilongwe on 15 and 16 June 2008, and were conducted with Judge Anastazia Msosa, Chairperson of the Commission and Mr David Kambauwa, acting CEO of the Malawi Electoral Commission.

Three other commissions, Botswana, Madagascar and Zambia, completed the questionnaire and submitted their responses electronically. The Madagascar respondents were Rasolonjatovo Jean Victor Nirina, the Permanent Administrative Secretary of the Electoral Commission (CNE) and Theodore Lucine Ravoajanirina Randriamahanina, Director of Democracy Promotion at the Ministry of Home Affairs and Decentralisation. The Botswana respondent was TGGG Seeletso, the Secretary to the Independent Electoral Commission (IEC) and Ms Priscilla Isaac, Deputy Director of Elections and Voter Education responded in Zambia.

The data that is analysed for this report thus comes from six commissions in the region and is an appropriate representation from both commissioners and secretariat or chief electoral officers of the commission.

Each respondent was guaranteed confidentiality and quotations in the report are attributed to the EMB rather than to individuals. Answers received were frank and substantive and provided adequate information for analysis purposes and included detailed recommendation for the ACE EKN.

A situational analysis of capacity requirements for EMBS¹ was conducted in several ways, including information gathered from the electronic circulation of the tool to all SADC EMBs, through desktop research relying on current data collected by EISA and supplemented through the extraneous research. Desktop research provided the main focus and body of substantial information gathered from site visits to the three identified countries and supplemented the information received from the administration of the assessment tool.

The objective of the questionnaire was to elicit responses from selected staff and commissioners, if applicable, that will identify the development and support needs of the EMB. Data obtained for the administration of the questionnaire is analysed in the report and each EMB's information is documented in a set of key needs with appropriate recommendations for meeting the needs.

The tool was developed in the form of a questionnaire (see Annexure A) and divided into 12 sections, including an introductory section for general respondent information. The sections correspond with the various sectors of operation that are the legal and administrative responsibility of an EMB. Each section began with an objective and then posed a number of questions that respondents were required to answer.

In Mozambique the questionnaire implementation was conducted, through translators, in Portuguese and in Swaziland and Malawi it was conducted in English. In countries where EMBs are required to answer the questionnaire through written responses the questionnaire was submitted to the EMB in either French or English to reflect the country's official language.

Best practice for EMBs to deliver on their mandate

There is no such entity as the perfect EMB. There are highly efficient and effective EMBs and there are EMBs that are less effective and efficient. Then there are EMBs that are unable to deliver an election that is legitimate, free and fair. Most often the EMB that falls in the latter category fails in its mandate due to a number of factors, such as political and economic constraints, a lack of independence and internal capacity limitation. An EMB that fails in its mandate is unlikely to do so simply because of internal capacity constraints. The political framework that an EMB works in plays a critical role in the successful delivery of its mandate.

An effective and efficient EMB is invariably one that manages its mandate free from political interference with a sufficient budget to meet its responsibilities and staffed by skilled professionals who have the necessary electoral expertise and experience relevant to their specific job description. For example, there is no point in having a well-qualified human resources (HR) manager carrying out the job of delimitation.

¹ The questionnaire was sent to Botswana, Lesotho, Madagascar, Mauritius, Namibia, Zimbabwe, Zambia, and South Africa. Responses were received from Botswana and Zambia. A telephonic discussion was held with Namibia. In-house interviews were conducted with Malawi, Mozambique and Swaziland.

The Principles and Guidelines of EMBs indicate the positions that they should have and the skills set that each of them should possess

Most of the EMBs in southern Africa fall into the category of EMBs that experience serious challenges in the appointment of appropriately qualified personnel with the necessary electoral knowledge to manage and work in what is often a highly technical environment. Some EMBs are also not provided with a sufficient budget and often the budget is not timeously released by the state. There are also varying degrees of political interference, ranging from virtually complete independence to the extreme, but rare instance, of complete regime control. Southern African EMBs fall within a continuum of these extremes. There can be no doubt that there is a correlation between an independent EMB that has a sufficient budget and appropriately skilled personnel, and the ability to deliver a free and fair election. As this is the ideal to which all EMBs that take

their mandate seriously aspire, the Principles and Guidelines on the Independence of EMBS in the SADC Region require some reflection.

The Principles and Guidelines reflect the aims and objectives of various international, continental and regional instruments that promote free and fair elections and the independence of EMBs. The Principles state that there is a desire “to promote the efficiency and independence of election management bodies in the region through the adoption of common standards to regulate their operations.”

The Principles emphasise the importance of the open and transparent process for appointing commissioners as well as the integrity and moral standing of the commissioners. Most often an EMB that is not independent and impartial fails in this respect and appoints persons who owe their appointment mostly to the political powers of the day rather than to their being “highly respected persons who subscribe to the principles of free and fair elections and good governance” (clause 1.2.1 of the Principles (2007)). An EMB that has a commission that is not independent and competent cannot hope to deliver a free and fair election, irrespective of how skilled its secretariat personnel are, as there will be ongoing political interference in the day-to-day working of the commission.

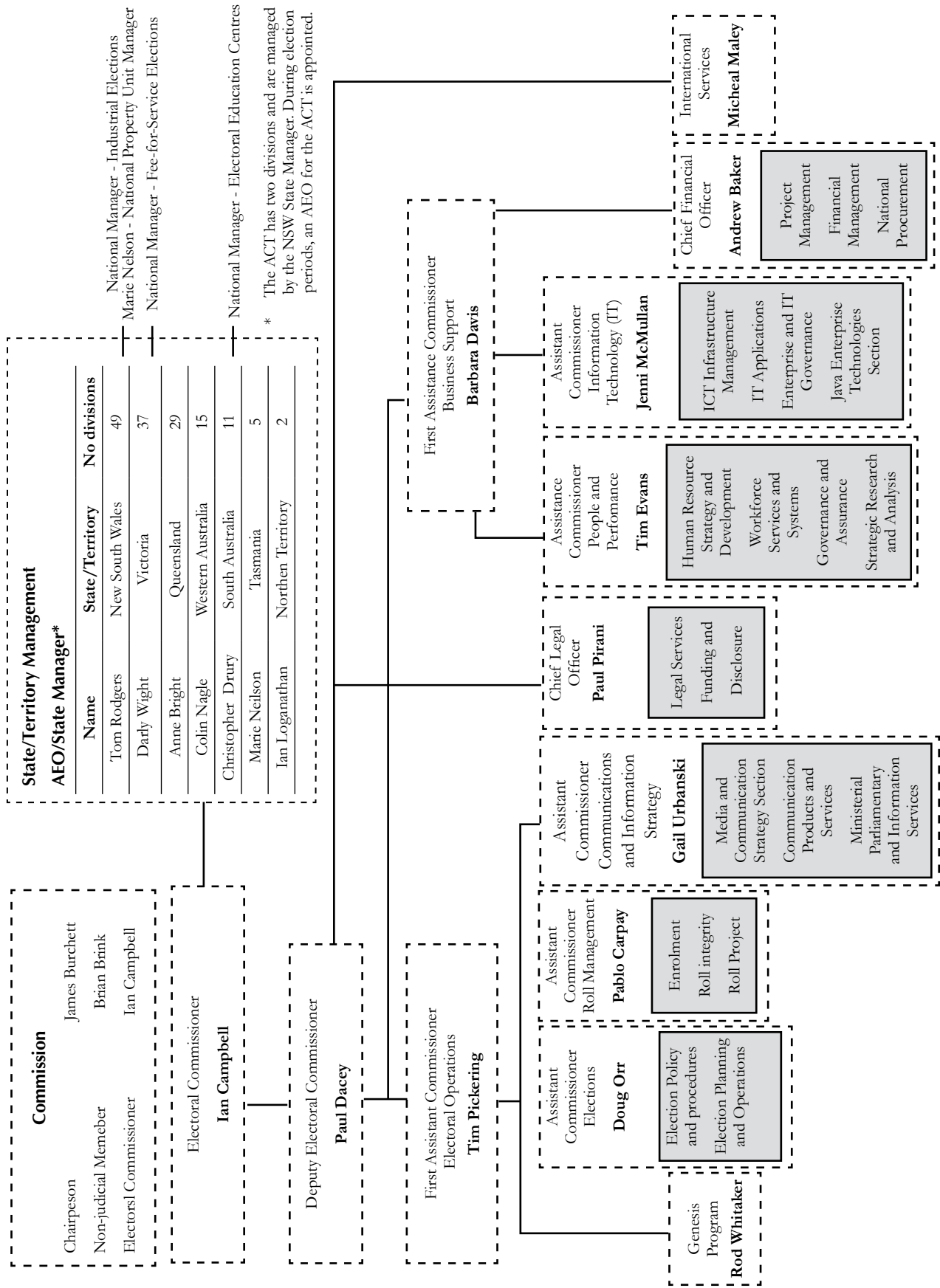
Thus the combination of an independent commission staffed with professional electoral experts in the secretariat is the best-case scenario. The Principles state that the senior staff of the EMB shall be appointed by the commissioners and their employment shall be based on a performance contract (clause 1.2.13). This is an ideal arrangement and should be adhered to at each EMB. EMBs that are obliged to take public sector staff from government departments who in most instances are inappropriate and lack the relevant skills base face particular personnel challenges. This practice should be discontinued.

The Principles list a comprehensive set of powers and duties for EMBs. These powers and duties indicate the positions that the EMB should have and the skills set that each of these departments or units should possess. These include:

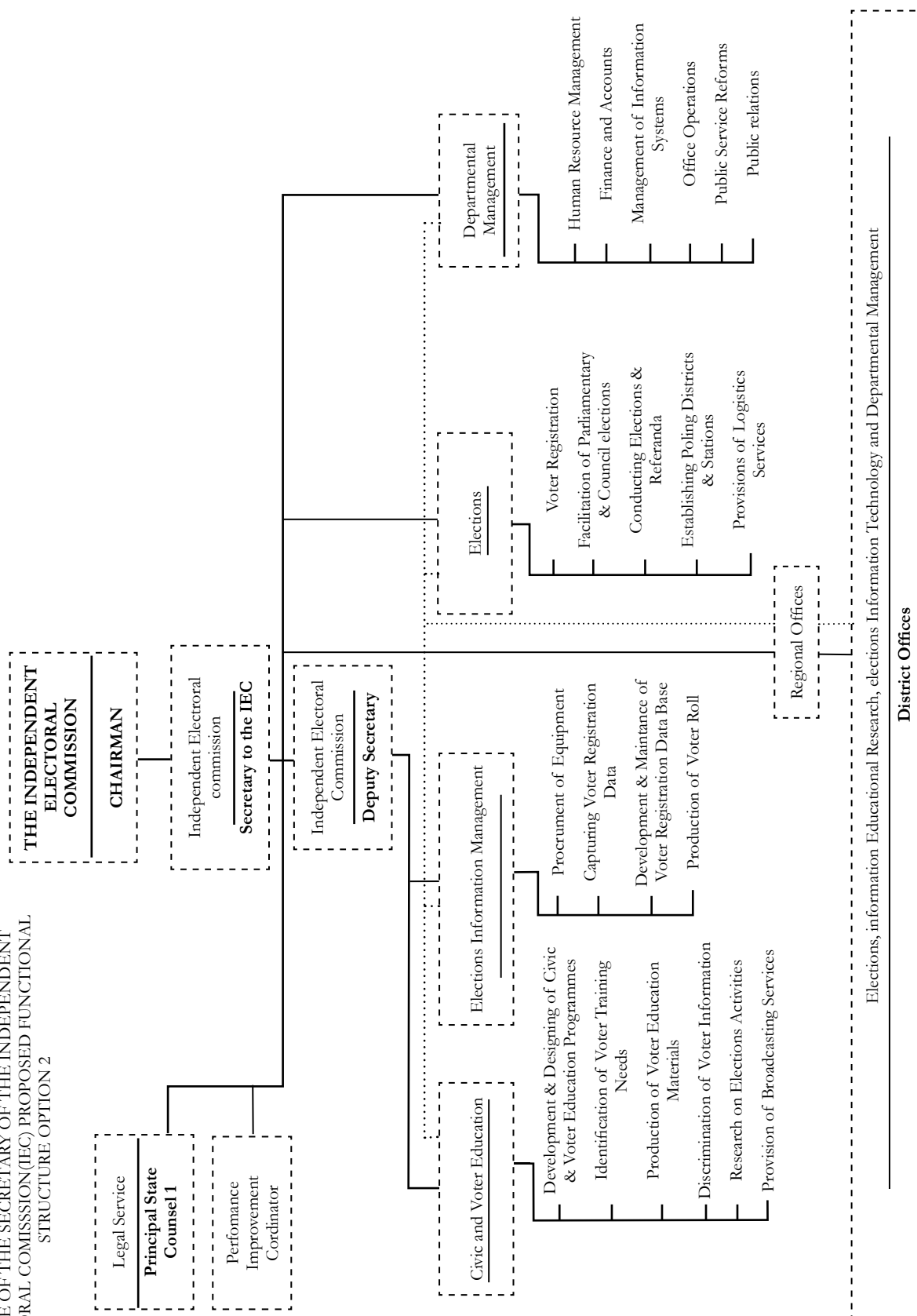
- * Organisational, supervisory and management skills that should be resident in the office of the CEO or head of the secretariat, as well as in the management positions of all the units/departments. A liaison office between the commissioners and the secretariat may also be required.
- * Determining the election calendar – this requires a legal department.
- * Registration of political parties and all related liaison with political parties and candidates requires a liaison unit as well as a legal unit.
- * Delimitation and demarcation requires a specialised knowledge unit with Geographic Information System (GIS) technical knowledge and experience, the use of technical equipment and strong information and communications technology (ICT) support.
- * Registration and maintenance of the voters' roll or register, requires specialised knowledge and technical expertise in the use of equipment and ICT support.
- * Accreditation of observers and voter and civic education requires a unit that has educational and information experience and knowledge and should be supported with training material and development skills and stakeholder liaison.
- * Development of codes of conduct, regulations and legislation and advise on petitions and court challenges requires a legal unit.
- * Liaison with the media and other electoral stakeholders requires a communication or public relations unit.
- * Recruitment, training and discipline of polling personnel requires a training unit with research capacity and material development expertise.
- * A counting and vote tabulation unit requires skills and expertise in the use of technical equipment and data reading with strong ICT support.
- * The maintenance of finances and ensuring financial accountability requires a finance and budgeting unit.
- * A logistics and procurement unit that sources services, equipment, etc and provides essential support to the commission.
- * A human resources department that employs and manages the welfare of the staff
- * A unit that manages and works with electoral staff that is not based at the national office but is situated regionally or provincially or on the district or local level.●

The following five organograms provide the structure of the EMBs in Australia, Botswana, Malawi, South Africa and Zambia. The Botswana Electoral Commission is currently looking at potential structures and included in this report is their preferred organogram.

