EISA ELECTION OBSERVER MISSION REPORT

SOUTH AFRICA

NATIONAL AND PROVINCIAL ELECTIONS
22 APRIL 2009

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Electoral Institute for the Sustainability
of Democracy in Africa

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of Democracy in Africa

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Electoral Institute for the Sustainability
of Democracy in Africa

2010

EISA strives for excellence in the promotion of credible elections, participatory
democracy, human rights culture, and the strengthening of governance
institutions for the consolidation of democracy in Africa.

CONTENTS

Abbreviations/Acronyms

ACDP	African Christian Democratic Party
ACCORD	African Centre for the Constructive Resolution of Disputes
ANC	African National Congress
AU	African Union
AZAPO	Azanian People's Organisation
CDP	Christian Democratic Party
CEO	Chief Electoral Officer
COPE	Congress of the People
CSO	Civil Society Organisation
DA	Democratic Alliance
DDP	Democracy Development Programme
DP	Democratic Party
DPO	Deputy Presiding Officer
DPOC	Deputy Presiding Officer Counting
DRC	Democratic Republic of Congo
ECF	Electoral Commission Forum of SADC Countries
ECOWAS	Economic Community of West African States
EISA	Electoral Institute for the Sustainability of Democracy in Africa
EMB	Electoral Management Body
EMSA	Employment Movement of South Africa
EOM	Election Observer Mission
FEDSACS	Federation of South African Christian Students
FF+	Freedom Front +
GDP	Gross Domestic Product
GG	Government Gazette
ICASA	Independent Communications Authority of South Africa
ID	ndependent Democrats
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
KISS	Keep it Straight and Simple
MEO	Municipal Electoral Office
MF	Minority Front
NA	National Action
NGO	Non-Governmental Organisation
NLP	New Labour Party
NNP	New National Party
PAC	Pan Africanist Congress of Azania
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
PJC	Peace and Justice Congress
PLC	Party Liaison Committee
PO	Presiding Officer
SACC	South African Council of Churches
SACSEC	South African Civil Society Election Coalition
SOPA	Socialist Party of Azania
SADC	Southern African Development Community
SADC-PF	Southern Africa Development Community Parliamentary Forum
TOP	The Organisation Party
ToR	Terms of Reference
UCDP	United Christian Democratic Party
UDM	United Democratic Movement
UF	United Front

ACKNOWLEDGEMENTS

Governance Advisor to the Economic Community of West African States (ECOWAS) who so ably and diligently led the EISA Election Observer Mission to South Africa. We would also like to thank all the members of the EISA Observer Mission for their contribution to the democratic electoral process in South Africa.

EXECUTIVE SUMMARY

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment is the vision EISA seeks to further across Africa. In that respect, accredited by the IEC, EISA deployed an International Observer Mission to South Africa for the national and provincial elections of 22 April 2009.The mission was led by Professor Ade Adefuye, Senior Governance Advisor to the Economic Community of West African States (ECOWAS) and consisted of 33 observers from 13 African countries, namely: Nigeria, Lesotho, Sudan, The Democratic Republic of Congo (DRC), Cote d'Ivoire, Zimbabwe, Kenya, Sierra Leone, Ethiopia, Mozambique, Cameroon, Tanzania, and Angola, drawn from civil society organisations (CSOs), academics and election management bodies from all the regions of the African continent. The deputy mission leader was Dr Khabele Matlosa, the EISA Programmes Director. (The full list of EISA Observers is indicated in Appendix 1).

EISA Election Observer Mission team members started arriving in Johannesburg, South Africa on 15 April 2009 and observed the electoral process until 23 April 2009. A total of fifteen (15) EISA teams were deployed in all the nine provinces of South Africa as follows: 4 (four) teams in KwaZulu-Natal, 2 (two) teams each in Eastern Cape, Gauteng and the Western Cape and 1 (one) team each in the Free State, Limpopo, Mpumalanga, Northern Cape and North West. Therefore, a total of 234 polling stations throughout the country were visited during this Election Observation Mission (EOM), and selected rural and urban areas were covered during this deployment.

This report covers the national and provincial elections on 22 April 2009 taking into account the context within which they were organised, and provides a thorough assessment by the mission which includes the findings and analysis of the electoral process in all it phases, namely the pre-election phase; campaigns and rallies; the election phase, including polling, voting, counting and tabulation; the announcement of results and the period beyond.

The Declaration of Principles for International Election Observation and

the Code of Conduct for International Election Observers (United Nations, 27 October 2005, New York); coupled with the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO; ECF & EISA, 2003), were the benchmarks used by the mission as the basis for the assessment of these elections. Furthermore, election updates regularly published during the pre-election phase and meetings with stakeholders of the political process were among the tools which helped in assessing these national and provincial elections.

Tremendous expectation underpinned the national and provincial elections in South Africa because of the changes and differences among members of the ruling party, the ANC, which saw the election of Jacob Zuma as president of the ANC at the 2007 ANC Polokwane conference and shortly thereafter, the resignation of former president Thabo Mbeki and the appointment of Kgalema Motlanthe as the interim president, pending the 2009 national and provincial elections. This ultimately led to the creation of a new political party, COPE, bringing a sudden modification to the South African political landscape. On the other hand, the candidate of the ANC (Jacob Zuma) was one, for the first time, from KwaZulu-Natal, the stronghold of the legendary Mangosuthu Buthelezi.

On the basis of the Declarations of Principles for International Election Observation and the Principles for Election Monitoring, Management and Observation (PEMMO), coupled with election updates and informative meetings with stakeholders of the political process, an assessment by the mission covered the pre-election phase, election day and the post-election phase. Findings and recommendations and their full dissemination were made to the relevant stakeholders of the political landscape in South Africa and beyond (see Appendix 2).

