

## **SADC LA preliminary election report calls for greater voter education**

The Southern African Development Community Lawyers Association (SADC LA) has recommended that the Electoral Commission (IEC) implements continuous voter education as well as training for electoral officials.

This recommendation comes after the May elections in which SADC LA had an opportunity to observe as an international observer. It has released a preliminary statement on its election observation mission in KwaZulu-Natal (KZN) in partnership with the KZN Christian Council, a provincial fellowship of churches and church-based organisations.

In the statement SADC LA says that election observation and monitoring is part of its strategy to contribute towards the development of just and democratic societies in the region and for the promotion of free, fair and credible elections as conditions for durable peace and sustainable development.

The reason why the SADC LA chose to focus its observation mission in KZN was because the province had a long-standing history of politically motivated violence and intolerance.

According to the statement, the 30-member observation mission comprised of observers from 10 SADC countries namely, Botswana, the Democratic Republic of the Congo, Lesotho, Malawi, Swaziland, Zimbabwe, Tanzania, Zambia, Mauritius and South Africa.

The mission was led by former president of the Commonwealth Lawyers Association and current partner at Nigerian law firm Sterling Partnership, Boma Ozobia.

To prepare, observers underwent a multi-pronged information gathering strategy which included reviewing the constitutional and legal framework governing South African elections.

Observers also participated in a mandatory briefing session workshop.

The SADC LA's stated objectives for the mission were to –

- observe and monitor the general elections in KZN and assess how the national and regional (SADC) standards governing democratic elections were complied with, in order to ensure the achievement of free and fair elections;
- promote understanding and awareness of the state of democracy, electoral laws and processes, as well as human rights in South Africa, particularly in KZN;
- promote principles of democratic governance, including free, fair and credible elections as a means to building sustainable peace in KZN; and
- produce a report which would inform future democratic processes and contribute to the strengthening of peace-building processes in KZN.

## Preliminary findings

With regards to the pre-election environment, the mission found that the number of registered voters had increased. At the time of going to print, the SADC LA was still to determine how many voters on the roll actually turned up at the polls.

The SADC LA reported that there were some glitches in some parts of the province with special voters not turning up to vote or IEC officials delaying to visit the special voters. For example, at one polling station in the KwaMashu area there were 32 special voters registered, but by closing of the polling station, only 13 people had voted. The special vote took place on 5 and 6 May.

On Election Day, the SADC LA mission observed that the atmosphere was generally calm and peaceful with no major incidences of violence and intimidation with many SADC LA observer teams reporting that voting in their respective areas had progressed well, although some concerns and inconsistencies were noted.

The report states that the concerns included the following –

- Some polling stations opened late. This was due to the late arrival of electoral equipment such as scanners.
- The different interpretations of s 24 of the Electoral Act 73 of 1998, which requires voters to complete the s 24 form, when voting at a different polling station from where they registered. At some stations, voters were allowed to vote, while at others they were sent to the stations where they had registered.
- At some stations, some voters were assisted to cast their votes by people wearing party insignia. 'While the law allows assistance by any person of the voter's choice, the SADC LA noted with concern that this arrangement might compromise the secrecy of the assisted voter's vote, their rights to a free choice and may possibly lead to intimidation.'
- Political intolerance was reported in one area where National Freedom Party supporters tried to blockade ANC supporters from entering the eMahlashini School voting station. The police were called to intervene and the crowd was dispersed.
- A ballot box went missing in the Stanger Correctional Services voting station.
- Low voter-turnout was observed in the Ilembe district.
- In the Durban CBD, SADC LA observers witnessed some 30 ANC supporters singing and dancing in the street close to a polling station. In the Ndewndwe local municipality, observers also witnessed an event called an inter-cultural festival hosted by the ANC very close to the polling station.
- In the rural villages observed, the SADC LA noted that no wheelchair facilities were provided. This was different for urban areas where polling stations were wheelchair accessible.

The SADC LA observed that apart from the above incidents, no major human rights concerns were reported that could have had a negative impact on the outcome of the election.

The SADC LA commended the IEC for its effort to attract young, first-time voters. It reported that there was a high number of youth voting.

The SADC LA would make recommendations to various bodies involved with the elections in its full report. Some preliminary recommendations included the following:

- The IEC should have continuous voter education, including for electoral officials; and ballot paper for the visually impaired should include the names of political parties instead of the numbers.

- Political parties should promote continuous respect and tolerance among their members and between members and opponents. 'Messages of peace should be communicated throughout the years and not just during the pre-election campaign. Peace-building programmes involving local traditional leaders, women's groups, youth movements and all other stakeholders should be enhanced to ensure broad-based support and ownership by all stakeholders.'

- Chapter 9 institutions, particularly the

South African Human Rights Commission, should play a more active role during the election period. The SADC LA suggested that it could, for example, partner with the IEC to address, promote and protect human rights during elections. In addition, it may assist the IEC in dealing with complaints relating to human rights violations during elections.

At the time of going to print, the SADC LA was still to release its final report which was scheduled to be completed in June. The report will outline in detail its analysis and findings on the elections.

- To read the Law Society of South Africa's report on its election observer mission see 2014 (July) *DR* 15.

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