These organograms show different approaches to the staffing of an EMB, but can be utilised to determine a most appropriate structure for an EMB. Each one is different depending on their requirements and budget.

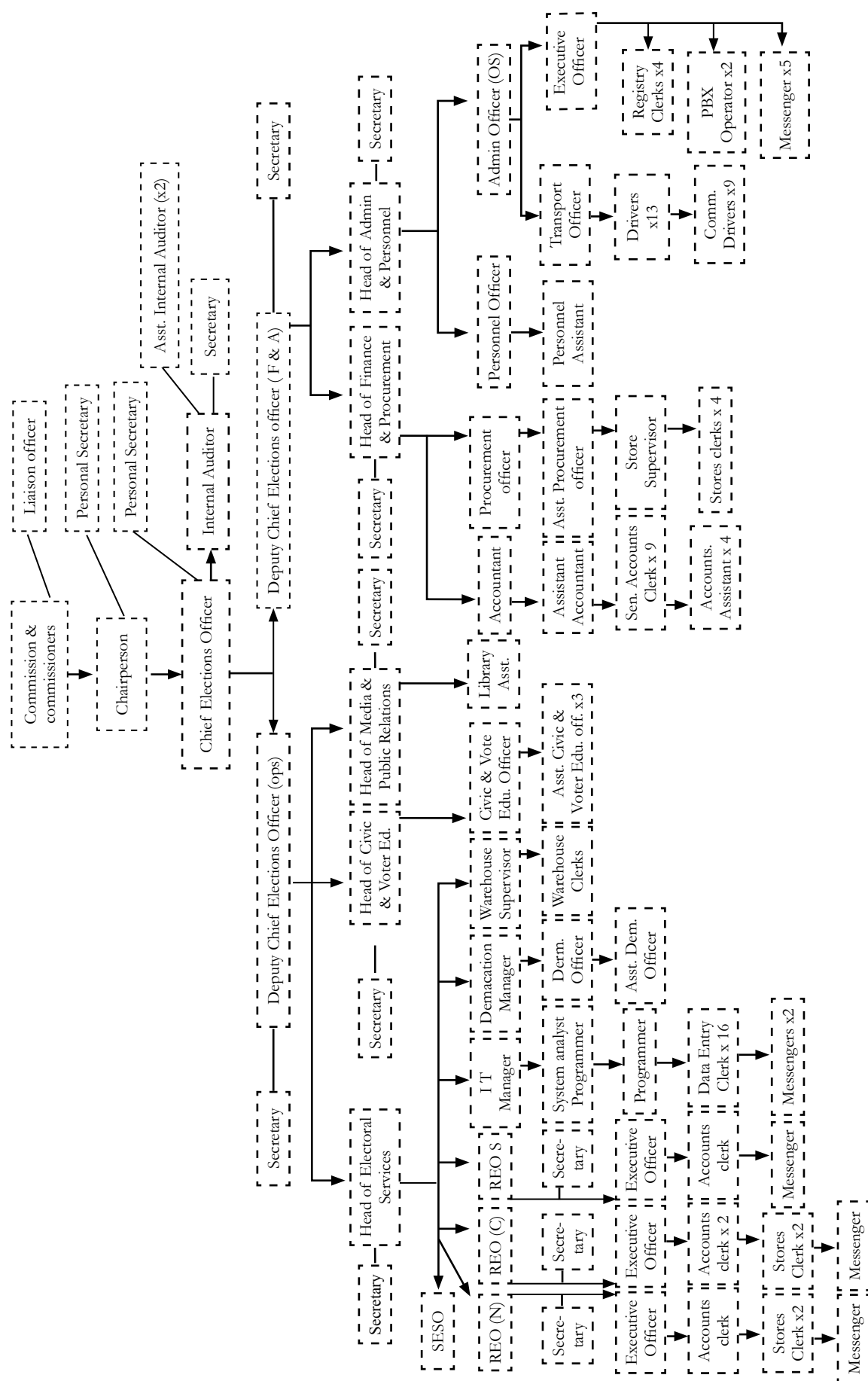


OFFICE OF THE SECRETARY OF THE INDEPENDENT ELECTORAL COMMISSION(IEC) PROPOSED FUNCTIONAL STRUCTURE OPTION 2

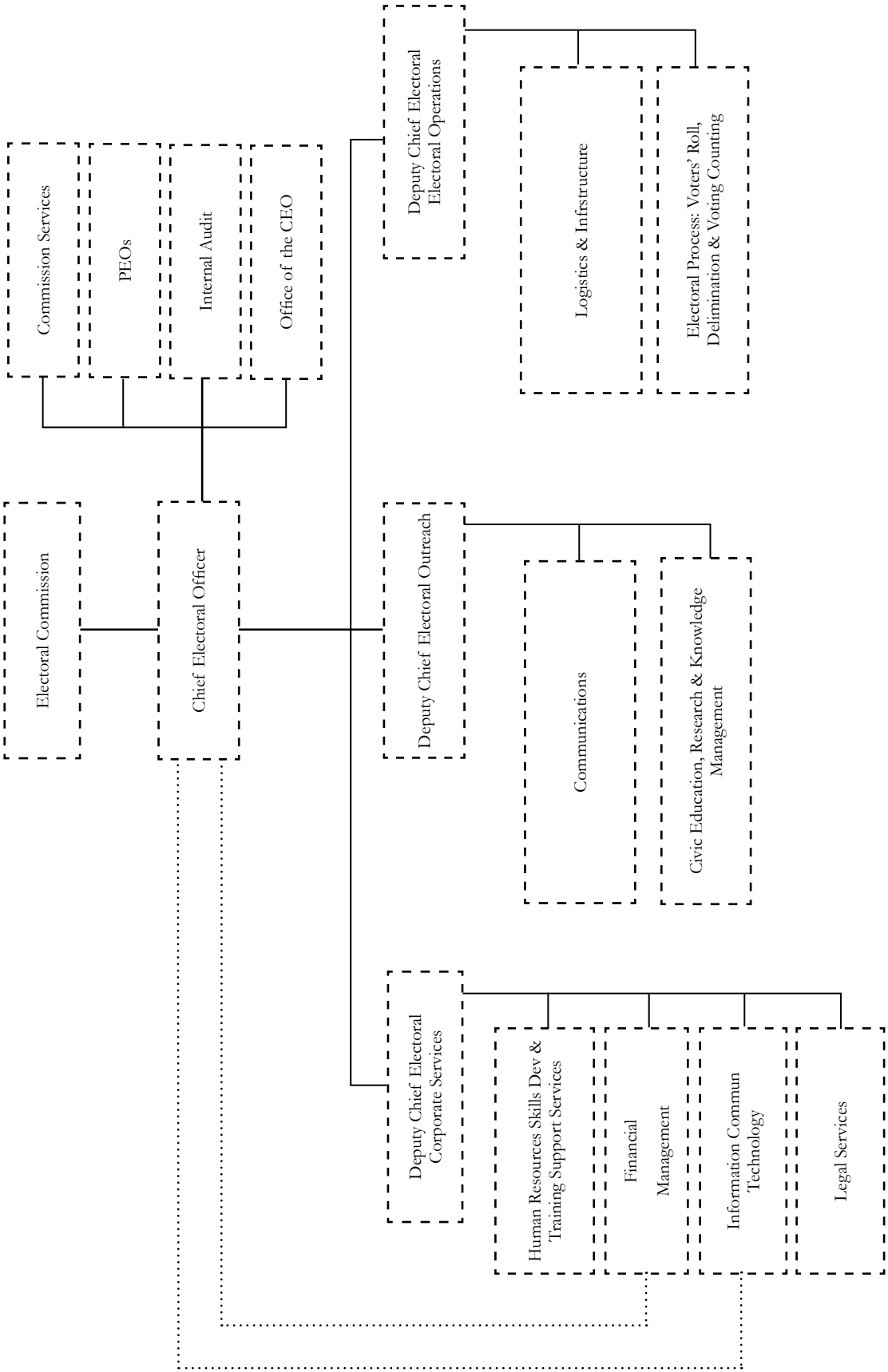


*Management of Information Systems functions will continue to be undertaken by the Elections Information Management Division

ELECTORAL MANAGEMENT BODIES CAPACITY ASSESSMENT REPORT

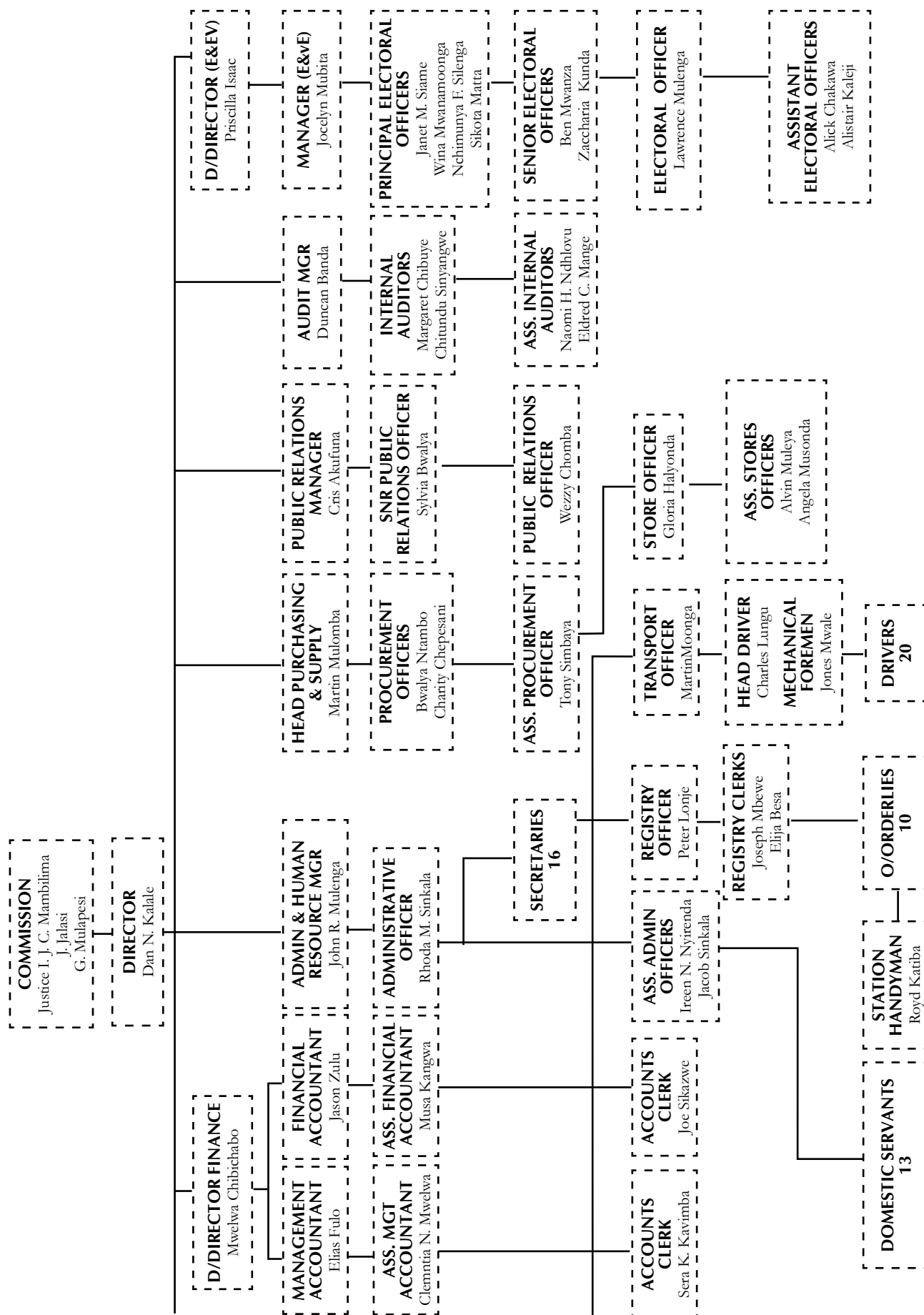


South Africa



ELECTORAL MANAGEMENT BODIES CAPACITY ASSESSMENT REPORT

Zambia



Country contexts

Botswana



Madagascar



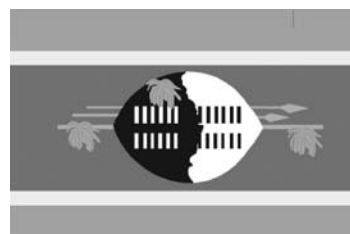
Malawi



Mozambique



Swaziland



Zambia



Botswana

Political and governance structure

The legal framework governing elections in Botswana consists of various laws, the starting point of which is the Botswana Constitution adopted on 30 September 1966 and amended in 1969, 1970, 1982 and 1997. The Constitution and subsequent amendments relate to the franchise, the establishment of the IEC and the election of members of the National Assembly and the President. The Electoral Act and its subsequent amendments outline how elections are conducted and who is eligible to contest an election and cast his/her vote. The President is the head of government and Commander in Chief of the armed forces and is elected by the National Assembly after each parliamentary election. A constitutional amendment in 1997 limits the tenure of office outlined in Part 1, Chapter IV, ss34(1) of the Constitution, 1966, amended 1997, “for an aggregate period not exceeding 10 years beginning from the date of his first assumption of

office of President after the commencement of this Act”. All presidential candidates must be over 30 years of age and receive at least 1,000 nominations. The position of presidency requires that he/she continues to be a member of the National Assembly during the presidential term of office.