The mission noted the maturity of various stakeholders of the political process and the mechanisms in place to prevent and manage conflicts and in so doing, paved the way for an appropriate environment for free, fair and legitimate elections. The mission was also impressed by the fact that gender mainstreaming, thought to be improved by some political parties, was common practice in the ANC. The mission ultimately concluded that the national and provincial elections held on 22 April 2009 in South Africa

were conducted in a peaceful, efficient and transparent manner. The mission found that the election outcome was a true reflection of the will of the people of South Africa.

The mission made a number of recommendations for further improvement to the quality of future elections.

TERMS OF REFERENCE

The Terms of Reference (ToR) for the EISA Election Observer Mission to the 2009 National and Provincial elections in South Africa describes the role and responsibilities of the EISA mission during field deployment. It also provides a summary of the mission objectives and highlights the activities of an EISA International Observer.

Specific objectives for this particular mission included the following:

- To assess whether the existing conditions are conducive to elections that reflect the will of the people of South Africa;
- To assess whether the elections are conducted in accordance with the electoral legislative framework of South Africa;
- To assess whether the elections met the international and regional benchmarks set out in the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers of the United Nations (October 2005); and in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC Countries (ECF).

In order to achieve the above, the mission undertook to:

- obtain information on the electoral process from the Independent Electoral Commission (IEC);
- meet with political parties, civil society organisations and other stakeholders to acquaint itself with the electoral environment;
- report accurately on its observations and refer any irregularities to the relevant authorities;
- observe all aspects of the election in the areas it will visit;
- assess if all registered voters have easy access to voting stations and whether or not they are able to exercise their vote in freedom and secrecy;
- assess the logistical arrangements to confirm if all necessary materials are available for the voting and counting to take place efficiently; and
- find out if all the competing parties and candidates are given equal opportunity to participate in the elections.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA strives for excellence in the promotion of credible elections, participatory democracy, a human rights culture and the strengthening of governance institutions for the consolidation of democracy in Africa. In this regard EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields international election observer missions to assess the conduct of elections in the SADC region and on the rest of the African continent.

To that effect, and in order to assess the national and provincial elections of 22 April 2009, EISA deployed 34 observers drawn from representatives of CSOs and academics from 13 countries within the five sub-regions of the African continent.

Its approach included the following:

Election Updates
As part of its pre- and post-election assessment EISA published regular election updates. These updates served to paint a picture of the context in which the elections took place and were extremely helpful in providing observers with access to first-hand information of the pre-election mission given that EISA, due to limited funding, was unable to deploy a long-term observer mission. Mission members and other interested parties, including other observation missions, were fully informed of major events which occurred during the electoral process. EISA developed this innovative method by contracting national and provincial-based researchers to gather and analyse information on significant election-related issues. This information was extensively disseminated and published electronically and in print in the Election Update series.

Observation of parties' manifesto launches
Launching political party manifestos has become a tradition in South African politics. Political parties released their respective election manifesto on different dates. *Working Together We Can Do More* was the theme under which the

ANC launched it election manifesto on 10 January 2009 in the Eastern Cape. *A New Agenda for Change and Hope for All* was officially launched by COPE on 24 January 2009 in Port Elizabeth, also in the Eastern Cape. The same day, the UDM launched its election manifesto, followed the next day, 25 January, by the DA. *Striving for a desirable society* was the title of the AZAPO election manifesto launched on the 31 January 2009. The ID launched its election manifesto in early February, which included a commitment to change the electoral system as recommended by the Van Zyl Slabbert Commission on Electoral Reform (*Electoral Task Team* Report, 2003).

Most political parties election manifesto launches were widely broadcasted in the public and private media, a fact noted by the election update researchers posted in all nine provinces of South Africa.

Stakeholder meetings and political parties' allies
In the period leading up to and including election day, members of the mission attended political party rallies and held meetings with various electoral stakeholders, including representatives on the Independent Electoral Commission (IEC), political parties, civil society organisations and the media. Meetings were held at national and provincial level. The mission also held meetings with international and domestic observers. Fifteen teams of 33 observers were deployed in all the nine provinces of South Africa from 18 to 23 April 2009 (see Appendix 1 for the composition of the mission).

SACSEC
The South African Civil Society Election Coalition was reconstituted to participate in the 2009 national and presidential elections. Previously known as the South African Civil Society Observation Coalition, a decision was taken for the 2004 national and provincial elections to broaden its scope to include voter education and not only focus on observation, hence the change of name from SACSOC to SACSEC. SACSEC is a national initiative of over 40 non-governmental and faith-based organisations. The South African Council of Churches was mandated by SACSEC members to coordinate SACSEC at the national level and different members requested to coordinate SACSEC at provincial level. EISA and the South African Council of Churches, Gauteng, were mandated to co-ordinate Gauteng. Gauteng was divided into six regions, namely Vaal, Tshwane, West Rand, Ekurhuleni, Soweto and

Johannesburg and participating Gauteng members given responsibility for a particular region. Gauteng SACSEC trained and deployed 160 observers who visited 373 stations. Some observers remained at one station throughout the day while others moved around. Observers were deployed to stations close to where they lived. Observers were present throughout polling and counting. Prior to the election five pre-election observers were deployed between February and April. SACSEC Gauteng held several meetings with the Gauteng IEC provincial officer.

Partnership with IEC on conflict management and resolution

The IEC once again put in place conflict management panels, a structure that was first introduced in 1999, to manage and resolve election related conflict. An amendment to the Electoral Act 73 of 1998 (S 103a inserted by s.22 of Act 34 of 2003) provides for conciliation as follows: 103A Conciliation in disputes and complaints The Commission may attempt to resolve through concilia-tion any electoral dispute or complaint about an infringement of the Code brought to its notice by anyone involved in the dispute or complaint.

