



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE
29TH SEPTEMBER 2023 GENERAL ELECTIONS IN THE
KINGDOM OF ESWATINI**

PRELIMINARY STATEMENT

Mbabane, 1st October 2023

I- INTRODUCTION

1. At the invitation of the Government of the Kingdom of ESWATINI and the Elections and Boundaries Commission (EBC), the Chairperson of the African Union Commission (AUC), His Excellency Mr. Moussa Faki MAHAMAT, deployed an Observer Mission (AUEOM) to observe the general elections of September 29, 2023 under the coordination of His Excellency Ambassador Bankole ADEOYE, Commissioner for Political Affairs, Peace and Security of the African Union (AU).
2. The AUEOM is made up of 40 Short-Term Observers (STOs) from the following 23 AU Member States: Botswana, Burundi, Cameroon, Congo, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Morocco, Mozambique, Namibia, Nigeria, Somalia, South Africa, Sudan, Tanzania, Togo, Uganda, Zambia and Zimbabwe. The AU Observers stayed in Eswatini from September 21 to October 3, 2023. The Mission comprised an Ambassador accredited to the AU, Members of the Pan-African Parliament, Members of Election Management Bodies (EMBs), Academics and Electoral Experts, including women and youths from African Civil Society.
3. The people of the Kingdom of Eswatini went to the polls on 29 September 2023 to elect Members of Parliament, Indvuna Yenkhundla (Constituency Headsman) and Bucopho (Community Headsman). These elections were the ninth since the introduction of the Tinkhudla System in 1978. The Primary elections were held on 26 August 2023, where nominated candidates were selected to contest in the Secondary elections for 59 seats in Parliament.
4. As part of its methodology, the AUEOM engaged with key stakeholders, including the Elections and Boundaries Commission (EBC), the Prime Minister, African Government Ambassadors, representatives of civil society organisations (CSOs), security agencies, the media, and government officials, among others.
5. The Mission complied with the relevant provisions of: the 2007 African Charter on Democracy, Elections and Governance; the 2012 OAU/AU Declaration of Principles Governing Democratic Elections in Africa; the Southern African Development Community (SADC) Principles and Guidelines Governing the Democratic Elections, as well as the Kingdom's national legal framework for elections.
6. This preliminary statement offers the initial findings and recommendations of the AUEOM on the electoral process thus far. A final report of the Mission will be provided at the conclusion of all the processes.

II- OBJECTIVE AND METHODOLOGY

7. The Preliminary Statement draws the essential impartial, objective and relevant findings of the STOs during their stay in the Kingdom of Eswatini. It covers the pre-election phase, election day and will be followed by a more detailed final report. It also combines the above-mentioned observations as well as the findings from meetings between the STOs and the various internal and external stakeholders who were engaged by the Mission.

III- PRELIMINARY FINDINGS

(a) Context of the elections

8. The Mission noted with satisfaction that the 2023 elections took place generally in a peaceful climate. The electoral process was firmly within the framework of respect for the electoral rights of citizens on the one hand; and the candidates in the running, on the other hand.
9. Fifty-nine (59) candidates contested for the Member of Parliament (MP), 59 candidates for Indvuna Yenkhundla (Constituency Headsman) and 336 Bucopho (Community Headsman) for each polling division. His Majesty King MSWATI III appoints at his discretion the ten (10) remaining MPs including five (05) women. The National Assembly has a total of: sixty-nine (69) MPs.
10. The electoral constituencies have various numbers of seats to be filled during the legislative elections distributed as follows: 16 in the District of Manzini, 14 in each of the respective Districts of Hhohho and Shiselweni, and finally, 11 in Lubombo.
11. Although women make up a large percentage of the population of registered voters, the Mission noted that they remain under-represented in parliament.