Parliament consists of a National Assembly whose members are elected through the first-past-the-post electoral system and a House of Chiefs. Elections are held every five years and Parliament is the supreme legislative organ and comprises 57 elected members, four members specially appointed by the President, the Speaker, the Attorney General and the President as an ex-officio member.² The House of Chiefs is an advisory body comprising 15 members, eight of whom are from the main ethnic groups of the majority of the Tswana tribe, four indirectly elected through other chiefs representing the smaller ethnic groups and three members elected by both the ex-officio and elected members of the House of Chiefs. An independent judiciary, with the High Court as the highest court of the land, interprets the Constitution and other laws. Chiefs are empowered to hear customary law cases in cooperation with other tribal leaders.

The last elections were held in 2004 with seven parties and one independent candidate contesting the National Assembly election. Botswana is preparing for the 2009 elections. The Constitution and the Electoral Act make provision for the President to set the date of the elections.

² “The Need for Electoral Reform in Botswana”, Professor Mpho G Molomo, Political Studies, University of Botswana, *African Journal on Conflict Resolution*, 4(2), 2006, www.accord.org.za

Right to vote

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right. Chapter V, Part 1, s67, of the Constitution provided the franchise to a person who is a citizen and at the time of independence in 1966 was 21 years of age, amended after a referendum in 1997 to 18 years of age.

Eligible voters need to be registered as a voter in the constituency in which they reside and where they have more than one resident, his/her principal residence (s67(1)(b)). The Constitution further provides for voters who do not have residence in Botswana (s67(3)(b) to register in person in the constituency where they last resided or in which they were born.

The Electoral Act provides for continuous registration whereby existing voters' rolls are updated. Voters are provided with a permanent registration card. Voters only register once, providing the IEC with change of address, deaths, or change of names. In the case of change of residence, voters must transfer their registration to a station near their new place of residence.

The 2004 parliamentary elections had 552,849 registered voters. Chapter II of the Constitution ss3 to 19 guarantees the protection of fundamental rights and freedoms of individuals including protection of freedom of conscience, expression, movement and association.

Management of elections

The Electoral Commission of Botswana was established through an Act of Parliament in 1998 with the passing of the Constitution (Amendment) Act, 1997. S65 directs that the IEC consists of:

- (65) 1(a) a Chairman who shall be a judge of the High Court appointed by the Judicial Service Commission
- (b) a legal practitioner appointed by the Judicial Service Commission, and
- (c) five other persons who are fit, proper and impartial, appointed by the Judicial Service Commission from a list of persons recommended by the All Party Conference.

Members of the IEC hold office for two successive 'lives' of Parliament. While not explicitly outlining the procedure to terminate a commissioner's members, s65 of the Act states that a person does not qualify if declared insolvent or bankrupt under any law or convicted of any offence "involving dishonesty in any country".

The functions of the commission include conducting and supervising elections of the National Assembly and members of the local authority and to give instructions and directions to the

secretary. The IEC is also tasked with ensuring that elections are “conducted effectively, properly, freely and fairly”.

S66 of the Constitution provides for the appointment of a secretary to the IEC, appointed by the President whose function is to “exercise general supervision over the registration of voters” and to exercise “general direction and supervision over the administrative conduct of elections” and to “enforce” that election officers fairly and impartially comply with the provisions of the Electoral Act. The secretary also gives instructions to registration and election officers to ensure that they carry out their duties in accordance with the Electoral Act. Tenure of the secretary is protected by the Constitution. Prior to the amendment, elections were administered by the Botswana Civil Service and the direct responsibility for their administration lay with the office of the President through the Supervisor of Elections appointed by the President.

The commission’s secretariat has a staff of about 150 including those in the field offices. During elections this number is increased through the appointment of election officials who preside at voting and counting stations.

The Ministry of Finance and Development Planning provides funding.

The 1999 National Assembly elections were the first administered by the IEC. Parliamentary and local elections are held simultaneously using separate ballot papers. Elections have taken place in an environment free of violence and intimidation.

Madagascar

Political and governance structure

Madagascar is an island in the Indian Ocean and is a member of SADC. The legal system is a combination of French civil law and traditional Malagasy law. Madagascar gained its independence from France on 26 June 1960. The current Constitution came into force on 10 August 1992 and was amended in 1995 and 2007. The President of the Republic is the Head of State and the Commander in Chief of the armed forces. The President is directly elected by an absolute majority in a secret, universal, adult ballot. The president is eligible for election for two five-year terms. The Prime Minister is head of government and is appointed by President and must resign if a motion of censure is passed by a majority of the National Assembly.

The President presides over the Council of Ministers; and may dismiss the ministers. The Senate currently consists of 90 members, 10 are elected from each of the six provinces by proportional representation, by an electoral college consisting of provincial councillors (elected by direct universal suffrage) and the mayors; in future they will be elected by the 22 regions that replace the provinces which have been abolished. The remaining 30, representing economic, social, cultural, and religious groups, are appointed by the President on the basis of specialist judicial, economic, social or cultural competencies.

The judiciary consists of the Administrative and Financial Constitutional Court, the Supreme Court, Courts of Appeal, Tribunals, and the High Court of Justice. The High Constitutional Court consists of nine members each serving a single six-year term; three are appointed by the President acting in the Council of Ministers, two by the National Assembly, one by the Senate, and three by the High Council of Magistrates.

The right to vote

The right to vote is enshrined contained in articles 6 and 10 of the Constitution. Freedom of association and the right to form political parties is protected by law. The law that regulates elections is the Loi Organique No 2000-014 du 24 août 2000 portant Code Electoral and the Loi Organique No 2002-004 relative à l'élection des députés à l'Assemblée nationale. The National Assembly is directly elected from single member and two member constituencies by plurality. The President is directly elected through universal adult franchise and must obtain an absolute majority or a runoff is held with the two candidates that received the highest number of votes.



Elections are held every five years for President, senators, legislation and local government and every four years for municipalities. According to law the election dates are set by the Council of Ministers.

The election period begins with the publication of the voters' roll and ends on the official announcement of results. The electoral campaign is characterised by freedom of expression and there are national and international observers. There is also free access to information. The 2006 presidential and the 2007 National Assembly elections were free from political violence and intimidation.

Electoral management

There are three main bodies responsible for the electoral process: National Electoral Council (NEC) that is responsible for the oversight and supervision of operations; the Ministry of the Interior and Decentralisation (MIRA) responsible for day-to-day conduct; and the Constitutional High Court that registers candidates, processes complaints and announces results. The NEC is an independent body and the two other institutions (court and ministry) provide checks and balances to the process. There are other ministries that are involved in the electoral process including ministries of Communications, Finance, Justice and Defence (responsible for the general security during the electoral period).

The members of the NEC are appointed in a variety of ways. A member is appointed by the President; a member appointed by the MIRA; a member from National Council of Lawyers; a member from National Council of Journalists; a member appointed by the Supreme Court president ; a member appointed by the Supreme Court national prosecutor.

Voter registration is voluntary and the voters' roll is permanent and is updated annually. Voters must present a valid identity card. Registered voters are issued with a voters' card. Voter and civic education is the responsibility of the government, but is undertaken through accredited non-governmental organisations (NGOs), according to an annex to the Electoral Code. Donor funding of voter education is not legally stipulated, but is the practice.

All legal work related to the elections is undertaken by a legal department in MIRA. There is not a specific legal department at the NEC, but there are staff that have legal training and provide legal services. If legal counsel is briefed in electoral matters it is the president of the NEC who undertakes this responsibility. The NEC recognises the need for capacity development for its legal personnel.

Malawi

Political and governance structure

Malawi has been independent from Britain since 6 July 1964. The legal system is based on English common law, with some customary law. The current Constitution came into effect on 18 May 1995. It has been amended in 1994, 1995, 1997, 1998 and 2001.

The President is the Head of State and government, as well as the Commander in Chief of the armed forces. The President is directly elected concurrently with the National Assembly. The President is restricted to two terms of office and presidential candidates must be over 34 years of age and the nominations must be endorsed by 10 registered voters in each district. Executive power lies with the President exercised through a First and Second Vice-President and the Cabinet. The First Vice-President is elected on the same ticket as the President. The Second is appointed by the President from another party other than the President's. The Cabinet members are appointed by the President.

Legislative power is vested in a Parliament consisting of the President and the National Assembly. The National Assembly consists of 193 members representing constituencies, directly elected by universal adult suffrage. The life of the National Assembly is five years. The Senate was abolished by a constitutional amendment in 2001.

The court system comprises a High Court, a Supreme Court of Appeal and lower courts and tribunals; the latter include the traditional courts. The Chief Justice presides over the Supreme Court of Appeal and is appointed by the President and confirmed by two-thirds of the members of the National Assembly. All other judges are appointed by the President on the advice of the Judicial Service Commission, while magistrates are appointed by the Chief Justice in consultation with the Judicial Service Commission. Judges are removable for incompetence or misbehaviour, on a petition passed by the National Assembly, by the President in consultation with the Judicial Service Commission.

The right to vote

The right to vote is enshrined in s77(1) of the Constitution. Freedom of association and free political activity is protected in ss32-35 of the Constitution. The main legislation regulating elections is the Parliamentary and Presidential Elections Act, 1993 (Amended 1994, 1997, 1998) and the Electoral Commission Act, 1998. The electoral system for parliamentary elections is single member plurality (first-past-the-post) system and the President is directly elected concurrently with Parliament by a majority of the vote.



The presidential, parliamentary and local government elections are held every five years. The calling of the elections is in terms of a constitutional provision (s67).

The environment during the elections has been described as generally free, but **“sporadic incidents of violence and intimidation do occur.”** (Interview, Lilongwe, 15 June 2008)

Management of elections

The Constitution of Malawi establishes the Malawi Electoral Commission (MEC) that is independent of any external authority (Constitution, 1994, articles 75, 76(4)). The High Court has the right of judicial review over the MEC to ensure that it acts in accordance with the Constitution and Acts of Parliament (Constitution, 1994, articles 76(3), (5)(a)). The National Assembly has the power to confirm the constituency boundaries, but is not empowered to alter them, except upon recommendation of the MEC. The MEC is assisted in the execution of its tasks by a Chief Elections Officer who is appointed by the MEC and answerable to it (Constitution, 1994, article 76(5)(b), Electoral Commission Act, 1998, 12(1)-(3)).

The MEC comprises a chairperson, who is a judge of the Supreme Court nominated by the Judicial Service Commission and other members, not fewer than six, who are appointed by the President in consultation with the leaders of the political parties represented in the National Assembly. Members may be removed by the President, on advice of the Public Appointments Committee, for incompetence or incapacity (Constitution, 1994, article 75(1), (4); Electoral Commission Act, 1998, 4(1)). The commissioners' term of office is for a four-year period, renewable once.

The MEC has the power to delimit constituencies, determine election petitions, direct and supervise election operations, conduct voter registration and conduct civic and voter education.

The day-to-day activities of the MEC are the responsibility of the CEO, who is appointed by the MEC and answerable directly to it.

The MEC is independent with its only relationship with the executive being through the Ministry of Finance, to the extent that this ministry releases the budget of the MEC. **“The present government does not interfere with our work. Parliament does not interfere either.**

Independence of the electoral commission has been debated extensively. The MEC reports to the President. Since our appointment we have met the President three times to provide a general overview and update of activities.” (Interview, Lilongwe, 16 June 2008)

The MEC does not have a separate legal department and when legal services are needed it contracts a private legal firm or uses the services of the Attorney General's office. The CEO is tasked with briefing legal counsel.

Mozambique

Political and governance structures

Mozambique's legal system is based on Portuguese civil and customary law. The country became independent from Portugal on 25 June 1975.

The current Constitution came into force in November 1990 and has been amended in 1996, 1998 (to create an independent EMB) and in 2004.

The President is Head of State and government and Commander-in-Chief of the defence forces. The President is elected through universal adult franchise by an absolute majority and the tenure of office is five years. The President is restricted to two five-year terms. Executive power lies with the President who appoints and dismisses the Prime Minister and who exercises executive power directly or through the Council of Ministers. The Assembly of the Republic is the legislature and consists of 250 members elected every five years by proportional representation; 248 seats are elected from the 11 provinces each acting as a constituency, with the number of seats allocated to each province based on the population. There are two constituencies for Mozambicans living abroad, one for Africa and the other for the rest of the world. Those Mozambicans living outside can register where there are Mozambican embassies and vote at these embassies. If they live in a country where there are no Mozambican embassies they are not eligible to vote.

The judicial system comprises a Supreme Court, an Administrative Court and other lower courts as well as specialised courts. The Supreme Court consists of judges, appointed by the President who decides matters of law. The Administrative Court has jurisdiction over public administration and spending. The Constitutional Council is appointed in a number of different ways, with some being appointed by the President, others by Parliament and others by the Supreme Judicial Council, (the body that oversees the work of judges). It adjudicates on matters of constitutional and electoral law.

The right to vote

The right to vote and the right to freedom of association are protected by the Constitution. Local government elections are held separately from presidential and parliamentary elections. There are a myriad of electoral laws that regulate the holding of elections, namely; Law no 7/2007 of 26 February (governs election of the President and the National Assembly), Law no 8/2007 of 26 February (governs the National Electoral Commission), Law no 9/2007 of 26 February (governs



voter registration), Law no 10/2007 of 18 June (governs election of Provincial Assemblies), Law no 18/2007 (governs local government elections), Law no 9/2003 of 22 October (Constitutional Council). All the laws of 2002 have been replaced by the laws of 2007.

