AFRICAN UNION ELECTION OBSERVATION MISSION

TO THE

29 MAY 2024 GENERAL ELECTIONS

PRELIMINARY STATEMENT

JOHANNESBURG, 31 MAY 2024

“In spite of the logistical and technical challenges observed, South Africa’s 2024 elections were a demonstration of the nation’s unwavering dedication to peace, democracy and inclusivity.”
A. INTRODUCTION

As part of its commitment to enhancing democratic consolidation in South Africa, the African Union Election Observation Mission (AUEOM) was deployed from 21 May to 3 June 2024 at the invitation of the South African Government and the Independent Electoral Commission (IEC). The Mission aimed to assess the elections' compliance with national, regional, and international standards for democratic elections and to demonstrate the AU's support for South Africa's democratic processes. Led by H.E Uhuru Muigai Kenyatta, former President of Kenya, and supported by Ambassador Bankole Adeoye, the Mission included 65 observers from 26 African Union Member States.

The AUEOM operated under various international, regional normative and legal instruments for democratic elections1, with South Africa's legal framework as a key reference for the Mission’s activities.

Prior to its deployment, the African Union Commission (AUC) conducted a Pre-election assessment Mission in South Africa from 2 to 6 April 2024 to evaluate election preparations.

Since arriving in South Africa, the AUEOM has engaged with key stakeholders, including the IEC, the media, Civil Society Organisations (CSOs), faith-based organisations, representatives of the international community, citizens' observer groups and Heads of other Election Observer Missions, the African Diplomatic Corps and the international community, and academia.

The Mission deployed 21 teams of 65 observers across nine provinces to observe the special voting on 28 May and polling on 29 May 2024, focusing on various aspects of the electoral process. A final report with comprehensive findings and recommendations will be issued two months after the elections.

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B. PRELIMINARY FINDINGS

(i) Political Context of the Elections

The 2024 General Elections, the seventh since the end of apartheid in 1994, occurred amidst a renewed enthusiasm among South Africans to strengthen their democratic gains. This election was notably competitive due to the emergence of several new political parties. Despite the peaceful and credible nature of the previous six elections, the 2024 elections were marked by a tense political environment, intensified by several litigations.

The pre-election period saw heightened tensions and concerns over the potential misuse of social media for spreading fake news, disinformation, and misinformation, which could incite violence. Nevertheless, the elections proceeded without major incidents, maintaining a pattern of peaceful conduct. Despite the challenges and tensions, the 2024 elections were conducted peacefully, demonstrating the resilience of South Africa’s democratic processes.

(ii) Legal Framework

The legal framework for South Africa’s 2024 elections comprised the 1996 Constitution, the Electoral Act 1998, the Electoral Commission Act 1996, and the Political Party Funding Act (PPFA) 2019, aimed at regulating political party funding but faced enforcement challenges. This framework establishes a democratic state founded on universal suffrage and multi-party politics, guaranteeing citizens the right to free, fair, and regular elections, along with freedoms of expression, assembly, association, access to information, and court dispute resolution.

The AUEOM observed significant amendments to the electoral law, including the inclusion of independent candidates for 200 regional seats in the National Assembly, the introduction of a third ballot, and reduced signature requirements for new political parties. Section 24A was also amended to allow voters to cast ballots outside their registered voting districts with prior notification to the IEC. While the legal framework ensures democratic elections and guarantees political rights and universal suffrage, issues with enforcing the PPFA’s transparency measures were noted, revealing discrepancies between financial disclosures and actual expenditures. The AUEOM noted that South Africa’s legal framework supports gender equality through various national policies, legislative frameworks, and adherence to regional and global instruments. Despite these strides, there is no specific legislation mandating women’s representation and gender equity in politics.
(iii) Campaign finance regulation

The AUEOM observed that the Political Party Funding Act (PPFA) of 2019 significantly enhances transparency in political funding by requiring the disclosure of private donations to political parties. However, a notable weakness is the discrepancy between the financial outlays evident at political rallies and the officially declared funding, indicating enforcement issues. Additionally, the PPFA does not include provisions for independent candidates, limiting its comprehensive applicability.

(iv) Electoral System

The electoral system in South Africa is primarily based on the party list proportional representation system. The recent Electoral Amendment Act allows independent candidates to contest in elections, promoting inclusivity. The AUEOM commends the Government of South Africa for considering the AUEOM's 2019 recommendation regarding the necessity of implementing an electoral system that promotes inclusivity by allowing independent candidates to participate in national and provincial elections. This aligns with section 19(3)(b) of the Constitution, which guarantees the right of every citizen to stand for public office and, if elected, to hold such office.