Given that the Conflict Management Programme has been in place since 1999 and that a body of mediators trained in election conflict skills has been built over the years, panellists were trained mainly on amendments to the electoral legislation and specific case studies to highlight election-related conflict. The objective of the CMP is to put in place mechanisms that can assist the IEC in the management and/or prevention of possible electoral conflict. EISA has historically been the IEC's partner in the Conflict Management Programme (CMP) and was awarded a tender to design the material and assist the IEC in training panellists and IEC regional supervisors. A total of 107 mediators were deployed throughout the country, whose deployment was coordinated by the IEC provincial offices. Table 1 illustrates the number of panellists deployed to each province.

Table 1: Panellists deployed in each province

PROVINCE	NUMBER OF PANELLISTS
NORTHERN PROVINCE	5
EASTERN CAPE	14
GAUTENG	11
KWAZULU-NATAL	23
LIMPOPO	10
NORTHERN CAPE	9
NORTH WEST	6
MPUMALANGA	6
WESTERN CAPE	23
TOTAL	107

A number of disputes were settled by the regional supervisors, presiding officers, other IEC staff or panellists, with a total of 20 formal interventions recorded (Independent Electoral Commission 2009 Elections Report). These interventions required full-scale mediations. Complaints ranged from inter-party disputes including tearing down posters, intimidation and violation of the electoral code of conduct. Several complaints were dealt with on election day relating to long queues or delays or insufficient ballot papers.

Observation of voting and counting
Observers monitored the voting and counting on 22 April 2009 at 234 voting stations as well as the special voting held on 20 and 21 April 2009.

1 | Political and Historical Overview

1.1   POLITICAL AND ELECTORAL BACKGROUND

South Africa's first democratic elections were held on 27 April 1994. These elections came four years after protracted negotiations which had begun in 1990 with the unbanning of the liberation movement and commitment to a settlement by the ruling National Party (NP) (EISA Election Update 2009, No. 1). It took until the end of 1991 to lay the groundwork for negotiations, which began in December 1991, and final agreement on the transitional constitution, electoral law and on transitional executive structures was only reached at the end of 1993 (Sommer, 1996; Giliomee, 1995). Even then, it was only on the eve of the elections that the right wing Freedom Front (FF) and Inkatha Freedom Party (IFP) could be persuaded to participate, as depicted in Table 2.

On election day, 19.5 million South Africans, or 86 per cent of registered voters cast their votes in that first democratic election. The elections were won by the ANC with 62.65 per cent of the vote; the NP won 20.39 per cent of the vote and IFP 10.54 per cent. Nelson Mandela was elected as South Africa's first black president by the National Assembly and a government of national unity was installed which included the NP and IFP, with cabinet posts allocated according to each party's share of the vote, as had been agreed during negotiations (Giliomee, 1995). Thabo Mbeki of the ANC became the first black vice-president and FW de Klerk of the NP, the second vice-president (EISA Election Update 2009, No. 1).

Table 2:
1994 National Election Results

Party	% Votes	No votes	Seats
African National Congress	62.65	12,237,655	252
National Party	20.39	3,983,690	82
Inkatha Freedom Party	10.54	2,058,294	43
Freedom Front	2.17	424,555	9
Democratic Party	1.73	338,426	7
Pan Africanist Congress	1.25	243,478	5
African Christian Democratic Party	0.45	88,104	2
Africa Muslim Party	0.18	34,466	0
African Moderates Congress Party	0.14	27,690	0
Dikwankwetla Party of SA	0.1	19,451	0
Federal Party	0.09	17,663	0
Minority Front	0.07	13,433	0
Soccer	0.05	10,575	0
Africa Democratic Movement	0.05	9,886	0
Women's Rights Peace Party	0.03	6,434	0
Ximoko Progressive Party	0.03	6,320	0
Keep it Straight and Simple	0.03	5,916	0
Workers' List Party	0.02	4,169	0
Luso-SA Party	0.02	3,293	0
Total	**99.99**	**19,533,498**	**400**

Source: Independent Electoral Commission (IEC)

In the wake of successful democratic elections and the installation of a government of national unity (GNU) under the leadership of the African National Congress (ANC), South Africa was able to re-enter the family of nations. Serious challenges facing the new government included a stagnant economy with high and rising unemployment, inequality between and within the different race groups and widespread poverty; moreover, South Africa remained a violent and polarised society (Freund & Padayachee 1998; Carter & May 2001).

Between late 1995 and mid-1996 democratic local government elections were held for the first time. Voter turnout, though not as high as in 1994, remained impressive, with 80 per cent of registered voters casting their ballots. The ANC, the National Party (NP) and the IFP performed worse than in 1994, while the Democratic Party gained considerable ground, improving its share of the vote from 1.7 per cent in 1994 to 13.5 per cent. The NP attributed its loss of support among voters to its participation in the GNU, and when vice-president FW de Klerk was not able to secure the entrenchment of the GNU as a permanent feature of the final constitution, he resigned and the NP withdrew from the GNU leaving the ANC and IFP as sole partners (Freund & Padayachee, 1998).

Negotiations over the final constitution were drawn out, with the NP and the DA pressing for a federal order and the IFP demanding a high degree of autonomy for KwaZulu-Natal, but in the end the final arrangements differed little from the transitional constitution (Beinart, 2001). A national council of provinces replaced the Senate and the entrenchment of a GNU was removed (Beinart, 2001).

The final version of the constitution was adopted by an overwhelming majority (the IFP's 43 members were absent, the Freedom Front's nine members abstained, and the African Christian Democratic Party's two members alone voted against it) and it was unanimously certified by the Constitutional Court on 4 December 1996 (Sarkin, 1999).

