

ELECTORAL INSTITUTE OF SOUTHERN AFRICA

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INTERIM STATEMENT BY THE EISA ELECTION OBSERVATION MISSION

SOUTH AFRICAN NATIONAL AND PROVINCIAL ELECTIONS 12-14 APRIL 2004.

1. INTRODUCTION

The Electoral Institute of Southern Africa (EISA) deployed a Regional Observer Mission to observe the South African elections which were held on 12-14 April 2004. This is the mission's assessment of the elections. The assessment covers the entire election period from the pre-polling up to voting and including counting as well as the results transmission process.

1.1 Mission Composition

The mission was composed of 40 representatives of electoral commissions, civil society organisations and government ministries from ten SADC countries namely Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe.

Mr. Abel Leshele Thoahlane, the Chairperson of the Lesotho Independent Electoral Commission and also Chairperson of the EISA Board of Directors led the mission. The Deputy Mission Leader was Mr Denis Kadima, Executive Director of EISA.

Members of the mission arrived in South Africa on the 7th April 2004 and observed events until the 16th April 2004. They will depart from South Africa on 17th April 2004.

1.2 The Electoral Institute of Southern Africa- EISA

EISA is a regional organisation which seeks to strengthen and promote electoral processes, good governance and democratic values through research, capacity building and advocacy. The head office is located in Johannesburg.

1.3 Deployment

The mission was deployed to six provinces namely Eastern Cape (Umtata and East London), Gauteng (East Rand, Alexandra and Soweto) KwaZulu Natal (Ulundi, Eskort and Port Shepstone), Limpopo, Mpumalanga and Western Cape.

In total, over the three days of voting, members of the mission visited 152 voting stations and observed voting in rural and urban areas.

1.4 Method of Work

In assessing the election, the EISA observer mission conducted various activities covering the pre-election, election and post election phases. These activities included

Election Update

Due to financial constraints, it was not possible to undertake long-term observation for the mission. EISA developed an innovative method of information gathering and sharing that would ensure that members of the mission were kept abreast of all the events which took place in the period leading up to the voting. Election Update, a newsletter containing information gathered by local experts has been published fortnightly.

Stakeholder Meetings and Political Party Rallies

In the period leading up to and including the polling period, members of the mission held meetings with various electoral stakeholders including representatives of the Independent Electoral Commission (IEC), civil society organisations, the media and political parties. Meetings were held at the national and provincial levels. Meetings were also held at municipal level with representatives of the IEC. Informally the team also met other domestic and international observers.

The stakeholder meetings provided the mission members with different viewpoints on the electoral process. Our teams also attended political party rallies.

Observation of Voting and Counting

The members of the mission were deployed in the field from 9 April and observed voting on 12-14 April and the counting of ballots on the 14th April 2004.

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

This assessment of the South African 2004 Election is based on the Principles for Election Management, Monitoring and Observation in the SADC Region- PEMMO. PEMMO is a set of guidelines against which an election can be measured to assess whether it is credible and legitimate and if the outcome reflects the will of those who cast their ballots. It was developed by the Election Commissions Forum of SADC Countries (ECF), which comprises all the electoral management bodies (EMBs) in the SADC region, in partnership with the Electoral Institute of Southern Africa (EISA) It is based on region-wide consultations with electoral stakeholders in particular EMBs and civil society organisations (CSOs) for whom election observation is a core activity.

These principles cover the whole election period including before, during and after the poll. They provide a standard against which an election can be measured. Furthermore they

are useful in the post-election period for review and reflection with a view to reforming aspects of the election where shortcomings have been identified.

For the observer PEMMO is also a source of guidelines for how to conduct oneself as an observer during the electoral process.

2. FINDINGS OF THE MISSION

The EISA Election Observer Mission, using the PEMMO as a guideline, came to the following findings.

2.1 Constitutional and Legal Framework

That the constitutional and legal framework in South Africa guarantees fundamental freedoms and human rights. In addition, the Electoral Law provides for mechanisms to address conflict in the electoral process.

This framework contributed to creating an environment conducive to successful elections.

2.2 Electoral System

One of the dominant characteristics of the political system in South Africa has been the adoption of the proportional representation electoral system. The inclusive nature of this system, which does not provide for a formal minimum threshold, guarantees the participation and representation of minority and disadvantaged groups including women.

2.3 The Independent Electoral Commission (IEC)

The IEC has been established as a statutory body and enjoys a high degree of independence vis-à-vis all electoral stakeholders. The process of appointment of the IEC is transparent and inclusive and thus promotes the impartiality of the commission. The clarity of the IEC's mandate and the provision of adequate resources have enabled the Commission to discharge its duties efficiently and effectively.

It is worth highlighting that the existence of Party Liaison Committees at national, provincial and municipal levels has contributed substantially to the involvement of parties at each stage of the electoral process thus contributing to the legitimacy of the process and the prevention of conflict.

2.4 Voting Stations and Election Materials

By increasing the number of polling stations, which were well located, adequately staffed and provided with sufficient materials, the IEC gave voters easy access to the poll. Our observers noted that the movement of voters through the polling station was on the whole quick and smooth. In some instances, voters moved through the station in two minutes. The transformation of these stations into counting stations after the end of polling, increases the transparency of the process as there are no fears of tampering with the ballots whilst they are in transit to central counting centres.

2.5 Results Centre

The establishment of Results Centres throughout the country improved the transparency of the tabulation of the results and contributed to the acceptance of the results by all parties.

2.6 Prevention of Conflict

The provision by the IEC of conflict management training for electoral staff and conflict mediators coupled with the presence of the security forces, contributed to the conduct of peaceful election. We commend the deployment of extra police forces in KwaZulu-Natal where conflict had been expected. We also note and commend the tolerance shown by voters and party supporters.

2.7 Participation of Women in the Electoral Process

Our teams noted that women were involved in the electoral process at all levels. This points to an electoral system that does not discriminate against women in a significant way.

2.8 Challenges

This electoral process faced a couple of challenges, which the IEC should take note of for future elections. These challenges were largely related to the inconsistent application of voting and counting procedures.

We observed the inconsistent application of voting and counting procedures. These include the following:

- The position of ballot booths had the potential of compromising the secrecy of the ballot in some places.
- The use of ballot papers which were not very distinct from each other led to confusion.
- Some voting stations used one ballot box for both the national and provincial ballot papers whilst others used a ballot box for each of the two different ballot papers.
- The lighting in some voting stations was inadequate.
- In a number of counting stations, there was no reconciliation of the ballot papers before counting.
- The role of party agents was not clear as in some cases, they were observed playing the roles of the election officials
- Stakeholders also noted that the date of the elections over the Easter holiday had the potential to affect voter participation.
- There was insufficient number of domestic observers.

These challenges did not however have an overbearing negative impact on the outcome of the elections.

3. CONCLUSION

Basing itself on the guidelines enshrined in the ECF/EISA Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), the EISA Election Observer Mission concludes that the elections in South Africa were conducted in a peaceful, orderly, efficient and transparent manner.

The mission is therefore satisfied that the outcome of the election is a true reflection of the will of the people of South Africa. We therefore congratulate the IEC, the political parties, civil society and last but not least the people of South Africa. We hope that this environment will be conducive to further development and to meeting the challenges ahead

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