Further, the government's action aligns with the Constitution, guaranteeing the right of every citizen to stand for public office. Including independent candidates expands electoral participation and widens the pool of leadership choices, marking a significant milestone in South Africa's democratic evolution. However, the introduction of independent candidates raised concerns about the increased complexity of the electoral system and the unequal playing field with political parties during seat allocation.

(v) Election Management

The Independent Electoral Commission's (IEC) constitutional mandate and its status as a state institution supporting constitutional democracy make it crucial to play a pivotal role in upholding the integrity and legitimacy of the electoral process.

The Mission observed the IEC's demonstration of a strong commitment to accountability and adherence to Constitutional principles. This was further confirmed by most of the stakeholders engaged by the AUEOM, who also expressed confidence in the IEC. Many commend the Commission for its open-door policy, which facilitated prompt case resolution.

The AUEOM notes the amendment to Section 24(a) of the Electoral Act, which stipulates that voters must notify the IEC before May 17, 2024, if they intend to vote outside their registered district.
The AEOM applauds the inclusion of independent candidates as it expanded electoral participation and widened the pool of leadership choices, marking a significant milestone in South Africa’s democratic evolution. Relatedly, the Mission noted a December 2023 Court ruling that reduced the signature requirement for independent candidates from 15,000 regional voters to 1,000 signatures, making it easier for independents to contest.

**(vi) Voter Registration**

The Mission noted that voter registration in South Africa is continuous and to ensure wide participation. IEC used targeted strategies to encourage massive registration. Measures included specific voter registration campaigns, registration for citizens living abroad and prisoners, and establishing an online voter registration platform. These strategies resulted in an increased number of registrants as compared to 2019 figures with women constituting the majority.

While voter registration is not compulsory in South Africa, the Mission is concerned by the high number of potential voters, estimated to be above 7 million, who did not register to vote. Registering to vote allows citizens to participate in the democratic process and have a say in choosing their representatives.

**(vii) Mobile Voting**

The IEC set up 32 mobile voting stations, with 10 in the Eastern Cape, nine in KwaZulu-Natal, and 13 in Mpumalanga. The Mission observed that the mobile teams adhered to their timetables and commended the IEC for establishing these stations, which catered for voters living in sparsely populated and hard-to-reach areas. This reflects the Commission’s commitment to ensuring that voters in remote and less accessible areas can participate in the electoral process.

**(viii) Civic and Voter Education**

The IEC took proactive measures to ensure effective participation and representation in the electoral process, particularly focusing on inclusivity and engagement with various segments of the population. For example, the IEC implemented several initiatives in collaboration with civil society, faith-based organisations, and business corporations, among others, to promote voter education, citizen monitoring, and observation. Notably, the IEC involved organisations representing Persons with Disabilities (PWDs) in the design stages of voter education messaging to ensure inclusivity and accessibility. However, the Mission noted that this approach faced significant challenges, including the risk of information distortion.

Stakeholders reported issues with misinformation, disinformation, and the use of hate/inciteful language, which were exacerbated by the polarised election environment.
The increasing sophistication of artificial intelligence (AI) and deep fakes further threatens to undermine the democratic process. To combat these issues, the IEC developed social media guidelines that emphasise the dangers of social media abuse and call for responsible use and accountability from both platform owners and users, particularly during elections. The Mission commends the IEC for taking such an initiative.

(ix) Political Party and Candidate Nomination

The AUEOM noted significant dissatisfaction among new political parties regarding the high nomination fees required for participation in the 2024 South African General Elections. The fees, amounting to R750,000 for a party to contest all nine provinces and the National Assembly, were deemed prohibitive for emerging parties. Despite these financial hurdles, the IEC received a substantial number of candidate lists, with 70 political parties and 11 independent candidates certified to contest. This indicates that while the high fees presented a barrier, they did not deter broad participation in the electoral process.

(x) Election campaigns

The Mission observed that electoral campaigning in South Africa is regulated by the Electoral Act of 1998 and the Electoral Code of Conduct, which mandate strict adherence to campaign guidelines and impose severe penalties for violations. Nevertheless, South Africa lacks a legal framework that regulates campaign period allowing campaigning even on election day.

In addition, the AUEOM noted contradictions regarding Section 108 of the Electoral Act, which prohibits political activities within the boundaries of voting stations but allows parties to set up camps near and around voting stations. Despite this, the 2024 political campaign was generally peaceful and issue focused.

(xi) Gender Equality and Social Inclusion in Electoral Processes

The AUEOM observed that while there has been progress in gender representation among candidates, with a significant number of female candidates contesting elections, men still outnumbered women in candidate lists. Additionally, most political parties that contested the 2024 general elections were predominantly led by men.