There have been multiparty elections since 1994. The electoral system is proportional representation for the National Assembly. The presidential candidate needs a majority of 50% plus one of valid votes cast to be elected. If no candidate obtains more than 50% plus one of the vote, a run-off is held between the two candidates who received the most votes in round one.

The Electoral Commission proposes a date for the municipal elections, which is announced by the Council of Ministers. For general elections a similar process is followed, but the President announces the date.

Elections take place in an atmosphere free from violence and intimidation. **“Since 1994 the situation has improved. There is sporadic violence but it is not serious.”** (Interview, Maputo, 29th May 2008)

Election management

There are two main structures responsible for election management. The National Electoral Commission (Comissão Nacional de Eleições, CNE) is responsible for supervising voter registration, the conduct of elections and holding of referenda. The Technical Secretariat for the Administration of Elections (STAE) acts as the executive arm of the CNE. The provincial and municipal or district electoral commissions are ad hoc structures created to execute electoral operations for the CNE. The Constitutional Council supervises electoral process, verifies presidential candidates, hears petition appeals, validates and declares final results of elections.

The CNE is an independent body subordinate only to the Constitution. **“The CNE makes decisions according to the law and there is no political interference. Any changes have to be made by Parliament to the law. If in terms of the timetable the CNE feels it may not be ready in terms of the electoral timetable for an election, they are given latitude to make changes. Government gives them discretion to make these decisions. STAE does some assessment of the country first, assesses the situation, etc and recommends to CNE. For example dry season is a better time for an election. They (STAE) do impartial technical work. Before the law was amended in 2007, STAE was under the Minister of State Administration. Now STAE is under the CNE.”** (Interview, Maputo, 29th May 2008)

The CNE consists of 13 members headed by a president. Five members are designated by parties/coalitions in the Assembly of the Republic and eight members are chosen from nominees by civil society bodies. The president of the CNE is elected by the 13 commissioners from among the

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eight members nominated by civil society. A representative of the government has the right to attend meetings and to speak but has no vote (Law 8/2007). The term of office of the CNE is five years and new commissioners must be appointed within 60 days “after the start of each legislative period” (Law 8/2007).

The CNE has a separate legal department. The laws have been changed for the better over the years resulting in a more independent electoral commission. **“Step by step we are improving the law. No law is perfect. The law has changed to make improvements. An example is that the law has reduced the number of political party representatives on the CNE (now there are only five and the other members come from civil society) and has reduced commissioners from 19 to 13. Five members are from political parties nominated by Parliament and the rest from civil society”** (Interview, Maputo, 29 May 2008)

Swaziland

Political and governance structure

Swaziland's legal system is based on Roman Dutch law combined with traditional law. Swaziland has been independent from the United Kingdom since 6 September 1968.

A new Constitution was adopted on 26 July 2005. The country is a monarchy, where the King is the Head of State and Commander in Chief of the security (defence) forces. The hereditary succession to the throne is governed by traditional law and custom. Executive power lies with the King who exercises it directly or through the Cabinet. The Prime Minister is appointed by the King, from the members of the House of Assembly, acting on the recommendation of the Advisory Council and may be removed from office by the King for incompetence. The ministers are appointed by the King on the recommendation of the Prime Minister and may be removed in the same way.

The court system is headed by a Chief Justice and is comprised of a Supreme Court (final court of appeal), a High Court and subordinate courts and tribunals. The judges of the superior courts are appointed by the King on the advice of the Judicial Service Commission. Judges are removable by the King for incompetence or misbehaviour only on the recommendation of the Judicial Service Commission.

Right to vote

The right to vote is protected by the Constitution. There is also constitutional protection of the freedom of association, yet the political system does not provide for the right to form political parties to contest an election. This anomaly is currently being challenged in court and is on appeal.

The electoral system is unique to Swaziland. The House of Assembly elections has the *tinkhundla* ('chiefdoms') system where Swaziland is divided into constituencies (*tinkhundla*), which are subdivided into chiefdoms. The voters of each of several chiefdoms in an *inkhundla* nominate candidates to stand for election. These then compete with other candidates nominated in this way to represent the *inkhundla* in the House of Assembly.

The term of office for members of Parliament (MPs) is five years and elections are conducted 60 days after Parliament is dissolved. Parliament can be dissolved by the King on specific grounds



before the term of office is exhausted. The date of the elections is announced by the King, on the recommendation of the Elections and Boundaries Commission (EBC).

Elections have been peaceful despite civil society and trade union activism on the lack of political plurality because political parties are not allowed to contest elections in Swaziland. **“Swazis by nature are not violent people and we have not experienced any violence that would threaten elections.”** (Interview, Mbabane, 23 May 2008)

Election management

The Election Order, 1992 and Voter registration Order, 1992 provide the legal framework for elections.

The EBC is established by the new Constitution and replaces the Electoral Office, which previously managed Swaziland’s elections (Constitution 2005, article 90(1)). The EBC consists of a Chair and Deputy-Chair appointed by the King on the advice of the Judicial Service Commission and three other members appointed by the King on consultation with the ministers responsible for elections and for local government (Constitution 2005, article 90(1)-(2)). Commissioners may only be removed by the King for incompetence or misbehaviour on the recommendation of the Judicial Service Commission.

The term of office of a commissioner is 12 years and is not renewable.

The Constitution tasks the EBC with supervising voter registration, ensuring fair and free elections, facilitating voter education, delimiting *tinkhundla* and producing periodic reports on work done.

In terms of independence of the EBC, the commissioners **“consult with the minister extensively.”** (Interview, Mbabane, 23 May 2008)

Any changes to the electoral laws must be done by Parliament.

The EBC has a legal officer responsible for drafting regulations and other legal documents.

Zambia

Political and governance structures

The Constitution of Zambia, 1996 provides for the election of the President and members of the National Assembly by direct adult universal secret ballot.

The President and MPs are elected for five-year terms of office, with the President limited to serving two terms of five years.

“Notwithstanding anything to the contrary contained in its Constitution or any other Law no person who has twice been elected as President shall be eligible for re-election to that office”. (Constitution, 1996, article 35 (2)).

Presidential elections must be held whenever the National Assembly is dissolved (Constitution, 1996, article 34) or within 90 days of the President vacating office by resignation, death or ceasing to hold office (Constitution, 1996, article 38). The President is Head of State and government and Commander in Chief of the defence force. The President must be Zambian by birth. The Vice-President and ministers are appointed by the President from among the members of the National Assembly. The Constitution also lays down qualifications for the presidency and MPs. Article 34 s(3) identifies these qualifications as follows:

- (a) he is a citizen of Zambia
- (b) both his parents are Zambians by birth or descent
- (c) he has attained the age of 35 years
- (d) he is a member of, or is sponsored by, a political party
- (e) he is qualified to be elected as a member of that National Assembly
- (f) he has been domiciled in Zambia for a period of at least 20 years.(g)

The Electoral Act, 12 of 2006, lays out the institutional framework, electoral system, procedures for delimiting constituencies, qualifications and requirements for candidates, as well as guidelines on all matters relating to the process of elections.³

³ EISA Election Observer Mission Report No 23, ‘Zambia Presidential, Parliamentary and Local Government Elections’, 28 September 2006, page 8.

The National Assembly is composed of 150 members who are elected from constituencies using the first-past-the-post electoral system. Eight members are nominated by the President and a speaker is elected by the National Assembly, but not from the National Assembly. Members hold a five-year term of office. Presidential, National Assembly and local government elections are held simultaneously every five years. The most recent election was held on 28 September 2006 and the next elections are scheduled for 2011.

Part III ss11 to 32 guarantees the protection of fundamental rights and freedoms of the individual rights including the right to freedom of consciences, expression, assembly, movement and association (s11(b)).

The judicial system comprises a Supreme Court as the final court of appeal, A High Court, Industrial Relations Court and subordinate courts and local courts. Judges are appointed by the President and ratified by the National Assembly. However article 91 of the Constitution provides that “Judges of the courts shall be independent, impartial and subject only to the Constitution and the law”.

The legal basis for the electoral systems is laid out in the Constitution of Zambia, 1996; Electoral Act, 12 of 2006; Electoral Commission Act, 1996; Referendum Act, chapter 14; Local government Act, chapter 2882; and the Electoral (Code of Conduct) Regulations, 2006. Zambia is one of the few countries that have a Code of Conduct that applies to individuals, political parties, the media, and monitors (observers). The President sets and announces the election date as provided for in the Electoral Act. This is usually done in consultation with the Electoral Commission.

Right to vote

The 1966 Constitution provided that voters had to be 21 years of age. Subsequently this was amended and Part II of the Electoral Act, 12 of 2006, section 5, stipulates that eligible voters are required to be 18 years of age, a citizen of Zambia and in possession of a national registration card; 3,941,229 voters were registered in the 2006 elections with 2,789,114 voters casting their vote. Five candidates contested the Presidential election and six parties contested the Parliamentary elections.

The requirements for registration and compilation of the voters’ roll are contained in the Electoral Act, 2006, Part II, ss4 to 15. Voters are provided with a voter registration card. Prior to 2006, the registration process had proved to be a challenge to the electoral authority. Advanced machinery and software has facilitated more efficient data capturing. Consideration is being given to introducing continuous voter registration. Currently it is undertaken prior to an election.

Election management

The Electoral Commission is established in terms of the Constitution and the Electoral Commission Act, 1996. The Electoral Commission Act provides for the establishment of a full-time Electoral Commission of Zambia (ECZ). Article 76(1) of the Constitution establishes an “autonomous electoral commission to supervise the registration of voters, to conduct presidential and parliamentary elections and to review the boundaries of the constituencies into which Zambia is divided for the purposes of elections to the National Assembly”. Article 76(2) (Constitution, 1996 (Amendment), 18 of 1996), provides for the composition and operations of the electoral commission, appointed by the President. Prior to this amendment the electoral and local government commissions were constituted on a part-time basis for the conduct and supervision of the presidential, parliamentary and local government elections. The two commissions operated in liaison with the then elections office, an office under the Vice-President.

Aside from the duties outlined in article 76, the commission has the following statutory functions to perform: supervise a referendum (Referendum Act, Cap 14), conduct and supervise local government elections (Local Government Elections Act, 282) and formulate and review the electoral general regulations.

The Electoral Commission Act provides for a commission made up of five members, including the chairperson and four other commissioners appointed by the President of Zambia, subject to the ratification by the National Assembly. The chairperson should be someone who has held or is qualified to hold high judicial office. There is no specification for the other members’ professional qualifications.

Part III of the Electoral Commission Act, clause 12, gives the commission the mandate to appoint a director who is responsible for the management and administration of the commission and the implementation of the decisions of the commission. The director is assisted by staff, appointed by the commission and on terms and conditions determined by the commission.

The commission sources its funds from Parliament or through grants and donations.

Generally elections take place in a peaceful environment. The commission has established District Conflict Management Committees in all 172 districts, made up of representatives of registered political parties and other stakeholders. The Conflict Management Committees assist in the prevention and resolution of electoral conflicts before, during and after elections.

Key findings

Personnel constraints and capacity



Technological Challenges



Relationship between the Secretariat and Commissioners



Budgetary challenges



Personnel constraints and capacity

The overarching objective of an EMB is to deliver an election that is free and fair to the people of the country that it serves. Intrinsic to the ability to deliver such an election is the quality of the personnel that work in the EMB. An under-resourced EMB or an EMB resourced with people that have inappropriate or negligible skills and expertise will not be able to deliver on this key mandate.

Without fail all of the EMBs' interviews, as well as those who responded to the questionnaire electronically, identified the capacity of their staff or personnel as being their most important challenge and the area where they required the most support and assistance. Three of EMBs (Mozambique, Madagascar and Swaziland) identified skills capacity-building as a requirement, as well as more staff to conduct the activities, as being their most important need. Malawi identified more staff as being their most pressing need as they felt that staff that they had in place were of a high calibre but were lacking extra support and could not manage all the responsibilities. Both Botswana and Zambia indicated in their responses that they were reasonably well staffed and the staff that was in place had the requisite electoral skills and expertise. However despite being on the edge of the continuum with less capacity-building requirements they still identified ongoing training, support and development as their major requirements.

It is interesting to note that financial constraints were not identified as being of primary importance and a number of EMBs indicated that their budget was sufficient.

This provides the ACE EKN with a unique opportunity to provide the requisite capacity-building support through training, education and development programmes. These programmes should be formalised to best present a cohesive, coherent and inclusive framework of development and capacity-building initiatives for EMBs.

The responses below from each of the countries' EMBs provide empirical evidence of the primary identified need for capacity building for electoral staff.

Swaziland

Not all administration positions are filled. They have a human resources officer, but an accountant and an ICT officer must still be appointed. Currently they use the Computer Services Bureau (government) to meet their ICT needs. All staff will be connected to the internet, although not currently. There is no particular time-frame for this, but it was indicated that it is imminent.

The commission hopes to have an officer in all four regions. Civil servants are appointed by the Civil Service Commission. This can result in long delays in appointing. For example four vacancies were identified and it took four months to finalise the appointment.

Staff appointments are permanent. There is not yet a full complement of competent professional staff, and the current head of the secretariat has to do most of the work herself. When appointments have to be made she develops job specifications for advertisements or applies to the Public Service Commission, but does not make the appointments. As staff often come from other ministries they are not immediately familiar with election work and need to acquire this expertise. At the time of this interview, the commission had retained an external company to provide equipment for registration and to train registration officers for the planned voter registration exercise.

“If [we] require services for more than E5000⁴ ...[we] require a waiver from government before an order.” (Interview, Mbabane, 28 May 2008)

The biggest challenge is that the staff members do not have electoral experience and skills.

The CEO has an administrative secretary. Currently there is one secretary for all five commissioners, CEO and regional officers and there is a need for more staff at this level. All five commissioners are full time.