By 1997, as a result of a shift by the ANC to the right and the reconciliation of opposition parties to the finality of the new constitutional order, there was little to tell the different political parties apart and captains of industry, their fears of socialism under an ANC government allayed, shifted support from the NP to the ANC (Freund & Padayachee, 1998; Southall, 1999).

In June 1999 South Africa conducted its second national democratic elections without President Nelson Mandela as a candidate. Expectations were that of the retention of power by the ANC as a result of its constant popularity in the country, hence its majority in parliament. Table 3 gives a summary of the June 1999 national elections and the seats won in the National Assembly by the political parties which contested these elections.

Table 3: 1999 National Election Results

Party	% Votes	No. of Votes	Seats
African National Congress	66.35	10 601 330	266
Democratic Party	9.56	1 527 337	38
Inkatha Freedom Party	8.58	1 371 477	34
New National Party	6.87	1 098 215	28
United Democratic Movement	3.42	546 790	14
African Christian Democratic Party	1.43	228 975	6
Freedom Front	0.8	127 217	3
United Christian Democratic Party	0.78	125 280	3
Pan Africanist Congress of Azania	0.71	113 125	3
Federal Alliance	0.54	86 704	2
Minority Front	0.3	48 277	1
Afrikaner Eenheids Beweging	0.29	46 292	1
Azanian People's Organisation	0.17	27 257	1
Abolition of Income Tax and Usury Party	0.07	10 611	0
The Government by the People Green Party	0.06	9 193	0
The Socialist Party of Azania	0.06	9 062	0
Total	**99.99**	**15 977 142**	**400**

Source: Independent Electoral Commission (IEC)

Table 3 depicts clearly that the ANC improved its share of the vote from 63 per cent in 1994 to 66 per cent, while the opposition became extremely fragmented; where in 1994 seven parties had shared 148 seats, now 11 political parties shared 134 seats (Southall, 1999). The share of the NP (now styled the New National Party of NNP) declined precipitously from 20 per cent to under 7 per cent and the IFP less so, from 10.5 per cent to 8.6 per cent. The DP, on the other hand, rose from 1.7 per cent to 9.6 per cent. The IFP lost absolute control over the KwaZulu-Natal Legislature and its voluntary coalition, with the ANC now becoming a necessity. The NNP lost absolute control of the Western Cape Legislature and was forced to bring the DP in as junior coalition partner (Southall, 1999). The ANC won the other seven provinces outright. Nelson Mandela stepped down as president and the National Assembly elected ANC party leader Thabo Mbeki as his successor.

1.2 THE 2004 NATIONAL AND PROVINCIAL ELECTIONS

The most significant development in the run-up to the 2004 election was the adoption of the Electoral Laws Amendment Act, 2003 and the Electoral Laws Second Amendment Act, 2003 (Act 40 of 2003), thereby amending the Electoral Act of 1998 and the Electoral Commission Act, 1996.

Among the more notable amendments affected by these Acts was the insertion of a new Section 24A in the Electoral Act, 1998, stating that a voter would be able to vote outside the voting district where the voter has been registered by completing a sworn or affirmed statement and providing proof of registration as a voter. If a person voted outside the province where he or she had been registered, he or she would only be entitled to a national ballot paper.

The Electoral Laws Amendment Act also made provision for a special category of prisoners to vote, excluding prisoners who were serving a sentence without the option of a fine. The provisions of the Amendment Act regarding limiting the right to vote to certain categories of prisoners were challenged in the Cape High Court and the Constitutional Court. The Constitutional Court ruled in favour of the applicants and granted an order directing the Commission to cater for all categories of prisoners to apply for registration, and to vote.

The third democratic national and provincial elections took place on 14 April 2004. There was a significant increase in the number of political parties participating in the elections, from the 16 that contested the 1999 general elections, to the 37 that participated in the 2004 general elections. Out of 75 registered parties, only 37 contested the election and even fewer contested at the national level. Table 4 gives a breakdown of the national election results of 2004. It also highlights the number of seats won by political parties in the National Assembly.

Elections were held on 14 April 2004, in which 77 per cent of registered voters cast their ballot, returning the ANC to power with an increased majority of 69.7 per cent compared to 66.4 per cent in 1999. The Democratic Party (DP) increased its electoral support and retained its official opposition status, winning 12.4 per cent as against 9.6 per cent in 1999, while the New National Party (NNP) continued its precipitous decline, winning only 1.7 per cent

of the vote as compared with 6.9 per cent in 1999 and the Inkatha Freedom Party (IFP) continued its steady decline, down to 7 per cent from 8.6 per cent in 1999. The remaining 10.97 per cent was shared among 18 parties.

Table 5 summarises the provincial election results in terms of percentages obtained by political parties that contested the election at the provincial level.

Table 4: 2004 National Election Results

Party	No. of Votes	% Votes	Seats
African National Congress	10,880,915	69.69	279
Democratic Party	1,931,201	12.37	50
Inkatha Freedom Party	1,088,664	6.97	28
United Democratic Movement	355,717	2.28	9
Independent Democrats	269,765	1.73	7
New National Party	257,824	1.65	7
African Christian Democratic Party	250,272	1.6	7
Freedom Front	139,465	0.89	4
United Christian Democratic Party	117,792	0.75	3
Pan Africanist Congress of Azania	113,512	0.73	3
Minority Front	55,267	0.35	2
Azanian People's Organization	39,116	0.25	1
Christian Democratic Party	17,619	0.11	0
National Action	15,804	0.1	0
Peace & Justice Congress	15,187	0.1	0
Socialist Party of Azania	14,853	0.1	0
New Labour Party	13,318	0.09	0
United Front	11,889	0.08	0
The Employment Movement for SA	10,446	0.07	0
The Organisation Party	7,531	0.05	0
Keep it Straight and Simple	6,514	0.04	0
Total	15,612,671	100	400