Despite South Africa’s current cabinet achieving a 50/50 gender balance, women holding key cabinet positions since the country’s democratic dispensation in 1994 and societal support for gender equality in political representation, women still face various obstacles such as patriarchy, harassment, and discrimination in political participation.
The Mission commends the collaborative efforts between the IEC and CSOs to promote peaceful and inclusive elections among electoral stakeholders. The Mission also witnessed efforts to report incidents of violence through the Peace Rooms across the country, which were accessible to media and stakeholders, and observed conflict mediation measures nationwide.

(xii) The Media Environment

The Mission commends the media for their crucial role in informing the public, educating the electorate, and communicating political party messages. The AUEOM commends the prevailing press freedom in South Africa and appreciates the state broadcaster's efforts in providing equitable coverage to political parties. The Mission welcomed the collaborative efforts between independent media monitoring groups and the IEC in combating misinformation and disinformation around elections.

The Mission was also informed about the IEC's efforts to combat disinformation on digital platforms and acknowledged the significant role of media organisations in monitoring the South African media ecosystem to ensure fair and accurate reporting and counter online harm. However, the AUEOM noted that weaker accountability mechanisms, such as the absence of a regulatory framework for data protection and cybersecurity, facilitate fertile ground for instances of cyberbullying, usage of inflammatory language and incitement messages.

(xiii) Security Context

The Mission noted the commendable preparedness by the South Africa Police Service (SAPS) and the joint security platform in handling security-related incidents and managing potential violence, given the closely contested elections and heightened security risks.

(xiv) The Role of Civil Society Organizations

Civil Society in South Africa played a crucial role both historically and in the 2024 elections. Its involvement extended beyond voter mobilisation to ensuring the integrity and inclusiveness of the electoral process. Civil society was actively engaged in educating voters about their rights and the importance of voting, while its campaigns increased voter registration, particularly targeting underrepresented groups such as young people and marginalised communities.

(xv) Electoral Dispute Resolution

The AUEOM noted many election-related court cases and litigations in the pre-election period. Encouragingly, South Africa has established robust electoral dispute resolution structures to handle cases and deliver judgments that aim to provide both restorative and
retributive outcomes. The effectiveness of these structures is evident in the expeditious adjudication of numerous electoral cases during the 2024 electoral process. The Mission believes these structures will be useful in managing anticipated post-election disputes and appeals, if any.

D. SPECIAL VOTING

The AUEOM noted that special voting was conducted to accommodate voters unable to visit polling stations on voting day, including those who are working, sick, elderly, disabled, or expecting mothers. This facilitated inclusive democracy, ensuring all eligible voters can participate in the electoral process.

The AUEOM observed that most special voting occurred in urban areas and less than 40% in rural areas. Nearly all special voting took place at designated voting stations, with the remainder through home visits. Observers were granted access to all these stations. The voting process was generally smooth, with 94% of stations having adequate election materials and 93% correctly following voting procedures.

The special voting also included South African citizens abroad in the electoral process, reflecting the government's commitment to ensuring the participation and representation of all eligible voters, regardless of their geographic location.

E. ELECTION DAY OBSERVATION

On election day, the AUEOM deployed 65 observers who visited 297 voting stations across all provinces of South Africa. The day was marked by long queues. While, the day was generally calm and peaceful, observers reported isolated incidents around some voting stations, primarily due to long queues and slow processing. The delays could be attributed to additional long and third ballot, Voter Management Device (VMD) failures, and late openings at some voting places.

The opening of the polls was generally orderly, with the voting environment quiet and security personnel behaving professionally. All authorised persons, including party agents and observers, were present at and given access to the voting stations. However, almost half of the observed polling places (10 out of 23) did not open on time due to delays in the setup and the late arrival of essential materials like ballot boxes and voter registers.

AUEOM observers noted that several voting procedures, such as finding voters on the voter roll manually or through VMDs, stamping and issuing ballots, and the actual marking and casting of ballots, significantly slowed the process throughout the day. Additionally, long queues, particularly in high-density and township suburbs, contributed to the frustration among voters. Most voting stations processed voters after the official closing set time and went into the early hours of the following day. However, Mission noted that
there was an alternate measure to resort to the manual register for verification, and the IEC reassured the public that all voters in the queue by 9 PM would be processed.

The ballot boxes were small and insufficient; in some cases, they were poorly labelled or not marked. This made them less identifiable, potentially increasing sorting and counting time.

The AU observers noted the presence of political party campaign tents outside voting stations, which may have intimidated voters or influenced their decisions.

The AUEOM found that voting officials’ efficiency and competence varied from one voting station to the next. Observers assessed their competency as between good and average, indicating little improvement from the 2019 electoral process.