Communication with the commissioners is informal and they are readily approachable. They do have formal meetings on a regular basis. There is no need for a liaison officer between the CEO and commission.

Delimitation, previously conducted by a five-person Delimitation Commission, is a new responsibility for the commission and a skill that needs to be built. It is on-the-job learning for the head of the secretariat and training is required.

Registration is conducted through the Principal Election Officer and the four Regional Officers. Registration clerks, who come from the communities, are young unemployed people with no specific electoral and registration skills. Not all the regional staff have electoral skills and knowledge, which provides a challenge for the commission. Teachers and civil servants make up the polling staff.

There is no separate training department and no specific training programme for staff, which impacts on quality and quantity of training. Training is done either by the CEO or the commissioner. This is an area that needs to be looked into more fully.

There is one person in the commission who coordinates voter education, but the commission can also accredit other organisations to do this. The commission provides the training material to ensure consistency in the messaging.

The biggest challenge is that the staff members do not have electoral experience and skills.

⁴ Elangeni (E) is the national currency of Swaziland.

Mozambique

The commission has departments for ICT, registration of voters and voting, logistics and communications, security, training and civic education and financial administration. The sub-commissions of the commission oversee operations, training, finance, legal matters, and internal and external relations.

The biggest challenge for the Mozambican commission is in ICT. The challenge is how to equip staff and registration stations to capture details of voters, etc. This requires skilled technicians to use equipment and manage data from the registration. The commission is currently undertaking training in this area, but they do not have a skilled database of people who can conduct this type of work and this affects the efficacy of the commission.

At provincial and central level there is no equipment shortage challenge, however the districts desperately need more equipment.

National and international consultants are contracted to do some of the work and they are required to transfer skills to staff at the national and provincial level. The objective is to ensure that there is local knowledge.

Every staff member at national and provincial level has access to a computer and the Internet. At a district level there is no infrastructure to support the Internet and computers. Central and provincial level staff are permanent, but district level staff are not. This is something that the commission would like to change. The commission has a separate unit for training and this unit is staffed with “experienced staff working from the previous elections”.

The specific challenges with infrastructure and staff are in GIS and delimitation. The commission recognises that South Africa’s electoral commission has vast experience in this area and have suggested twinning with the South African IEC to develop these skills.

The commission would like to have continuous civic education between elections. The commission believes this will encourage people to vote as the participation rates in elections is relatively low at about 40%.

Malawi

The support services at the Malawi commission include human resources, procurement, ICT and financial management. The ICT department is very well staffed, but the other departments have a staff shortage. The appointments are a mixture of permanent and temporary staff. The commission has a policy for appointments with minimum qualifications being specified and potential appointments being required to go through an interview process.

Key challenges are inadequate staffing, shortage of equipment and resources. There are specific training programmes for staff including induction courses, skills development courses and formal educational programmes.

Every staff member has access to a computer and email and the internet.

The commission has separate units for delimitation and voter registration. Both of these essential units face the challenge of insufficient staff. The staff that are there are skilled and professional, but there are too few to do all the required work. Consultants are sometimes contracted but are paired with local staff. Consultants are also used in these departments and skills transfer is a requirement.

Voting operations are conducted by temporary staff at the voting stations. They receive focused training on their tasks for the election day and they are maintained on a database for future elections.

The commission does not have a separate unit for training. There is a separate unit for voter education. Although there is well-skilled staff, it is not sufficient to do all the work. The commission intend contracting consultants to work in this department.

On the local and regional level there are offices and staff. Staff in the regional office have access to a computer and the internet, but not on the district (local) level. Staff at these offices is well qualified and consultants are not required. The Malawi commission has three regional offices and 28 district offices.

The commission conducts reviews of its work to assess its performance and to identify challenges. Following the last review they developed a strategic plan for the next elections.

“A key challenge is capacity building with staff. We don’t have sufficient staff. Insufficient staff and staff without those specific skills. We have a large number of consultants. In ICT there are many consultants. These consultants are supposed to leave skills and transfer skills through training.” (Interview, Lilongwe, 15 June 2008)

Key challenges are inadequate staffing, shortage of equipment and resources.

The commissioner who was interviewed highlighted the following as key challenges: **“Not sufficient staff in each section. ICT is well skilled. Some of the other sections need more skills. More and better equipment. Insufficient training for registration staff. Most of them are temporary and they require more adequate training. As registration is not a continuous exercise, they do not have permanent registration staff. The budget would have to be increased to employ them for a longer period so they could undergo better training and get better skills. Staff that carry out other functions also do training, as they don’t have a training department. This could be improved upon. Strategic planning will look to planning for a training department. There are the same challenges for voting and counting operations.”** (Interview, Lilongwe, 15th June 2008)

Madagascar

The Permanent Administrative Secretariat (PAS) is made up of: General affairs, Legal affairs, Data processing, and Communication.

The PAS has three support services, namely human resources, procurement and financial management. The departments are staffed with competent professionals. The appointments are permanent. A key challenge is to align an effective administration system with the Madagascar Action Plan (MAP). They do not identify personnel challenges in these support service areas, which benefit from training programmes. However, as the PAS is new (2006) there has been an overload of work and the staff have not attended much training to date.

Capacity building is seen as critical, **“The reinforcement of the capacities (capacity building) of the services of the PAS is wished ... (specifically data processing, training of English, update of electoral knowledge).”** (Interview, Madagascar, 11 June 2008)

The legal personnel need capacity building. The CNE does not have a department that focuses on training. The CNE is not responsible for delimitation. Work in these areas is not contracted out to consultants. Every staff member has access to a computer, email and the Internet.

The CNE does not have capacity to do voter education, but the Communication department does education in civil society where voter education is conducted. There is a lack of personnel, materials and budget.

Local offices have staff on district level (four for each of the 117 districts) and communes level (one for each of the 1549 communes). These staff do not have computer and Internet/email access. “50 local offices will be equipped with computers funded by the European Union.” It was not evident when this would occur, but it was indicated that this was imminent.

Personnel on the local and district levels “lack experience”. The main challenge is capacity building. There are training programmes for local officers, but these need to be extended.

The overall challenge is to improve the effectiveness of electoral staff and to increase the visibility of the CNE. The main constraint is lack of adequate offices, communication challenges and experienced human resources. Training for human resources is a particular request at the local and CNE levels.

Overall challenge is to improve the effectiveness of electoral staff and to increase the visibility of the CNE

Botswana

The EMB is small so does not have separate support services. The commission has a permanent secretariat. The general administration department reports directly to the secretary (who is the equivalent of an EMB CEO). It is headed by a department manager. There is one HR manager and two assistants. These are permanent appointments and they are part of the public service. Public service department can give the EMB staff from other government departments. This is not always ideal as some of the staff may not have the particular skills required. To remedy this situation the commission has requested that this only happen after consultation and agreement with the secretary.

Botswana has made the most progress in terms of organised training programmes. There are specific training programmes for administration. There is an annual training plan “currently one of the officers in the education and training department graduated from Wits University and the commission paid for his training, two ICT staff are doing a diploma course.”

Not every staff member has access to a computer, although it is estimated that 85% do. Consultants are very rarely used. There is a need to grow the commission and for more people to know about its work.

There is not a separate voter registration department. The elections and ICT department conduct the registration. The main challenge here is the recruitment of appropriate staff and retaining their services. As these staff are employed for three weeks only it is difficult to maintain their services.

There is a separate voting department that is staffed by professional skilled people. Key challenges are external and include voter apathy, low levels of formal education in the electorate and people losing their registration cards.

The main challenges are to intensify civic and voter education to counter voter apathy and to revise the voter education curriculum

There are specific targeted training programmes for staff in this department. The challenge is to maintain the same staff as they are temporary. The training unit falls under the elections unit. The staff in this unit is well trained and qualified. The training department develops its own material in line with the law and they have the capacity to do this.

However, the challenge is that people are trained and then don't arrive on election day to conduct their duties.

Voter education is conducted by the Information and Communication Unit. It works with local organisations and provide them with voter education material. It is staffed by competent personnel. There is no indication that they require more or better-trained staff.

Liaison with political parties is done through the principal public relations officer in the secretary's office. This is well managed. The main challenge is a lack of continuity among the political parties and the ruling party not being as committed as the smaller opposition parties.

There are 25 district bases. All have permanent staff with an officer per district base. They will be responsible for voter registration after the current restructuring. All local staff has access to computers, the Internet and email. There may be a correlation between this access and well-equipped and qualified staff as this commission has best access and less need for capacity building.

Challenge to local staff is that there are too few and that they are housed in rural areas. This is not ideal and the commission has embarked on a development programme to address these challenges.

The commission has a review of its activities six months after an election. The latest review workshop suggested a need to change some aspects of the legislation in order to address any potential loopholes in the legislation. This is currently happening.

The main challenges are to intensify civic and voter education to counter voter apathy, and to revise the voter education curriculum.

They recommend that the Electoral Commissions Forum (ECF) partner with EISA to come up with an institution that trains election officers as part of a course with a qualification. Training for election officers should not be ad hoc. There should be specialised training for officers and commissioners.

Zambia

Support services all have separate units, as does legal, public relations and audit. The respondent indicated that they are all staffed by competent professional people. The heads of departments are on contract to ensure performance management at a senior level and the other staff are permanent. Recruitment of positions is done according to job specifications and conditions of service. The key challenges are to ensure that staff “meet their respective deadlines of the efficient conduct of the commission’s activities.”

The main challenges of the commission are identified as “the efficiency of the results management system and the capacity building of all election staff to ensure efficiency and accuracy during elections.”

Staff are given particular training opportunities depending on the budget and if there is sponsorship available. This information is insufficient to determine the extent of training, but it does indicate that training and development opportunities are available and encouraged by the commission.

Every staff member has access to a computer and to the Internet and email. Work is occasionally contracted to consultants, “when the need arises. ECZ staff must be able to manage in the absence of consultants.”

There is not a separate unit for delimitation or voter registration. It is the elections department in conjunction with ICT that manages these functions. In both instances the staffing is professional and competent and none of the positions are contracted out to consultants. There is identification of “ongoing capacity building” as a need.

There is no specific training department, but this competency falls under the election department. The people that conduct training are seen as skilled professionals. “Some election staff have done the BRIDGE⁵ Training of Trainers course.”

There is a department focused on voter education that is well staffed with professional and skilled staff. The key challenge to this department is the “effective implementation of voter education”. This department identifies ongoing capacity building as a challenge. The commission does not have local offices.

Internal and external reviews of the commission have taken place. The commission is implementing the recommendations of the reviews. The main challenges of the commission are identified as “the efficiency of the results management system and the capacity building of all election staff to ensure efficiency and accuracy during elections.”

5 Building Resources in Democracy, Governance and Elections (<http://bridge-project.org>)

Technological Challenges

The word ‘technology’ often causes people anxiety and evokes a negative response such as “it is too complicated” or “I can’t understand it” or even “it is too costly to introduce” and “voters don’t trust anything to do with electronic technology”. This is no different in the case of EMBs.

Given that countries in SADC differ considerably in terms of social, cultural, economic and political environment, there is no “one size fits all” in terms of the use and type of technologies employed.

EMBs are responsible for a wide range of tasks which include logistical arrangements for polling, registration of voters, recruiting, training and deploying electoral staff, designing voter and civic education programmes and constituency delimitation. All of these components involve a large amount of information that needs to be collected and recorded. Election officials therefore need to be competent at managing information in order to carry out their duties effectively. Speaking in 1994 at the Colloquium for African Election Administrators, Harry Neufeld suggested that information can be managed (processed) in high tech, low tech or no tech environments, all of which can be mismanaged.

Election technologies include ‘old’ and ‘new’ technologies. Items such as printing presses, computers, electronic calculators, and radios fall into the ‘old’ category. New technological equipment includes optical scanners, digital mapping, results centres, computerised voters’ rolls, electronic voting and GIS. SADC countries have a diverse capacity to manage different types of technologies with almost all EMBs being familiar with ‘old’ technologies, having used them previously in the administration of elections. The Malawi Electoral Commission indicated that only staff in the national and regional offices have access to computers. The MEC further noted amongst one of its key challenges in the regional and district offices that there is “inadequate equipment such as computers”. Regional and national staff has access to a computer terminals, whereas staff in the 28 district offices do not. The Botswana Electoral Commission estimates that 85% of staff has access to a computer terminal, email and the Internet with some staff sharing the access. Concomitant with not all staff having access to the Internet and computer terminal is the lack of space to accommodate additional technology, a situation they hope to remedy in the future. Not all staff at the Madagascar Electoral Commission (Conseil National Electoral, CNE) has access to computers. However, with financing by the European Union, 50 computers will be bought and installed in the near future. The CNE also noted that not all staff has access to email and/or the Internet and that one of their main challenges, particularly during an election, is in terms of communicating including “telephones and radio” and the administration of materials. The Mozambique Electoral Commission (CNE) and its technical arm, the STAE experience a similar challenge with staff in the central and provincial offices having access to email, but district offices having insufficient infrastructure.

The use of technology can assist in the various aspects of electoral administration.

Acknowledgement of the role that technology can play in enhancing the electoral process is evident in the reference to technology in the mandate of some electoral commissions. South Africa (Electoral Commission Act, 51 of 1996, 5(1)) lists amongst the functions of the commission “to develop electoral technology”, as does the Lesotho National Assembly Election Order, 1992, (4) which identifies “to facilitate the development and transfer of electoral technology” as one of the functions of the commission. The conventional understanding of technology is that it applies to software programmes and electronic equipment. The ACE EKN Project highlights that there are other technologies used in elections, for example “new materials, such as cardboard, fibreglass and plastic used in polling equipment”.⁶ This can be seen in the use of transparent ballot boxes, an increasingly popular requirement by voters and political parties to ensure the transparency of the electoral process. In the recent 2008 Zimbabwe harmonised elections transparent ballot boxes were used, (this was one of the requirements tabled in the pre-election negotiations to ensure a free and fair election). Many countries, such as the Democratic Republic of Congo in the 2007 elections and South Africa since 1999, have introduced plastic election equipment, including ballot booths and tables, as an easier way of storing and transporting election material.