Source: Independent Electoral Commission (IEC)

Table 5: 2004 Summary of the Provincial Election Results

Party	E. Cape	Free State	Gauteng	KZN	Mpumalanga	N. Cape	Limpopo	Northwest	W. Cape
ACDP	0.78%	1.32%	1.61%	1.80%	1%	1.85%	1.23%	1.10%	3.78%
ANC	79.31%	82.05%	68.74%	47.47%	86.34%	68.75%	89.72%	81.83%	46.28%
AZAPO	0.17%	0.34%	0.23%	0.24%	0.19%	0.49%	0.52%	0.27%	0.09%
CDP	0.05%	0.07%	0.16%	0.16%	0.06%	0.06%	0.06%	0.07%	0.17%
DA	7.25%	8.87%	20.33%	10%	7.17%	11.61%	3.81%	5.47%	26.92%
ID	0.84%	0.61%	1.73%	0.75%	0.35%	6.61%	0.19%	0.50%	7.97%
IFP	0.21%	0.43%	2.64%	34.87%	1.03%	0.22%	0.18%	0.29%	0.23%
KISS	0.02%	0.03%	0.03%	0.08%	0.02%	0.06%	0.03%	0.03%	0.06%
MF	0.02%	0.02%	0.05%	1.86%	0.03%	0.03%	0.02%	0.02%	0.04%
NA	0.06%	0.10%	0.12%	0.09%	0.07%	0.10%	0.12%	0.09%	0.16%
NLP	0.02%	0.02%	0.01%	0.04%	0.02%	0.06%	0.03%	0.02%	0.61%
NNP	0.63%	0.82%	0.74%	0.58%	0.43%	7.16%	0.47%	0.43%	9.44%
PAC	0.98%	1.30%	0.81%	0.21%	0.76%	0.43%	0.95%	0.79%	0.46%
P.J.C.	0.07%	0.06%	0.09%	0.10%	0.05%	0.09%	0.07%	0.05%	0.27%
EMSA	0.07%	0.07%	0.03%	0.09%	0.06%	0.09%	0.08%	0.09%	0.07%
T.O.P.	0.04%	0.04%	0.03%	0.08%	0.04%	0.05%	0.05%	0.04%	0.05%
SOPA	0.11%	0.11%	0.07%	0.15%	0.09%	0.07%	0.08%	0.10%	0.04%
UCDP	0.11%	0.66%	0.26%	0.15%	0.16%	0.31%	0.14%	6.53%	0.23%
UDM	8.91%	0.96%	1.01%	0.84%	1.01%	0.42%	1.66%	1.08%	1.85%
U.F.	0.05%	0.07%	0.11%	0.12%	0.06%	0.05%	0.05%	0.06%	0.03%
VF Plus	0.28%	2.07%	1.20%	0.34%	1.06%	1.49%	0.52%	1.14%	1.24%
% Poll	81.08%	78.88%	76.40%	73.51%	80.28%	76.04%	77.09%	77.39%	73.05%

Source: Independent Electoral Commission (IEC)

At the provincial level the ANC won 45 per cent of the vote in the Western Cape and took the NNP on as a junior coalition partner to form a government, while in KwaZulu-Natal it became the largest party in the legislature for the first time, and once again governed in coalition with the IFP. The other seven provinces were won again by the ANC with increased majorities. The DA became the official opposition in six provincial legislatures, with the exception of the Eastern Cape, where the UDM retained this status, Northwest (UCDP) and KwaZulu-Natal (IFP). Thabo Mbeki was elected president for a second term by the National Assembly.

1.3   POLITICAL DEVELOPMENTS AHEAD OF THE 2009 POLL

There were two main factors that engendered a changed context of party politics and electoral contestation ahead of the 2009 South African election. The first was the emergence of the Congress of the People (COPE) – a break-away splinter group from the ANC. The second was the continued ascendancy of the ANC in KwaZulu-Natal.

Matters came to a head at the ANC's 2007 52nd National Conference in Polokwane. Despite best attempts to convince the president of the party not to seek a third term of office, Mbeki pressed ahead and contested in the election. Mbeki would ultimately lose the election, thus making Zuma the president of the country. In a move perceived to be a witch-hunt by the new Zuma party administration, politicians argued that the subsequent recalling of Mbeki as the president of the country eight months before his term as head of state expired opened up space for the formation of COPE by disgruntled ANC members. On the other hand, the ANC maintained that the formation of COPE was a sign of bitterness from those ANC members who democratically lost the elections. In the interim, the party's deputy president, Kgalema Motlanthe, was nominated by the National Assembly as acting head of state, on 25 September, 2008.

The ANC made it clear that the nomination of its deputy president, Kgalema Motlanthe, as President of the Republic was only a temporary measure until the 2009 elections were held. In December 2008 a new political party was formed, the Congress of the People (COPE). An assertion by political commentators has it that COPE was formed by senior ANC members purported to have close ties with President Mbeki.

During the run-up to elections there were reports of election-related violence in the KwaZulu-Natal province. In the wake of the incidents of violence in KwaZulu-Natal, the IEC held a two-day workshop promoting tolerance around electioneering in general, with an emphasis on increased public participation. Sixteen political parties, the ANC and IFP included, signed a code of conduct committing themselves to non-violence and non-intimidation during electioneering (EISA Election Update 2009, No. 1).

Sections 33(1) (b) and (e) of the Electoral Act determine the categories of people who qualify as voters living abroad. In November 2008 the DA leader, Helen Zille, discussed with the IEC the issue of voting for South African citizens residing abroad for a prolonged period. Early in 2009 the DA decided to refer the matter to the Constitutional Court. At the same time, the Freedom Front Plus took up the matter on behalf of Willem Richter – a South African teacher working in the UK – at the Pretoria High Court. On 9 February 2009 the Court ruled that this disqualification as a voter was unconstitutional (EISA Election Update 2009, No. 1).