(b) Legal Framework

12. The Mission observed that the 2023 General Elections were conducted on the same legal framework as the 2018 elections in particular: the Constitution of 2005, Elections Act (2013) (Amended 2023), Elections and Boundaries Act (2013) and the Election of Women Act (2018). These instruments guarantee freedom of association and expression as well as the terms and procedures governing electoral processes in the Kingdom.
13. The secondary elections were conducted under the Kingdom's Tinkhundla electoral system of governance, which is run under a single-member plurality system (SMP). The Kingdom is divided into four administrative regions, and 59 Tinkhundlas (constituencies), in accordance with the provisions of Articles 82(1) and 80(1) of the Constitution. Each Tinkhundla elects a single representative on a first-past-the-post basis who becomes the Member of Parliament for the area.
14. In the run-up to the September 2023 elections, key amendments were made to the Elections Act and Voter Registration Act, notably: continuous voter registration to be conducted annually, which promotes inclusion; counting of ballots at polling stations instead of centrally at constituency level, to promote transparency; the introduction of special voting for approved categories of voters, among others.
15. These fundamental reforms of national electoral law denote the Kingdom's efforts to consolidate Democracy and the Rule of Law through better managed electoral processes in accordance with relevant African and international standards in terms of political modernisation.

(c) Electoral Administration

16. The Elections and Boundaries Commission (EBC) was established under Section 90 of the Constitution.
17. Preparations for the 2023 elections began by delimitation of constituencies, which was conducted in 2022, but the Commission resolved to retain the 2017 boundaries as delimited. Civic education, voter registration, nomination of candidates and accreditation of observers were also conducted on time as per its electoral calendar.
18. The Mission was informed that all EBC commissioners were serving their first term in office. This renewal brought new energy to the institution.

(d) Voter Registration

19. The EBC conducted a voter registration exercise from 10 May to 14 June 2023, with a further extension until 18 June 2023. The exercise saw the registration of 584 710 voters, which according to the national census equates to approximately 91.2% of eligible voters. This is an increase of 7% from the 2018 exercise that saw a total number of 57 426 new voters registered.
20. The Mission notes that 313 093 of the voters, equivalent to 54% were women. The Mission also noted some stakeholders' concerns about the absence of voter registration cards. However, the EBC advised the Mission that in the absence of the prescribed identity card, voters would still be able to cast their vote provided their names appeared on the voters' roll. This was accentuated during the election day where voters presented their identity cards for verification.

(e) Election Campaigns

21. The Electoral Act makes provisions for organised campaigns by the EBC and general campaigns which should be conducted within the confines of the law.

(f) Inclusive Participation

22. The Mission notes with the specific laws supplementing sections 95 and 86 of the Constitution, pushing for the special election of women members to the House of Parliament¹.
23. The AUEOM noted that despite the existence of an enabling legal framework, there appeared to be lack of political will to address inclusivity deficits and participation of women in the process remains extremely low.
24. The Mission also received concerns from stakeholders representing persons with disabilities. They are disadvantaged not only in terms of the number of persons with disabilities contesting for office in the polls, but also in terms of electoral infrastructure and processes that do not sufficiently embrace the different forms of disabilities. There

¹ The Election of Women Members to the House of Assembly ACT, 2018

was no provision of braille ballots or jackets for the visually impaired on election day. Polling staff made efforts to assist persons with disabilities.

25. The Mission also noted that Eswatini took steps to ensure participation of inmates who are registered within correctional facilities.

(g) Civil Society Organisation (CSO)

26. CSOs played an important role in participating in electoral citizen education and monitoring and evaluating the electoral process. However, the Mission noted that their interactions with EMBs and competent authorities were not always optimal.

(h) Special Voting

27. Special voting was conducted on 26 September 2023 for qualifying citizens, including EBC officials, security personnel, foreign and diplomatic missions and inmates, in line with the new amendment. The AUEOM notes the enfranchisement of this category of voters.

28. The AUEOM observed voting at the Mavuso Centre in Manzini where all special voting was conducted. All voters had to travel from all four regions in order to cast their votes. The Mission was informed that the EBC provided transport from the regions to Manzini.

29. Observers noted that some voters were not inked during the special voting process, but this was not witnessed during the secondary elections.