However, given that countries in SADC differ considerably in terms of social, cultural, economic and political environment, there is no ‘one size fits all’ in terms of the use and type of technologies employed.

Principles for using technology in the electoral process

The ACE website suggests that there are several guiding principles that can help establish and maintain public confidence in the use of technology in the electoral process.⁷ Some of these principles are listed as:

- * Taking a holistic view of new technology. For example, when looking at using technology for voting, such as e-voting, principles that guide voting also apply to introducing new technology. The MEC is currently looking at whether it should consider introducing electronic voting for the forthcoming 2009 Malawi elections. The MEC will need to take into account principles that guide good voting and assess whether the introduction of electronic voting will meet these principles. The Botswana Electoral Commission practices continuous registration where information on registration is linked to the national data

⁶ Ace Project website: <http://aceproject.org/ace-en/topics/et/et10>

⁷ Ace Project website: <http://aceproject.org/ace-en/topics/et/et20>

register, enabling the commission to ensure that its records of registered voters are continually updated. For example, information on deceased voters will be reflected on the national register (assuming that the family has reported the death).

- * Considering the impact and sustainability of new technologies. Given that many EMBs are under resourced in terms of human and financial resources, they will need to ensure that if they introduce something new so they are able to meet the demands. Many EMBs, such as Swaziland, have a small full-time staff, and adding additional pressure may result in non- or misuse of the technology. Some EMBs' ICT services are overseen by a government department as in Botswana where new technology may actually burden rather than assist the EMB.
- * Maintaining transparency and ensuring ethical behaviour when adopting new technology. Many EMBs have indicated that voters are not yet confident with technology, particularly with regard to e-voting. The South African IEC tabled this for discussion at one of its Party Liaison Committee meetings, where parties expressed concern that party agents preferred a manual count as the choice indicated by the voter on the ballot paper was visible to all.

An illustration of the positive side of technology in contributing to transparency of the election process is that of South Africa and Lesotho, both of whom have introduced a national results or announcement centre. This is not particular to these countries only but an example of how technology has assisted in making the process more transparent. The South African IEC establishes a results centre where political parties, the media and the public gather, and can view the national computation of results coming in from polling stations. In 1999, following the national and provincial assembly elections, a data capturer erroneously entered a positive result for a political party. As the capturing of results could be seen by all at the results centre, as well as the public at large due to the results being televised nationally, the error was immediately noticed and corrected.

The Lesotho IEC established a national results centre in Maseru in February 2007 for the National Assembly elections. The results centre had all the necessary equipment including computers, faxes, and three large screens for displaying the results. Entry to the results centre was accessible and open to the public. Supporters, political parties and observers and followers of their respective parties were able to follow the outcome (result) of their respective candidates and parties as the results were tabulated.

Two challenges need to be addressed when introducing technology either in the form of electronic voting or the compilation of the results.

- * Firstly, concern that hackers could gain access to a computerised system, particularly for voting and registration of voters has been expressed by political parties and voters.
- * Secondly the question of privacy. As with any system, be it manual or electronic, that involves the storage of confidential or sensitive data, such as a voters' register that contains, names, addresses and other personal details, electoral computer systems need to provide sufficient protection

As electronic computer systems are costly, EMBs must have the necessary resources to purchase the equipment, train their staff and maintain, update and support the equipment. For this reason several EMBs, such as Botswana, Malawi and Mozambique, are serviced by the relevant government department and do not necessarily have in-house skills.

Challenges in implementing election technologies

While many EMBs embrace election technologies and many have introduced and use new technology, implementation poses its own set of challenges. Given that elections are a high-risk activity and open to public scrutiny there is not much room for error. Particularly in countries that are introducing new technology it can only be tested for the first time when introduced, giving rise to problems and tensions.

Voter registration: The use of computerised registration processes and voters' rolls is becoming common practice in SADC. Madagascar has computerised its voters' lists since the 2006 presidential elections. However, as the current cards do not carry voters' photographs, it is difficult for electoral officials to verify the identity of the voter. The Lesotho IEC introduced a voter registration system in 2006 that provides for a photograph and a thumbprint. The information is then captured onto a computerised registration system. For the 2007 elections however, computerised registers were not yet in place that would enable officials to verify voters through a centralised computerised registration system. The IEC also had some challenges in registering voters in preparation for the election, as not all the material, such as films and application forms, was available. In some instances cameras were not working properly, and in others, registration centres had to share one camera.⁸ South Africa uses the 'zip-zip' machine when registering voters, which enables registration staff to record the necessary voter information and verify the information from the voters' national identity book. Some preliminary discussions have been held regarding a centralised computerised register which is available at every voting

EMBs also need to ensure that the proposed technologies are suitable to their needs and their environment. Voting material such as booths, ballot boxes must suit the environment.

⁸ EISA Election Observer Mission Report, Lesotho, Report number 26.

station and where voters' names can be marked off and logged. However, as this is a costly process as well as the fact that not all stations have access to electricity, notably some of the rural voting stations, this will not be in place for the 2009 national and provincial elections.

The Malawi Electoral Commission has experienced problems with the registration process in two previous elections and the commission is introducing computerised registration, also using a photograph and fingerprint and providing voters with a voter card in preparation for the 2009 national and presidential elections, as is Swaziland. Swaziland began its registration process in May, introducing a voter card with a photograph for the first time in preparation for their 2008 elections. However, delays in distribution and receipt of registration material in some areas posed challenges to the newly formed commission.

Effective registration technology is recognised as crucial to the successful and acceptable outcome of an election and EMBs are constantly looking for innovative and cost-efficient registration systems. For countries that apply continuous registration, such as Lesotho, Botswana and South Africa, technology plays an important role.

Updating and maintaining technology versus introducing new technology: Technology is constantly developing so by the time many EMBs have raised sufficient funds to purchase computers or introduced suitable systems for computerised registration, the technology has already undergone a change. A further challenge for some EMBs is that the supporting technicians are not easily or readily on hand. The Lesotho IEC introduced at some expense voters' cards for the 2007 elections. The cards included a photograph and thumb print. As a result of the heightened interest in the elections caused by the political dynamics at the time, a higher number of voters registered than expected. This resulted in an increase in the volume of data entries, which the computer system was unable to handle in a short space of time and the system crashed. Adding to this challenge, the computer technicians were based in South Africa.⁹

EMBs also need to ensure that the proposed technologies are suitable to their needs and their environment. Voting material such as booths and ballot boxes must suit the environment. A voting station that is outside covered by a tarpaulin needs to be easily transportable, but solid enough to contain the weight of the voter whilst completing the ballot form. Lighting is often a challenge given that in many rural areas in SADC countries do not have electricity. Alternative lighting that is inexpensive, long lasting and easily transportable is necessary. Given the difficult geographical terrain in the DRC, as well as lack of infrastructure, voting materials for the 2007 elections had to be easily transportable as well as secure and durable.

Confidence: All stakeholders need to have faith in the technology, especially when new technology is introduced. In the 2004 Namibian presidential and national elections, a centralised

⁹ Ibid

computerised register was piloted in some voting stations in Windhoek. Prior to introducing the computerised register the Namibian Electoral Commission consulted the contesting political parties demonstrating how it would be implemented with a view to considering more widespread use in future elections. Preferably a trial run of any new technology should be done in advance. Swaziland introduced computerised registration including a voters' photograph in preparation for the October 2008 elections. The date for registration was set. However, the necessary equipment, cameras film etc had not been received from the supplier on the day that registration commenced with the result that some registration stations did not open and at others staff were not confident to use the equipment.

Well-trained staff: Introducing new technology requires staff who are confident and knowledgeable on how to use it, as evidenced in the experience of the Swaziland Electoral Commission.

E-voting: A discussion on technology cannot be complete without reference to electronic voting. Countries have had different experiences with electronic voting. The experience in the United States in the 2000 elections raised several issues including the lack of a paper trail, as touch-screen voting machines proved highly controversial. At the same time rumours of rigging and insecure and faulty machines circulated. In one case in Indiana 5,352 voters cast 144,000 votes.¹⁰ On the other hand India, with a population of 670 million voters, successfully introduced voting countrywide in the 2004 general elections. Several countries in SADC have considered the introduction of e-voting in the future. In the post-2004 election evaluation workshop held by the Botswana Electoral Commission, the commission included a demonstration on e-voting to stakeholders. The Malawi Electoral Commission has also considered the use of e-voting in the future. The Electoral Commissions Forum of SADC at its annual general council also invited a demonstration of the equipment. E-voting however is still regarded by voters, political parties and even election officials with some suspicion. Stakeholders prefer a manual count where they can see where a voter has marked a ballot paper. Some concern has also been expressed that given the varying levels of formal literacy in the SADC region, voters may be overawed by the use of electronic voting. Another concern raised was that of the lack of infrastructure. This perception is fairly widespread, despite the success that India has had with similar challenges.

Technologies are a tool to assist EMBs in enhancing their performance and in securing confidence by contesting parties and voters that they are able to perform their responsibilities impartially and professionally. Technologies that include counting machines, mail inserting machines, zip-zip machines for registration, electronic whiteboards, mobile phones, electronic voters' lists, fax

¹⁰ 'Electronic voting – the trouble with technology', The Economist Newspaper and the Economics Group, 2005, reprinted on <http://aceproject.org/ero-en/topics/elections-and-technology/election>

Well trained staff –
Introducing new technology
requires staff who are
confident and knowledgeable
on how to use it as
evidenced in the experience
of the Swaziland Electoral
Commission.

machines and automatic numbering machines, as well as dyes and
inks for marking voters' fingers to ensure that duplicate voting
does not take place, can add value to election administration.

Access to the Internet and email enables EMBs to share
information and experiences and to learn from other EMBs'
experiences.

Relationship between the Secretariat and Commission

Malawi commissioner

“Where you have a strong secretariat there are no problems.” (Interview, Malawi, 15th June 2008)

The secretariat should implement in terms of the law. But problems arise when an election goes wrong and the commission is blamed so they need to know what is happening. As they are answerable they must ensure that the CEO knows his/her job well.

Malawi CEO

“The biggest challenge that faces a CEO is to manage the relationship between the commission and the secretariat.” (Interview, Malawi, 15th June 2008)

EMBs are integral to the integrity of the election process as they are responsible for election policy and administration. Increasingly over the past ten years the conduct and supervision of elections has shifted from a government department, such as South Africa pre-1994 where the conduct of elections was the responsibility of the Department of Home Affairs, to that of an authority removed from government. An EMB comprises two levels, namely the policy-making level and the implementation level. Generally policy making lies with the commissioners of an EMB while the implementation is carried out by the secretariat staff overseen by a Director of Elections, or Chief Election Officer or Secretary of Elections. The secretariat usually comprises a permanent core staff, which can vary in size from a few people to 200 or more and part-time staff who are contracted to assist on election and counting day. Commissioners may also be full time or part time.

The autonomy and independence of EMBs varies from country to country. Generally the electoral commission, which comprises the commissioners, has the overall responsibility of elections and is legislated through an Act of Parliament and/or included in a country's constitution. In some countries the President appoints commissioners, such as in Malawi where the President, in consultation with political parties, makes the appointment, and in others, such as South Africa through an independent panel. The inclusion of political party representation in EMBs has been a requirement by some countries. This is done either by including representation of political parties in the commission, such as in Zanzibar and Mozambique, or by political parties having input as to

the members of the commission, such as in Botswana where the All Party Conference shortlists applications and submits them to the Judicial Service Commission for the appointment of five members.

Whether the institutional system includes political party representation or is officially independent or part of a government institution, it needs to have sufficient political and financial autonomy to administer its duties and responsibilities in an independent and non-partisan manner to ensure stakeholder confidence that it has the ability to conduct free, fair and credible elections. This has been particularly necessary for countries in political transition with a history of one-party domination or authoritarian government, such as the DRC in preparation for the 2006 referendum and 2007 elections, and South Africa in preparation for the 1994 elections. In both countries a ‘temporary’ electoral commission was agreed on and subsequently legislation passed to ensure a more permanent structure.

Appointment of commissions

The appointment of commissions varies from country to country. In most SADC countries electoral commissions are provided for in the Constitution of the country. In Botswana the Constitution of Botswana, 1996, s65A provides for the appointment of an IEC. The post-transitional Commission Electorale Independante (CEI) in Mozambique derives its existence and mandate from the post-transitional Constitution of 2005, article 211. This article includes in the functions of the CEI the organisation of the electoral process from voter registration to the announcement of results. Similarly, the Lesotho Independent Electoral Commission was instituted by the Second Amendment to the Constitution, which abolished the previous structure in the form of a Constituency Delimitation Commission and the office of the Chief Electoral Officer, and established the IEC independent from the control or direction of any person or authority (Constitution of Lesotho, 1993, articles 66C, 66D).

The question as to how ‘independent’ a commission is also varies from country to country depending on the legislation and the appointment of commission members. In Madagascar the CNE is responsible for the supervision of the electoral process with the MIRA responsible for the conduct of the elections, and the High Constitutional Court responsible for the verification and announcement of the results. Mauritius also has different bodies responsible for the conduct of elections, with delimitation and review of constituencies and boundaries being done by the Electoral Boundaries Commission and the Electoral Supervisory Commission having general responsibility for and supervision of the registration of electors for the election of members of the National Assembly and the electoral commissioner having powers and functions relating to registration and elections.

The South African IEC is established by the Constitution and its independence as an autonomous body is contained in the Electoral Commission Act (Constitution of the Republic of SA, article 190-191; Electoral Commission Act, 51 of 1996 3(1), (2)).