On the eve of the 2009 elections the corruption charges against ANC President Jacob Zuma were dropped, clearing the way for his election as South Africa's president by the incoming National Assembly.

2 | The Electoral Framework

2.1 LEGAL FRAMEWORK

The South African electoral process is governed by a constitutional and electoral regulatory framework coupled with amendments on various Acts.

2.1.1 The Constitution of 1996

The Constitution of the Republic of South Africa of 1996 has guaranteed the country's democratic political landscape with clear provisions on a political pluralism which, as a result, has seen from 1994 to date, four presidents, namely, Nelson Mandela (1994-1999) Thabo Mbeki (1999-2008) Kgalema Motlanthe (interim president, 2008-2009) and Jacob Zuma (2009-to-date). The constitution clearly establishes a proportional representation electoral system, a single and common national voters' roll and the voting age at 18. Political rights are enshrined in Chapter 2 of the constitution, the Bill of Rights. Chapter 9 establishes, as a cornerstone for the support of constitutional democracy, that these institutions exercise their respective powers and no person or organ of the state may interfere with their functioning The Independent Electoral Commission (IEC) is such an institution subject only to the constitution and the law and is clearly mandated to organise and manage elections, ensure that those elections are free and fair and ultimately, declare the results. The constitution went as far as providing for the establishment of an Electoral Court in charge of bringing about solutions to electoral disputes and conflicts.

The view of the mission is that all these provisions have paved the way for the nurturing and consolidating of the country's democratic governance, where freedom of expression and holding of regular elections is the rule. The legal framework has created an environment where the rule of law and citizens rights are protected and guaranteed by the constitution.

The recent constitutional amendment for the first time paved the way for registered South African voters living abroad, to vote for the National Assembly in the April 22 elections. These voters had to notify the chief electoral officer of their intention to vote by March 27, as ordered by the Court. Handing down the first of two separate judgments, Justice Kate O'Regan said the right to vote had a symbolic and democratic value.

2.1.2   The Independent Electoral Commission Act 51 of 1996

The Independent Electoral Commission Act underlies the composition, appointment and conduct of commissioners. It describes their duties and respective functions. In that respect, the Act requires the Commission to appoint the Chief Electoral Officer (CEO) who 'shall be the head of the administration, shall in turn appoint the necessary staff, shall be the financial accounting officer and shall ultimately exercise powers and perform duties and functions as assigned by the Commission or by the Act or any other laws'. Section 15 of the Electoral Commission also prescribes the registration of political parties and the procedures to that effect. The Act establishes an Electoral Court (see 2.3).

It is the view of the mission that the process of appointing the CEO with a clear determination of his or her functions is conducive to accountable and responsible conduct with regard to the organisation of the elections. The overall electoral process was well organised. The mission commends the Independent Electoral Commission (IEC) management team for this achievement.

2.1.3   The Electoral Act 73 of 1998 and the Municipal Electoral Act of 2000

Elections in South Africa are held nationally, provincially and locally. Elections are governed by two Acts, namely, the Electoral Act 73 of 1998 and the Municipal Electoral Act of 2000.

The Electoral Act of 1998 comprehensively regulates the National Elections for the National Assembly and the nine provincial legislatures. The Act covers issues pertaining to the National Common Voters' Roll, the registration of voters, eligibilities, objections and appeals thereof. The Act also deals with the preparatory steps for an election, voting and counting of votes, determination of the results of the election, objections, reviews and appeals, prohibited conduct, party agent observers and the code of conduct.

The local government election is governed by the Municipal Electoral Act of 2000. This Act applies to municipal elections only. Its overall provisions are similar to those of the Electoral Act 73 of 1998, with the difference that the electoral system is that of party list and constituency.

2.1.4   The Code of Conduct
The code of conduct is part and parcel of the Electoral Act of 1998. The code promotes conditions conducive to free and fair elections including tolerance of democratic political activity and free political campaigning and open public debate. The mission is of the view that for the national and provincial elections of 22 April 2009, the content of the code of conduct needed more dissemination, especially in KwaZulu-Natal where cases of isolated violence during political party gatherings were reported in the media.

2.1.5   The Political Party Funding Act of 1997
This Act, amended by the Constitutional Matters Amendment Act of 2005, established the Represented Political Parties Fund to provide finance to parties represented in parliament and in the provincial legislatures. The fund, after its allocation by parliament, is administered by the IEC which in turn is expected to keep full financial records and accounts for each financial year. Sources of income envisaged include parliamentary appropriations, donations, interest on bank balances held, investment income and monies accrued from other sources.

Funds are allocated to political parties that are represented in the National Assembly, or in any of the provincial legislatures, or both, in that particular financial year (Public Funding of Represented Political Parties Act 1997, 5(1) (a)). Parties that cease to qualify for funds must repay unspent monies

to the IEC within 21 days (Public Funding of Represented Political Parties Act 1997, 5(4)).

The Public Funding of Represented Political Parties Act 1997, 5(1) (b) states that a party may only use the funds for 'any purpose compatible with its functioning as a political party in a modern democracy', including:

- the development of the political will of people;
- bringing the political party's influence to bear on the shaping of public opinion;
- inspiring and furthering political education;
- promoting active participation by individual citizens in political life;
- exercising an influence on political trends; and
- ensuring continuous, vital links between the people and organs of state.

The mission noted that the ANC enjoys most of the seats in parliament and hence receives a large part of the public funding. The mission is of the view that the law should be reviewed to provide an equal minimum amount to all political parties represented and share another portion of the funds in respect of the number of seats won in parliament.