The election party agents and observers also demonstrated professionalism and knowledge of their roles, contributing to a smoothly conducted voting process. Additionally, an average of two international observers and at least two citizen observers were present in 5% of the stations visited by the Mission.

Party and candidate agents from most political parties were present in 60% of the places visited, with at least six agents inside the station at the time of the visit. The agents competently followed procedures and engaged the presiding officer for clarification when it was needed.

The availability of voting materials throughout the day was commendable despite their late arrival at some stations observed by our Mission. However, 17 out of 296 voting places did not provide easy access for persons with disabilities. In 12% of these stations, the polling station grounds were not levelled appropriately, with some polling places located up or down the stairs.

Many polling officials were female and youth, reflecting their positive inclusion in the 2024 national and provincial elections management. Priority was also given to persons with disabilities, the elderly, expectant and nursing mothers. Assistance was provided to voters requiring help upon request, primarily by polling personnel or a person chosen by the voter. This reflected the mainstreaming of social inclusion in the process.

The Mission observed the closing of the polls and the counting exercise in 18 voting stations across the nine provinces. The AU observers reported that 83.3% of the visited voting stations closed on time. All voters in the queue at the closing time were allowed to cast their vote, causing the counting operations to last until the morning of the 30th of May. However, the Mission observed that the non-extension of time lost due to the late start of voting could have led to the disenfranchising of voters. The presence of party agents, citizens and international observers was noted at closing and counting time.
F. COMMENDABLE PRACTICES OBSERVED

- The introduction of independent candidates leading to the opening of the political space.
- Online voter registration and verification provided access to more potential voters, primarily the youth.
- The open door and consultative policy of the Electoral Commission enhanced confidence and trust in the electoral process.
- The invitation to parties to audit the results management system is a mark of transparency that contributes to the credibility of the elections.
- A comprehensive results management process included a verification and independent audit mechanism.
- The signing of the Electoral Code of Conduct by political parties and independent candidates committing to abide by the rules and conduct conducive to free and fair elections.
- The continuous use by the IEC of the Party Liaison Committees (PLC) as a regular platform for engagement with political parties.
- Encouragingly, South Africa has established robust electoral dispute resolution structures to handle cases and deliver judgments that aim to provide both restorative and retributive outcomes. The effectiveness of these structures was evident in the expeditious adjudication of numerous electoral cases during the 2024 electoral process.
- Peaceful, accommodative and issue-based campaigns which contributed to reduced tensions and helped citizens make informed voting choices.
- Special voting, including home visits, prisoners and diaspora voting broadened voter participation and enhanced the democratic rights of citizens.
- The notable participation and involvement of women and youth in various roles.
- Regular updates from the IEC helped reassure citizens and stakeholder and manage perceptions. This strategic approach increased trust in the electoral process.

G. CONCLUSION AND RECOMMENDATIONS

Overall, the Mission notes that the 2024 South African National and Provincial Elections (NPEs) was pivotal for the country's democratic future and had implications for political stability within South Africa and the sub-region. South Africans freely exercised their constitutional right to vote and voted peacefully. The participation of youth and women offers hope for the future of democracy in Africa and indicates an increased trust in the electoral process. While the electoral process is still ongoing, we implore all aggrieved parties to use the existing election dispute resolution mechanisms to address their grievances, if any.
For South Africa to continue to improve its electoral processes, as a Mission, we offer the following preliminary recommendations:

**To the Government and Legislators**
1. Incorporate specific gender equity legislation to bolster female representation and ensure compliance with constitutional and international gender equality commitments.
2. Improving enforcement mechanisms and extending the PPFA’s provisions to cover independent candidates would ensure full financial transparency and accountability in future elections.

**To the Independent Electoral Commission**
1. Improve VMD reliability to prevent delays and ensure smoother verification of voters.
2. Strengthen logistics to avoid late arrivals of essential materials on election day.
3. Given the introduction of a third ballot and the increasing number of registered voters, consider increasing the number of voting stations to ensure efficient processing and reduce delays.
4. Increase the number of voting stations to avoid the long queues witnessed in some voting centres, which lead to voter fatigue and late voter processing and counting.

**To Political Parties**
1. Actively support and promote female candidates, ensuring equitable representation in candidate lists and leadership positions.

**To Civil Society Organisations**
1. Continue to advocate for women’s rights and gender equality in politics, lobbying for legal reforms and supporting female candidates through various initiatives.

Issued in Johannesburg, South Africa, on 31 May 2024

His Excellency Uhuru Kenyatta

Head of African Union Election Observation Mission

(Former President of the Republic of Kenya)