In Malawi the MEC is appointed by the President in consultation with the leaders of political parties represented in the National Assembly and members may be removed by the President on the advice of the Public Appointments Committee (which spells out the grounds for removal, namely incompetence or incapacity (Constitution, 1994, article 75(1), (4); Electoral Commission Act, 1998, 4(1)). The Namibian Electoral Commission is appointed by the President from a shortlist compiled by a Selection Committee comprising a judge nominated by the Chief Justice, a lawyer nominated by the Law Society and a nominee of the Ombudsman. Members may lose their positions based on incapacity or may be removed by the President for misconduct but with the approval of a resolution of the National Assembly (Electoral Act, 24 of 1992, 5(1), (12), (21)).

The term of office of commissioners ranges from five to 12 years and from one term of office to set renewable terms or indefinite terms of office. The Angolan Electoral Commission has a term of four years renewable by a further term (Electoral Law, 2004 A162), whereas the term of office in CNE in Mozambique runs for five years with new commissioners being appointed within 60 days “after the start of each legislative period” (Law 20/02, 2002). In Zambia the ECZ has a term of office not exceeding seven years, but renewable requiring ratification of the National Assembly (Electoral Commission Act, 1996, 5(1). The newly appointed Swaziland Elections and Boundaries Commission (appointed in 2008) has a 12-year non renewable term of office (Constitution 2005, 90). In essence, legislation pertaining to the term of office of commissioners reflects the criteria of good governance that is reflected in many structures in Africa including the terms of office of heads of state and board charters for business and recently extended to many non-governmental organisations.

In essence legislation pertaining to the term of office of Commissioners” reflects the criteria of good governance that is reflected in many structures in Africa including the term of office of heads of state and Board Charters for business and recently extended to many non governmental organisations.

Functions of commissioners

The function of almost all commissions is underpinned by the requirement to ensure that elections are free and fair. This can be seen in the functions outlined in the relevant legislation, either the Constitution, or Acts of Parliament or both. The Angolan Electoral Law, 2004 A155, lists amongst the commission’s tasks to organise and direct presidential and parliamentary elections and other electoral activities and ensure that elections are *free, fair and transparent*. The Botswana Independent

Electoral Commissions are also responsible for developing policies of principle and decision-making policies regarding the conduct of elections.

Electoral Commission has three specific functions (Constitution of Botswana, 1966, s65A(12)) to conduct and supervise elections and referenda, ensure that elections are conducted efficiently, properly, freely and fairly and direct and supervise the work of the Secretary of the Commission. The Swaziland Constitution, 2005, which for the first time introduced an electoral commission in Swaziland, lists amongst the functions of the commission “to ensure fair and free elections” (s90 (5)).

Aside from ensuring that elections are free and fair, commissions are tasked with the conduct and supervision of elections at all levels, registration of voters, compilation of the voters’ roll, tabulate and announce the results, delimitation of constituencies, credit observers, register candidates and register political parties. In addition, some commissions have been given a broader mandate such as in Lesotho which includes (s4, National Assembly Election Order, 1992) “to establish and maintain relations with civil society actors and political parties” and in South Africa (Electoral Commission Act, 51 of 1996, 5(1)) to liaise with political parties and to engage in electoral research.

Electoral commissions are also responsible for developing policies of principle and decision-making policies regarding the conduct of elections. In some cases commissions are also responsible for drafting electoral legislation with commissions either having designated legal departments as in the case of the South African IEC, or in Mozambique where STAE has a specific legal department and a commissioner having oversight of this department.

Appointment and functions of directorate/secretariat

Electoral commissions by and large are responsible for the appointment of the Director of Elections/Chief Electoral Officer. In a few exceptions this is not the prerogative of the commission, as in Botswana where the secretary is appointed by the President. The Electoral Commission of Namibia (ECN) is supported by the Director of Elections who is appointed by the President on the recommendation of the ECN (Electoral Act, 24 of 1991, (11(1)). Similarly in Tanzania the Director of Elections is appointed by the President on the recommendation of the commission. The Constitution of Tanzania makes specific reference to the director as “its chief executive” (Constitution, 1977, article 74(7); National Electoral Commission, 2000, 5).

In Angola the structure is slightly different where the CNE is supported in the execution of its functions by provincial commissions and municipal offices, each of which has nine members

and the communal electoral offices where required (Electoral Law, 2004 A157,158,160). With Mozambique the task of planning, supervising and executing elections as well as dispute adjudication is spilt between various interlocking bodies, with the main functions falling to the CNE supported by the STAE, which acts as the executive arm of the CNE. The secretariat/directorate is generally responsible for executing EMB policies and activities including planning and organising elections.

The common practice is reflected in, for example, Lesotho which has a Director of Elections, who heads the executive arm of the IEC and is appointed by the commission in consultation with the Public Service Commission. The director is directly answerable to the IEC (National Assembly Election Order, 1992, 9D). Zambia follows the same structure where the director is appointed by the Electoral Commission of Zambia (Electoral Commission Act, 1996, 12) as does South Africa where the Chief Electoral Officer is appointed by the IEC and functions as the head of administration and is the IEC's accounting officer (Electoral Commission Act, 51 of 1996, 12).

The main challenge to Commissions and the Directorate/Secretariat is clearly defining the parameters between the roles.

Defining the parameters

The main challenge to commissions and the directorate/secretariat is clearly defining the parameters between the roles. Although the Constitution or Electoral Commission Act may identify particular functions with the directorate/secretariat being the executive arm of the commission, their roles may from time to time become blurred, more so where commissioners are full time. In Mozambique the head of STAE attends meetings of the CNE, but does not have a vote. Aside from institutionalised meetings, informal meetings take place depending on the needs, not only between the head of STAE, but also between STAE staff and commissioners. Commissioners are also given responsibility for particular divisions within STAE meeting regularly with those divisions and monitoring progress and activities.

Newly appointed commissions may play a more active role in regard to the line functions of the technical arm, often because of the need to familiarise themselves with the functioning of the technical arm and in other instances where a new director/secretary/CEO is appointed.

The organogram of the ECZ in Zambia illustrates the lines of responsibility between different departments. The Botswana Secretary of Elections receives his instructions and directions from the commission, which includes exercising general direction and supervision over the registration of voters and the administrative conduct of elections. He also issues instructions to registration and elections officers that “he may deem necessary” to ensure the effective execution of the provisions of the Electoral Act; appoints election and registration officers and prepares them for their duties,

and establishes polling stations and polling districts. These duties are carried out by the secretary in consultation with the commission. The commission secretary described the secretariat as the body which “personifies the face of the commission and is its foot soldier” providing administrative leadership in a range of functions including “translating the commission’s policy and decisions into activities” and “reporting progress to keep the commission informed of its (the secretariat’s) performance”. He suggested that the functions and duties of a commission and its technical arm should be guided by the principles of:

- * accountability
- * independence
- * impartiality
- * transparency
- * professionalism
- * productivity.

Budgetary challenges

“The day-to-day budget for one year, (is) submit(ted) to the Minister of Planning and Finance. (There is a) separate budget for elections in election year, CNE prepares and submits to the Minister of Planning and Finance. The budget allocated is sufficient. If government does not give enough money, government asks donors (to supplement). Since 1994, the election costs have gone down as the stakeholders trust the process and (the government) has to spend less on this. STAE is more technical, there are no political appointments. The ballot papers (are) simpler, in the past they very fancy for security reasons and this cost more. Today people trust the process much better.” (Interview, Maputo, 29 May 2008)

It was expected that budgetary constraints would pose a large challenge to EMBs in the region as most EMBs operate in middle-to-low income countries. However, this was not specifically articulated as a key concern for EMBs. None of the EMBs mentioned this as their most important challenge and only Swaziland and Malawi indicated that they need more funding, as they are always recurring financial needs.

Budgetary constraints may be evidenced in the responses from some of the EMBs that there were insufficient staff in the commission and this impacted on the effectiveness of the EMB. This was demonstrated in Zambia, Swaziland, Malawi and Madagascar where the commissions cited that certain appointments had not been made. However, these responses indicate that the non-appointments were due to a combination of budget constraints and, more pervasively, a lack of suitably qualified persons that were able to demonstrate the required skills. This would point to a situation where a skills database is lacking in southern African EMBs and that, by and large, there is not a pool of suitably qualified people with electoral expertise that can be called upon to conduct electoral management and responsibilities. This takes us back to the overriding concern that capacity constraints in electoral personnel are the main challenge and that time, resources and effort are committed to addressing this. The recommendation at the end of the report highlights ways to respond to this challenge.

None of the respondents indicated that donor funding for the work of the EMB came with conditions. This indicates that EMBs are able to act independently from external country's influence and that any consultants that come from donor countries, attached to the donor funding, are acceptable and welcomed by the EMBs.

Recommendations

- * Capacity building for electoral staff, including commissioners and CEO/head of the secretariat is the seminal requirement of each EMB. ACE should explore the most effective way of establishing a training, education and developmental institute for electoral officers. Ideally ACE should offer formal electoral qualifications, not necessarily as a degree or diploma, but as a certificated course or components/modules of course. Respondents all requested that the capacity development be recognised through certification and that EISA is best placed to advise on the establishment of such an institution.
- * The capacity-building course or modules of the course need to provide education and development in the following areas:
 - *Specialised skills for electoral management and supervision.* These would be most appropriate for senior secretariat staff, including the CEO or head of the secretariat. The skills of heads of departments and units would also benefit from this type of training. The responses indicated that it is an incorrect assumption that commissioners and CEOs have electoral experience and knowledge. Often they are chosen for their professional background in other disciplines and need to acquire electoral management skills speedily and ‘on the job’. This is not ideal and they would benefit from such training. This should be a stand-alone course or component and should last from five to ten days. It is not advisable that the commissioners and the CEO attend these together as the relationship between these two entities is generally complex and the CEO/head of the secretariat spoke more freely during the interviews when they were not with the commissioners. The management course should also include at least three days’ training and development on technical information. This is the challenge most identified across all EMBs. Commissioners (or at least some of the commissioners) and the head of the secretariat should understand the technical component of elections such as the use of technical equipment, voter registration and maintenance of the voters’ roll, delimitation and demarcation (if relevant) procedures and how the results system and tabulation functions.
 - *Technical skills for technical staff.* These skills are required particularly on a local or district level where it appears there are less evident technical skills and knowledge available when appointing staff. It is preferable that in these instances training is conducted at the local or district level so that those conducting the training are able to familiarise themselves with the context in which these electoral staff work. Staff that are not in the national office face very specific geographic and infrastructural challenges and the trainers need to be able to identify these and to adapt the training methodology and

materials accordingly. For national office staff the training could take place away from the country (ideally at the electoral training and development institute if established). This training needs to focus on the use of technical equipment, voter registration and maintenance of the voters' roll, delimitation and demarcation (if relevant) procedures and how the results system and tabulation functions. It is important to note that in most instances staff employed in the ICT departments have solid ICT experience, but working in the elections domain may be new to them and any ICT training programme must be developed taking this constraint into account. The technical training should be mostly participatory with less theoretical input. It is ideal that the trainers spend a period before the training to assess the circumstances and type of equipment that is available at the EMB. This will determine the focus of the training.

- *Materials development and training skills for the civic and voter education, communications and public relations staff, as well as for those who conduct the training of polling staff.* This area of expertise is often assumed to be a 'soft skill' and thus may be given to a person over and above their specified duties. For a professional and effective EMB it is important that this element not be marginalised. A five-day training programme is recommended. Generally the format would be a 'training of trainers' as this will allow a selected number of electoral staff to acquire the training and then be able to pass the skills on in-country. The training should include a component on best training practice to enable skills transfer
- * A series of 'update training' sessions should be offered to meet the capacity-building requirements of the EMBs. There are staff who have the required skills and knowledge, but do not receive ongoing information and/or training on contemporary developments in their field, thus making them less effective. This 'update training' need not be administered face-to-face, but could take the form of bulletin information notes that are sent electronically with an interactive activity that could assess the extent of the learning.
- * Assessment of training and development needs to be ongoing and focus on specific skills that are not just technical. Interpersonal skills were identified as being important and this is particularly evident vis-à-vis commission and secretariat relationships
- * Twinning or partnership relationships are an important component of any capacity-building initiative and ACE must identify which EMBs are best able to offer international best practice. The twinning must focus on mentorship and skills development. If an EMB such as Botswana or South Africa is identified as having specific skills they should undergo training (through the institute) on how to transfer these skills. Assuming that an EMB is able to transfer skills is not always accurate. It requires specific skills to mentor effectively.

- * The internal function and the organisation of an EMB depends on its structure, powers and responsibilities and these should be well understood. To enable commissions to understand, various options should be available including an induction programme for newly appointed commissions. Including experienced commissioners in the induction is useful as it provides an opportunity for these commissioners to share their learnings and experiences as well as inform newly appointed commissioners of their own structure and processes.
- * EMBs may require an organisational and strategic planning workshop facilitated by an experienced facilitator to assist them in clearly articulating the line management structure and identify specific areas of activity. This is also useful for EMBs who may require a specific workshop to develop an EMB organisational structure and develop staffing procedures. EMBs are dynamic in nature, so no matter how well functioning an EMB may be, a workshop is a useful exercise to evaluate and assess performance. There are useful self-evaluation tools that have been developed, including by the UNDP, which has been shared with ACE ECK partners.
- * Internal post-election reviews that provide an opportunity for commissioners and technical staff to review their performance and make recommendations where necessary, should be organised. (This is a different process to a post-election review with stakeholders to reflect on the EMBs performance as whole.)
- * A SADC workshop could be organised to explore technologies in greater depth and debunk some of the mythology around elections and technology. This should include presentations and discussion on e-voting, computerised registration, automatic numbering machines, using technology for training election staff, party agents etc. From this workshop EMBs will be able to identify and isolate particular challenges which can be addressed through peer exchanges between EMBs allowing for election administrators to spend time with another commission to address areas of weakness, for example registration, training etc.