2.2 THE INDEPENDENT ELECTORAL COMMISSION (IEC)

The Constitution of South Africa of 1996 has provided for the existence of an Independent Electoral Commission as clearly stated in Articles 190 and 191 which deal with the composition. The Electoral Commission Act of 1996 deals with the functions of the IEC and other details not specifically provided by the constitution.

2.2.1 Composition of the Independent Electoral Commission (IEC)

Provided by the constitution and supported by the Electoral Commission Act of 1996 Section 6 (1), five members or commissioners compose the Independent Electoral Commission, of whom one should be a judge. The selection process, and ultimately the appointment on these commissioners by the President of the Republic for a seven-year mandate renewable once, starts with the constitution of a panel consisting of representatives of the following institutions:

- The Human Rights Commission
- The Gender Commission
- The Public Protector
- The President of the Constitutional Court (Chairperson)

After public nominations the panel screens and proceeds with public interviews of short-listed candidates and submits a list of at least eight candidates to a committee of the National Assembly constituted proportionally with representatives of all political parties represented in parliament. Five of these candidates will then be nominated by the committee of the National Assembly, which in turn will recommend them to the president for appointment by means of a majority resolution. Thereafter the president designates a chairperson and vice chairperson from among members of the commission (Electoral Commission Act of 1996 Section 8 (1)).

The Commission is currently chaired by Dr Brigalia Bam. The Chief Electoral Officer (CEO), Advocate Pansy Tlakula, heads the administration and serves as the chief accounting officer. Moreover, in consultation with the commissioners, the CEO is tasked with the appointment of electoral officers at the national, provincial and municipal level.

2.2.2 Functions of the IEC

As provided by the Constitution Act 108 of 1996 of the Republic of South Africa and the Electoral Commission Act 51 of 1996 Section 5, the Independent Electoral Commission is tasked with the following:

- managing of elections and the national, provincial and municipal bodies in accordance with national legislation;
- ensuring that those elections are free and fair;
- promoting conditions conducive to free and fair elections;
- compiling the voters' roll;
- registering political parties;
- establishing and maintaining liaison with and coordination of political parties;
- promoting voter education;
- developing and promoting the development of electoral expertise and technology in all spheres of government;

- appointing when necessary appropriate public administrations in any sphere of government to conduct elections;
- reviewing and making recommendations about electoral legislation;
- declaring the results of national, provincial and municipal elections within seven days of an election; and
- adjudicating disputes that may arise from the organisation, administration and conduct of elections.

2.2.3   Funding

The IEC is primarily funded by the state. The funds are allocated by parliament. The Commission does receive supplementary funding from other sources. The Commission reports to parliament at the end of each financial year on the receipt and expenditure of funds received from all sources. The budget of IEC for the financial year 2008-2009 was R1.1 billion.

2.3   THE ELECTORAL COURT

Chapter 5 (ss 18-20) of the Electoral Commission Act deals with the Electoral Court which is an adjudication body of the IEC and which has the status of the Supreme Court of South Africa. This court was established to review matters pertaining to elections, such as electoral disputes and complaints about infringements of the electoral code of conduct and appeals against decisions therein. It may also investigate allegations of misconduct, incapacity or incompetence of a member of the commission, and make recommendations to a committee of the National Assembly for further action.

The court is composed of a chairperson, who is a judge from the Appellate Division of the Supreme Court, two other judges of the Supreme Court and two other members, both citizens of South Africa (Electoral Commission Act of 1996 Section 19 (1)).

2.4   PARTY LIAISON COMMITTEES (PLCS)

Instituted by the Regulations on Party Liaison Committees published in GG 18978 of 19 June 1998, PLCs are constituted of registered political parties at the national, provincial and municipal level. Their establishment has so far facilitated easy communication and consultation between the IEC and political parties, and also their involvement at each stage and level of

the electoral process. This has contributed to the legitimacy of the process and therefore to the prevention of conflict. The main function of the PLC, according to the regulations, is 'to serve as the vehicle for consultation and co-operation between the Commission and the registered parties on all electoral matters aimed at the delivery of free and fair elections' (Independent Electoral Commission 2009 Elections Report). Members of the PLC meet once a quarter in a non-election period, once a month 18 months before elections, weekly during the month of elections, daily during the week of the elections and three times a day on the day of the elections. It serves as a consultative forum on all electoral matters.

As indicated above, EISA has historically been the IEC's partner in the Conflict Management Programme (CMP) and was awarded a tender to design the material and assist the IEC in training panellists and IEC regional supervisors. A total of 107 mediators were deployed throughout the country, and their deployment was co-ordinated by the Provincial IEC offices.

2.5   THE ELECTORAL SYSTEM FOR THE 2009 ELECTIONS

The choice of the proportional representation system based on the political party lists, determines the number of seats to be allocated at the national and provincial level. Political parties are allocated the number of seats proportional to the number of valid votes cast in their favour. Voters therefore do not vote for individuals, but for political parties who secure a seat/s and consequently appoint members according to the number of seats won.

The president is indirectly elected by the National Assembly after each parliamentary election to serve a five-year term, restricted to two terms. The National Assembly consists of 400 members directly elected in a proportional representation system (with no minimum entry threshold) and members are elected by direct universal adult franchise; 130 members are elected from national party lists, the other 270 are elected from party lists in each of the nine provinces. Members serve a five-year term.

South Africa is undergoing ongoing debate about the appropriateness, of the PR system. However, several factors have thus far favoured the retention of PR. These include its accurate reflection of the proportion of votes gained, smaller and opposition parties often gaining higher levels of

legislative representation than would have been the case in a first-past-the-post system. The PR system often moderates inter-party conflicts that stem from skewed representation, the PR list system being conducive to a quota system that brings in, for example, improved gender representation (Booysen & Masterson, 2009).