(i) Electoral Dispute Resolution

30. The AUEOM notes that the EBC is empowered by section 18 of the Elections and Boundaries Act to handle any disputes that may arise. Stakeholders that are aggrieved by the decisions can appeal to the High Court or apply for review of those decisions. The Mission believes that this enables stakeholders to seek justice.

31. The AUEOM notes submissions by some stakeholders in Eswatini on their lack of confidence in the judicial route for the resolution of electoral disputes.

(j) Candidate Nomination

32. Candidate nomination was conducted in all 336 polling divisions and 1616 were nominated for the Member of Parliament category and 1812 for the Indvuna Yenkhundla category. In the nomination process, only 17% of the candidates were female while the other 83% were male.

33. The AUEOM notes that the Constitution does not prohibit formation of political parties in express terms, and no law exists providing for the registration of political parties. The AUEOM notes that the legal framework for the general elections in the Kingdom of Eswatini does not provide for any role of political parties. Contestants in the 2023 Secondary Elections are individuals who have successfully been nominated for the polls.

IV- ELECTION DAY OBSERVATION

34. The AUEOM deployed observers to all four (4) regions of the Kingdom and observed all aspects of election day operations. It observed opening and counting in 16 polling stations. The Mission also observed voting and counting procedures in forty-seven (47) constituencies in urban and rural areas.

Opening of polling

35. The AUEOM observed opening in 16 polling stations, and 75% of the stations opened on time. The delay in the other 25% of the polling stations was due to delays caused by polling staff and the late arrival of the voter register at one station. However, delays at these stations did not exceed one hour.

36. Polling staff demonstrated sufficient knowledge of opening procedures and guidelines. Ballot boxes were properly sealed, and the polling stations were set up in a way that ensured the smooth processing of voters.

37. However, the AUEOM noted inconsistencies in some polling stations where the presiding officers did not begin the opening procedures until the candidates or their agents were present, while in others, voting proceeded without the same.

38. AU observer teams reported that the environment outside all polling stations visited was peaceful and there was the presence of police officers who were professional in their conduct throughout election day.

39. Observers and party agents were present and were able to perform their duties without any restrictions, which contributed to the transparency of the process.

Voting Process

40. The AUEOM observed the voting process in 221 polling stations. Of these 72% were located in rural areas and 28% in urban areas. Voting proceeded uninterrupted throughout the day.

41. Participation of women as polling staff was noteworthy, as 65% of polling staff at the stations visited were female. Priority assistance was extended to elderly voters and expectant and nursing mothers.

42. The AUEOM witnessed assistance being provided to people unable to vote. The law provides that such assistance can be provided by a person chosen by the voter, failing which the presiding officer provides the assistance².

43. The voting procedures and layout of the polling station in 98% of the polling stations visited allowed for a smooth flow of voters and guaranteed the secrecy of the ballot.

² See section 56 of the Elections Act, 2013

44. Staff demonstrated thorough implementation of all procedures such as verification of voters, stamping of ballot papers and inking of voters.
45. Most polling stations were inaccessible to persons with disabilities. In some cases, the polling stations were located upstairs or located on an uneven ground. However, the polling staff assisted persons with disabilities.
46. The AUEOM did not witness any voter being turned away for not having prescribed identification.

Closing and Counting Procedures

47. All polling stations visited closed on time and all voters who were in the queue at the time of closing were allowed to vote.
48. In all polling stations observed, polling staff adhered to all closing and counting procedures, completed all necessary documentation and as per requirement, copies of results forms were signed by candidate agents and posted outside the polling station.
49. The AUEOM notes that Election Day operations were administered in a manner that allowed the free expression of the will of the people.
50. Counting was done in an orderly professional manner in the presence of candidates and candidate agents.

