



PRELIMINARY STATEMENT

BY

**HONOURABLE HIGHVIE HAMUDUDU, SPECIAL ADVISOR TO
THE PRESIDENCY FOR THE REPUBLIC OF ZAMBIA**

AND

HEAD OF THE SADC ELECTORAL OBSERVATION MISSION (SEOM)

TO

THE 2018 GENERAL ELECTIONS

IN

THE KINGDOM OF ESWATINI

HELD ON

21 SEPTEMBER 2018

EZULWINI, 23RD SEPTEMBER, 2018

Distinguished Members of the SADC Organ Troika;

The Executive Secretary of SADC;

Chairperson and Members of the Election and Boundaries Commission;

Heads of International Electoral Observation Missions;

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

Members of the SADC Electoral Advisory Council;

SADC Election Observers;

Representatives of Local Election Observers;

Religious Leaders and Members of the Civil Society;

Members of the media;

Distinguished Guests;

Ladies and Gentlemen.

INTRODUCTION

In accordance with the established practice to observe the National Elections in SADC Member States, His Excellency Mr. Edgar Chagwa Lungu, President of the Republic of Zambia and the Chairperson of the SADC Organ on Politics, Defense and Security Cooperation constituted the SADC Election Observation Mission (SEOM) to observe the elections in the Kingdom of Eswatini, following an invitation extended by the Government of the Kingdom of Eswatini.

Furthermore, the Chairperson appointed me in my capacity as his Special Representative to lead the SEOM to the Kingdom of Eswatini.

The Southern African Development Community Electoral Observation Mission (SEOM) observed the September 2018 General Elections in the Kingdom of Eswatini, with a total of thirty four (34) short-term observers who were deployed to all the four electoral regions of Eswatini. Our Mission engaged the Government of the Kingdom of Eswatini, the Elections and Boundaries Commission (EBC), the Royal Police of Eswatini, representatives of the media, faith-based organisations, civil society, youth, political stakeholders and representatives of regional and international organisations.

As the Head of SEOM, I hereby present the SEOM Preliminary Statement which highlights the observed positive aspects related to the administration of the Eswatini electoral system, and the conduct of the elections. The Preliminary statement also presents areas that require improvement. In accordance with the revised *SADC Principles and Guidelines Governing Democratic Elections* (2015) our Final Report will be issued within ninety (90) days of this Statement.

SUMMARY OF KEY FINDINGS

Our Mission observed the following positive aspects:

The Political and Security Environment

The political and security environment before, during, and after polling day was generally peaceful.

The Legal Framework

In addition to the Constitution of the Kingdom of Eswatini, the 2018 General Elections were conducted under seven laws governing the electoral process and system. The Constitution provides for the right to freedom of association, and it also provides for political contestation on the basis of individual merit.

Electoral Administration

The Mission noted that the Constitution provides for the Elections and Boundaries Commission that is not subject to the direction or control of any person or authority.

The EBC conducted these elections professionally and successfully in accordance with the Constitution and the guiding legislation.

Voter Registration and Voting Opportunities

The voter registration provides for the registration and voting of citizens in the diaspora. Special voting is also provided for in advance, in the case of voters who are unable to vote on polling day.

Our Mission noted that this was the first time inmates have been allowed to vote in an election. In this respect, on 18 September 2018, the Mission observed Special Voting at Matsapha Central Correctional Institution and Mawelawela Correctional Institution, for male and female inmates respectively.

Our Mission also observed Special voting at Mavuso Trade Centre with respect to, among others, the uniformed personnel, EBC staff, returning and presiding officers and other essential services personnel. Special voting was carried out in an orderly and peaceful manner.

Women's Participation and Representation in Elections

Our Mission noted that in 2018, the Kingdom of Eswatini adopted legislation intended to increase the representation of women in the National Assembly, in the particular situation where women do not constitute at least 30% of the total elected members.

Observations on Election Day

The Mission observed voting at a total of 100 Polling Stations in the four Regions of the Kingdom, and observed the following:

- (i) The atmosphere was generally orderly and peaceful;

- (ii) The majority of polling stations visited opened and closed on time;
- (iii) Generally, opening and closing procedures were followed;
- (iv) Generally voters exercised their right to a secret vote;
- (v) While polling agents were present in some polling stations there was inconsistent presence;
- (vi) A sizeable number of women employed as polling staff and polling agents was observed;
- (vii) Some local observers were present at some of the polling stations visited by SEOM observers;
- (viii) Uniformed Police Officers were visible and conducted themselves in a professional manner which did not interfere with the process both within and around the polling stations visited;
- (ix) After the close of polling, ballot boxes were transferred from polling stations to central points designated as counting centres. The law does not provide for polling station-based counting of votes;
- (x) In some counting centres visited there was a long wait for the delivery of the ballot boxes from polling stations; and
- (xi) There were challenges with respect to the allocation of ballot papers cast by inmates during the special voting, to their designated polling stations.

AREAS THAT REQUIRE IMPROVEMENT

Our Mission also observed the following areas of the electoral process and system that require improvement:

Women's Representation

Although there are measures meant to increase the representation of women in the House of Assembly, the Mission noted that women participation and representation remains low. The Mission further noted stakeholders' concerns that there are a number of cultural practices that

affect the equal participation of women in the electoral process, particularly during the campaign period.

Media

The Mission observed that there is no Code of Conduct outlining the norms, regulations and responsibilities of the media during elections, and that there is limited capacity amongst media practitioners to report on the electoral processes.

Electoral Dispute Resolution

Although the Courts do adjudicate on electoral disputes there is no specialised tribunal for the speedy resolution of electoral grievances. Further, our Mission observed that there are no specific time limits within which electoral disputes must be disposed of.

RECOMMENDATIONS

In light of the above observations, and considering the issues highlighted by the various stakeholders, the SEOM proposes the following recommendations for the improvement of the electoral process in the Kingdom of Eswatini:

- (i) Voter Registration:** The Mission encourages the EBC and the Government to amend the Voter Registration Act to enable continuous voter registration.
- (ii) Women's participation in political and electoral processes:** There is need to continue to promote gender parity in political and electoral processes in order to enhance the equal participation of women.
- (iii) Polling Stations and Polling Station-Based Counting of Votes:** The Mission advises the EBC and Government to implement Polling Station-based counting of ballot papers in order to enhance electoral security and transparency.

- (iv) **Media:** There is need for an Electoral Code of Conduct for the Media, and the enhancement of media capacity to report on electoral issues.
- (v) **Elections Dispute Resolution:** The Government and the Judicial Services Commission are encouraged to consider the establishment of special tribunals that will deal with electoral disputes.

CONCLUSION

In conclusion, the SADC Electoral Observation Mission observed that the 2018 General Elections were conducted successfully in a peaceful environment, in line with the Constitution of the Kingdom of Eswatini, and the guiding Legal Framework.

The SEOM commends the EBC for its professionalism and the people of Eswatini for the manner in which they conducted themselves during the election period.

Siyabonga

Thank You