Conclusion

This needs assessment process has emphasised the important role that a well-qualified, professional and competent body of staff play in delivering effectively on the mandate of the EMB. Coupled with commissioners who are appointed for their commitment to the ideals of an EMB independent of the state, with clear lines of authority between commissioners and the secretariat that does the day-to-day work of the EMB, this provides a better assurance that the EMB is likely to deliver an election that is free and fair. Also central to the effective working of the EMB is a sound technological knowledge of the functioning of the various components that make up electoral service delivery, as well as a sufficient budget to deliver on its constitutional or legal mandate.

The assessment identified these four areas as being key challenges for the development of their EMBs. But critical to all responding EMBs was the role played by its personnel; its most important asset. Their ongoing training and development was a requirement identified as a priority by each of the EMBs.

This recognition of the need for investment in staff development provides the ACE EKN with an opportunity and a challenge that they are uniquely positioned to deliver on. With the skills knowledge and electoral experience that the individual organisations possess they are best able to determine the most effective way of meeting the assessment needs that were identified. The recommendations identify that there is a space for a specialised electoral training and development institute that is able to respond to the training and development needs of EMBs in the southern African region. There is no doubt that such an initiative will have budgetary implications and the decisions may be that such outweigh the needs of the EMBs. Yet identifying the role played by EMBs in promoting a stable democracy that transfers power through the ballot and supports good governance practice means that serious consideration should be given to the recommendation of such an institute. A strongly identified need was that the learning be officially recognised through certification.

If a decision is made not to formalise the training and development need another option would be the development and implementation of ad hoc courses and training modules. This would be less ideal but would still meet the requirement of development and training for electoral staff.

The ACE EKN must be commended for the outstanding work that they have done in contributing to the professionalisation of EMBs. The opportunities presented through this needs assessment will be a further component that will enhance this commitment to the seminal role of EMBs in southern Africa.

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Annexures

EISA ACE Capacity needs Assessment Development Tool for EMBS

Background to the needs assessment capacity- building tool for EMBS

The ACE Electoral Knowledge Network (EKN) is a groundbreaking initiative of eight organisations that are active in electoral management, support and development. It is a partnership between EISA, Elections Canada, IFES, International IDEA, United Nations Electoral Assistance Division, United Nations Department for Economic and Social Affairs and the United Nations Development Programme.

The ACE Capacity Development Facility is the third component of the ACE (EKN) and is the overall focus of the needs assessment questionnaire.

The ACE EKN seeks to improve the practice of electoral administration through:

Component 1 – Knowledge Services, which aims to provide electoral knowledge through the ACE Encyclopaedia and associated products

Component 2 – Practitioners Networks, which provides online peer support and opportunities for experience sharing on electoral issues especially election management

Component 3 – Capacity Development Facility

The main outputs of the CDF will be:

- * Capacity Development Projects for institution building support for EMBS
- * Regional Training Programmes for EMBS
- * Targeted Assistance Activities for EMBS
- * Capacity Development Tools and Educational Programmes for EMBS

Objective of the needs assessment capacity building tool

So as to provide EISA with quality data on the needs of EMBs a research tool in the form of this questionnaire has been developed.

The objective of the questionnaire is to elicit responses from selected staff and commissioners, if applicable, that will identify the development and support needs of the EMB. The data obtained for the administration of the questionnaire will be analysed and each EMB's information will be documented in a set of key needs with appropriate recommendations for meeting the needs.

How to use the tool

The tool is developed in the form of a questionnaire and is divided into 14 sections, including an introductory section for general respondent information. The sections correspond with the various sectors of operation that are the legal and administrative responsibility of an EMB.

Each section begins with an objective and then poses a number of questions that respondents are required to answer. Where possible, the questions will be asked by an EISA representative in the form of an interview that should not take more than three hours.

In Mozambique the questionnaire implementation will be conducted in Portuguese and in Swaziland and Malawi it will be conducted in English. In countries where EMBs are required to answer the questionnaire through written responses the questionnaire will be submitted to the EMB in either French or English to reflect the country's official language.

Respondents are required to answer each of the questions. If a respondent is unable to answer a question s/he should indicate this rather than leave the field blank, for example

Question	Answer
How many temporary voting staff does your EMB employ during an election?	This information is not available
SECTION 1 – Respondent Information	

Country

Name of EMB

City/town where EMB head office is located

Date questionnaire completed

Identification of Respondent

Respondent's name	
Position	

Contact data

Phone number (prefix)	
Fax	
Email	
Address	
Website address	

SECTION 2 – Political and Institutional context in which the EMB works

OBJECTIVE: To establish each country-specific context in relation to the work that the EMB does to determine the enabling environment as well as any key challenges.

2.1 Is the right to vote provided for in the Constitution of the country?

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2.2 Is there a right to free political activity in the country? For example, the right to form political parties, the right to association etc.

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2.3 How regularly are elections held? Answer this for all levels of election.

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2.4 When last were elections held? When is the next election scheduled? Answer this for all levels of election.

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2.5 Who sets election dates? And how is this provided for, for example, is it a constitutional provision? Please elaborate.

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2.6 Is the environment free from political violence, intimidation etc in the election period. Explain.

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2.7 Has there been transfer of power from one political party to another as a result of an election? Explain.

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2.8 Is there executive, legislative or political interference in the work of the EMB? Explain.

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2.9 Would you describe the electoral management and supervision of the EMB as being independent and impartial? Explain.

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- 2.10 Is there a relationship with government ministries or departments in the conduct of elections? What is the nature of this relationship? 1.11

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- 2.11 Who appoints the EMB? Who is the EMB accountable to? Explain.

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SECTION 3 – Legal and Regulatory Framework

OBJECTIVE: To determine what legal regulatory framework is in place for the operation of the EMB and whether this legal framework is sufficient for the work of the EMB.

- 3.1 Is the EMB a constitutional body? Please refer to the section in the Constitution that provides for the EMB.

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- 3.2 What legislation is relevant to the EMB? Please include establishing legislation as well as any other applicable legislation.

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- 3.3 Are there aspects of the legislation and/or regulations that are inadequate or do not meet the needs of the EMB? Please explain the areas that you identify.

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3.4 Does the EMB have a legal department responsible for the drafting of legal notices/
regulations, etc?

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3.4.1 Is the legal department adequately staffed? Does the legal staff have adequate skills
and experience to draft legal notices and regulations, etc?

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3.5 If the EMB is party to a court action or needs legal advice or representation, how is this
obtained?

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3.5.1 Who in the EMB is responsible for briefing the legal counsel? Do they have the
adequate skills to undertake such briefings?

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Please include a copy of relevant legislation and/or regulations.

SECTION 4 – Assessment of Support Services of the EMB

OBJECTIVE: To provide information on the challenges to support services of the EMB and
to identify areas of need. Support services include, but is not limited to ICT, Human Resources,
Financial Management, Procurement and Communications.

4.1 Does the EMB have separate departments/units, etc for the following support services?

Please tick if yes. (Please add any other support departments not listed here.)

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Human Resources	☐	ICT	☐	Financial Management	☐
Procurement	☐	Communication	☐	Other	☐

4.2 Are these departments adequately staffed by competent and skilled professionals? Please explain using examples such as, “There is one Human Resources manager and two assistants that are responsible for all Human Resource issues.”

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4.3 Are these staff permanent appointments?

Yes ☐ No ☐

Elaborate.....

4.4 Are there specific recruitment policies/criteria for each appointment?

Yes ☐ No ☐

Elaborate.....

4.5 What are the key challenges in each of these departments?

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4.6 Are there specific training programmes for staff in these departments? Please list.

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4.7 Does every staff member have access to a computer terminal?

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4.7.1 Does every staff member have access to email and the Internet?

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4.8 Are any of these support services contracted out to consultants? Please explain.

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4.8.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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4.9 Are there any policies on gender, sexual harassment and HIV/AIDS? If so please provide these to the interviewers.

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4.9.1 Do you have any general comments on needs assessment of these units/departments that you would like to include that have not been addressed in the above questions?

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SECTION 5 – Office of the Commissioners and the CEO

OBJECTIVE: To determine the institutional capacity of the office of the commissioners and the CEO and how they impact on functioning of the EMB.

5.1 Do the offices of the commissioners and the CEO have their own separate staff? Explain.

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5.1.1 Are these offices adequately staffed by competent and skilled professionals?

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5.2 What are the key challenges in these offices?

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5.3 How do these offices communicate with other departments/units of the EMB? Is this communication effective?

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5.3.1 How do the two offices communicate and coordinate with each other? Is this communication and coordination effective?

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5.4 Are there specific training programmes for staff in these offices? Please list these.

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- 5.5 Do you have any general comments on needs assessment of these offices that you would like to include that have not been addressed in the above questions?

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SECTION 6 – Delimitation and Demarcation

OBJECTIVE: To establish the capacity and needs of the Delimitation and Demarcation departments. (Please note that this section can be skipped if the EMB is not responsible for Delimitation and Demarcation.)

- 6.1 Does the EMB have a separate department/unit for Delimitation and Demarcation?¹

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- 6.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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- 6.2 What are the key challenges of the department/unit?

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- 6.3 Are any positions contracted out to consultants? Please explain.

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- 6.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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¹ Note to interviewer: If the answer is no, the rest of the question falls away.

6.4 Are there specific training programmes for staff in this department/unit? Please list these

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6.5 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 7 – Voter Registration and the Voters’ Roll

OBJECTIVE: To establish the capacity and needs of the Voter Registration and Voters’ Roll departments.

7.1 Does the EMB have a separate department/unit for Voter Registration and the Voters’ Roll?

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7.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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7.2 What are the key challenges of the department/unit?

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7.3 Are any positions contracted out to consultants? Please explain.

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7.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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7.4 Are there specific training programmes for staff in this department/unit? Please list these.

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7.4.1 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 8 – Voting Operations and Counting Operations

OBJECTIVE: To establish the capacity and needs of the Voting Operations and Counting Operations departments.

8.1 Does the EMB have a separate department/unit for Voting Operations and Counting Operations?

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8.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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8.2 What are the key challenges of the department/unit?

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8.3 Are any positions contracted out to consultants? Please explain.

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8.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain

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8.4 Are there specific training programmes for staff in this department/unit? Please list these.

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8.5 Are casual staff contracted for the election and counting period? What are the numbers? Do these staff have the necessary skills to conduct voting and counting? How are the skills of these staff retained?

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8.5.1 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 9 – Training

OBJECTIVE: To establish the capacity and needs of the Training Department.

9.1 Does the EMB have a separate department/unit for Training?

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9.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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9.1.2 How often does training take place, when does training take place and what is the duration?

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9.2 What are the key challenges of the department/unit?

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9.3 Are any positions contracted out to consultants? Please explain.

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9.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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9.4 Are there specific training programmes for staff in this department/unit? Please list these.

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9.5 Please list the types of training programmes that have been carried out recently by the Training department?

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9.6 Does the Training department develop their own training programmes and materials? Please explain.

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9.6.1 If external programmes and training materials are used please explain the source?

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9.6.2 Are the external training programmes and materials adequate to meet the needs of the EMB's training?

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9.7 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 10 – Voter Education

OBJECTIVE: To establish the capacity and needs of the Voter Education Department.

10.1 Does the EMB have a separate department/unit for Voter Education?

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10.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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10.2 What are the key challenges of the department/unit?

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10.3 Are any positions contracted out to consultants? Please explain.

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10.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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10.3.2 Are there any other stakeholders that conduct voter education? What is the relationship that the EMB has with these stakeholders in the provision for voter education?

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10.4 Are there specific training programmes for staff in this department/unit? Please list these.

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10.5 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 11 – Political Party Liaison

OBJECTIVE: To establish the capacity and needs of the Political Party Liaison department.

11.1 Does the EMB have a separate department/unit for Political Party Liaison?

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11.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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11.2 What are the key challenges of the department/unit?

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11.3 Are any positions contracted out to consultants? Please explain.

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11.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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11.4 Are there specific training programmes for staff in this department/unit? Please list these.

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11.5 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 12 – Stakeholder Management

OBJECTIVE: To establish the capacity and needs of the Stakeholder Management department.

12.1 Does the EMB have a separate department/unit for Stakeholder Management?

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12.1.1 Is this department/unit adequately staffed by competent and skilled professionals?

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12.2 What are the key challenges of the department/unit?

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12.3 Are any positions contracted out to consultants? Please explain.

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12.3.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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12.4 Are there specific training programmes for staff in this department/unit? Please list these.

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12.5 Do you have any general comments on needs assessment of this unit/department that you would like to include that have not been addressed in the above questions?

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SECTION 13 – Local Offices of the EMB

OBJECTIVE: To establish the capacity and needs of the local offices of the EMB.

13.1 Are there local or regional offices of the EMB?

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13.1.1. How many offices are there and what are their staff components?

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13.2 Does every staff member at these offices have access to a computer terminal?

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13.2.1 Does every staff member at these offices have access to email and the Internet?

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13.3 Are these offices adequately staffed by competent and skilled professionals?

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13.4 What are the key challenges of these offices?

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13.5 Are any positions contracted out to consultants? Please explain.

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13.5.1 Is there any attempt to transfer skills from consultants to EMB staff? Please explain.

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13.5.2 Are there specific training programmes for staff in these offices? Please list these.

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13.5.3 Do you have any general comments on needs assessment of these offices that you would like to include that have not been addressed in the above questions?

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SECTION 14 – Challenges and Constraints and Recommendations

OBJECTIVE: To establish any general challenges and constraints that would impact upon the needs assessment that have not been addressed in the above sections and to provide the respondent with an opportunity to suggest any recommendations to address the EMB's needs.

14.1 After the last election did you undertake a post-election review or evaluation? If so please give details.

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14.1.1 If the review identified specific recommendations how have these been carried out?

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14.2 In preparation for the next election what, if any, are the challenges or constraints that you face?

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14.2.1 If you have listed any challenges or constraints what measures are you taking to address them and would you need further assistance? Please elaborate.

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Thank you for your time and for answering this questionnaire



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