V- COMMENDABLE PRACTICES

51. The Mission notes the provision of transport to voters who found themselves in the incorrect polling station. Where a voter does not appear on the voters roll, the EBC was able to identify the correct station and ferry the voter to the respective polling venue.
52. The AUEOM commends the EBC for investing in the visibility of directional signage to the polling stations. The signs were adequately visible, with bright colours to ensure people could see where the polling stations were, from a distance.
53. The development of the EBC Results Application (EBC App) indicates the Commission's commitment to transparency through the use of innovative technology. As the results were being tabulated and verified, they were captured immediately on the APP which is accessible to everyone.
54. Women's high representation at polling stations and within the EBC at commissioner, secretariat, and management indicates their commitment to upholding women's participation at all levels.
55. The AUEOM noted the professionalism of the presiding officers and their polling staff in all polling stations. This demystified their understanding of the different role players in the elections space by allowing observers and candidate agents free access to the polling stations to carry out their mandate.

56. Police conduct was professional and discreet. They were not intrusive and fully understood their roles.
57. Verification of registered voters created effective management of polling stations with streams, allowing for the flow of voters to the correct voting streams. Moreover, the dual usage of verification method was utilised using electronic machine and manual method. Notably, voters without IDs could still be identified using pictures in the voters roll as long as they provided their ID numbers.

VI- CONCLUSION AND RECOMMENDATIONS

58. While welcoming the political maturity of the people of Eswatini and the efforts taken by the Government to facilitate their stay and the proper execution of their mandate, the AUEOM noted that the electoral process was held peacefully and orderly. No cases of violence or use of hate speech were observed or reported to the Mission.
59. In addition, the EMBs, CSOs and the candidates and their delegates fulfilled their missions without any hindrance noted by the Mission, in accordance with the National Legal Framework and the relevant regional, continental and international standards relating thereto.
60. The Mission encourages all relevant stakeholders in the Kingdom of Eswatini to prioritise inclusive national dialogue to shape the future of democracy they want and to preserve the peaceful climate existing in the Kingdom.
61. The Mission wishes to thank the authorities in the Kingdom for all the steps taken in order to facilitate its work.
62. Moreover, in accordance with its methodology and empirical findings noted by its Observers, the Mission makes the following relevant recommendations:

To the Government of the Kingdom of Eswatini:

- Review the legal framework to allow for participation of political parties in electoral processes.
- Embrace young people's participation in the country's electoral processes and ultimately having representation in Parliament by other young persons and in other government institutions.
- While we acknowledge the employment by the EBC of women as polling officials, we urge the authorities to also promote women's participation in the electoral process as candidates.

To the Elections and Boundaries Commission (EBC):

- Continue with efforts to regularly communicate with stakeholders throughout all stages of the electoral process. This will intensify the level of voter education by working closely with the CSOs and the media.

- Decentralize the special voting process so that individuals are able to vote at their nearest polling stations.
- To develop a standard number of voters registered per polling station. This will reduce time spent during counting process.
- Consider putting in the following mechanisms:
 - ✓ Standardise number of voters per polling station;
 - ✓ Increase the number of polling stations; and
 - ✓ Standardise travel distances for voters to polling stations.

To the Candidates and Political Actors:

- Use legal channels throughout the electoral processes, particularly in the event of possible disputes.
- Continuously discourage the use of hate speech within the political space to enable the marginalised groups including youth, women and PWDs to participate freely.
- Further promote parity to stimulate the representation of women and youths on the electoral lists in eligible places in the name of civic equality.
- Further stimulate the representation of people with disabilities as candidates and not only as voters in the country.

To Civil Society Organisations:

- To improve their participation in electoral processes, including civic and voter education and election observation.
- To increase candidates' and candidate agents' participation at all stages of the electoral process.

To the African Union and the International Community:

- Amplify their cooperation in order to further support the Kingdom of Eswatini in its efforts for reform, national resilience and a better managed electoral process as well as in the consolidation of democratic governance and the pluralist rule of law, guarantees of sustainable development.
- Continue efforts to promote a national dialogue in the Kingdom of Eswatini.

Done at Mbabane, 1st October 2023

For the Mission,

H. E Ambassador Bankole ADEOYE

Head of Mission