3 | The Pre-Election Phase

3.1 Voter registration

3.2 Party registration and the nomination process

3.3 Voter education and information

3.4 The election campaign

3.5 Media coverage of the electoral process

3.1 VOTER REGISTRATION

3.1.1 Legal provisions

The Constitution of the Republic of South Africa and the Electoral Act provide the legal framework for voter registration in South Africa.

From the age of 16, all South African citizens are eligible to register as voters, even though the minimum voting age is 18. This is provided for by section 6(1A) of the Electoral Act 73 of 1998. Section 5 provides that the CEO of the IEC must compile and maintain a common voters' roll. All holders of a barcoded identity document or a certificate issued by the Department of Home Affairs in terms of the Identity Act 68 of 1997, can apply to be registered as voters. Section 24 of the Electoral Act clearly states that registration stops after the date the election is announced.

These elections also saw a change in the provision for voters living abroad to vote. The Constitutional Court gave several judgments on 12 March 2009 in various cases regarding the voting of South African citizens finding themselves abroad on election day (see section 4.4.1).

3.1.2 Assessing the registration process

The South African registration of voters is a continuous process. The announcement of the election date stops any further registration until the end of the electoral process. Beyond this normal and continuous process of

registration, the Independent Electoral Commission (IEC) conducted targeted registration campaigns over two weekends, on 8 and 9 November 2008 and 7 and 8 February 2009. With regard to prisoners, the registration campaign date took place on 2 and 6 February 2009. Registration at foreign missions took place from 2 to 6 February 2009.

Table 6 shows the status of voter registration in South Africa per province.

Table 6: Voters' roll comparison from 1999 to 2009

Province	1999	2004	2009
Eastern Cape	2,454,543	2,849,486	3,056,559
Free State	1,225,730	1,321,195	1,388,588
Gauteng	4,154,087	4,650,594	5,461,972
KwaZulu-Natal	3,443,978	3,819,864	4,475,217
Limpopo	1,847,766	2,187,912	2,256,073
Mpumalanga	1,277,783	1,442,472	1,696,705
Northern Cape	377,173	433,591	554,900
North West	1,527,672	1,749,529	1,657,544
Western Cape	1,864,019	2,220,283	2,634,439
Total	**18,172,751**	**20,674,926**	**23,181,997**

Source: Independent Electoral Commission (IEC)

There was no voters' roll in use during the 1994 elections, but a total 19.5 million votes were counted. Table 6 indicates the number of registered voters over three South African elections. The number of registered voters has, since the 1999 elections, increased by about 27.6 percent in 2009.

Table 7 shows the comparison between female and male registration per province in South Africa for 2009.

Table 7 indicates that the number of females registered for the 2009 election is in excess of two million more than males, making up 54,9 per cent of registered voters, with males making up 45 per cent of the total registered voters.

Table 7: Female and male registration by province, 20 February 2009

Province	Female	Male	Total
Eastern Cape	1,772,999	1,283,560	3,056,559
Free State	757,081	631,507	1,388,588
Gauteng	2,783,841	2,678,131	5,461,972
KwaZulu-Natal	2,548,839	1,926,378	4,475,217
Limpopo	1,360,851	895,222	2,256,073
Mpumalanga	924,165	772,540	1,696,705
Northern Cape	298,018	256,882	554,900
North West	858,354	799,190	1,657,544
Western Cape	1,418,474	1,215,965	2,634,439
Total	**12,722,622 (54.9%)**	**10,459,375 (45.1%)**	**23,181,997 (100%)**

Source: Independent Electoral Commission (IEC)

This increase in voter registration can be attributed to the deliberate effort made by the IEC for the 2009 elections to encourage South Africans, and in particular young people, to register.

The IEC used the public media to encourage South Africans to register. This included large-scale advertising within the public broadcaster and print media, and designating two specific weekends for registration in the run-up to the 2009 elections. A total of 23,181,997 voters registered to vote.

The registration breakdown analysis in Table 8 shows a steady, incremental increase of voters in the registration process in South Africa since 1999.

It can be observed in Table 8 that the majority of voters in the range of 20 to 39 years, coupled with the range from 40 to 49 years, constituted the highest number of voters. There is also a growing population of elderly people. The IEC made a concerted effort to target young voters and this is reflected in Table 8.

Table 8: Age breakdown of registered voters, 20 February 2009

Age Band	Total	%
18 – 19	669,421	2.89
20 – 29	5,614,209	24.22
30 – 39	5,710,969	24.64
40 – 49	4,579,588	19.75
50 – 59	3,232,432	13.94
60 – 69	1,873,529	8.08
70 – 79	1,032,013	4.45
80 and older	469,836	2.03
Total	23,181,997	100

Source: Independent Electoral Commission (IEC)

3.2 PARTY REGISTRATION AND THE NOMINATION PROCESS

3.2.1 Party registration

The Electoral Commission Act 51 of 1996 and the Regulations for the Registration of Political Parties of 2004, govern the registration of political parties that intend to contest in an election. Applications are to be submitted to the Chief Electoral Officer of the IEC and any person can lodge an objection against such registration in writing. The CEO of the IEC may reject an application if the name, the abbreviated name, or the symbol of the party resembles that of another party to the extent that it may confuse or deceive voters. Such refusal is subject to appeal. The deed of foundation of the party must be signed by at least 50 registered voters; a payment of R500 and the party's constitution and proof of its publication in the Government Gazette must be attached. Parties not represented in the legislative body have to renew their registration on an annual basis. In failing to do so, they are considered no longer in existence. Only registered parties are members of the PLC.

One hundred and fifty six political parties were registered with the IEC (117 for the national elections and 39 for the provincial elections) for the 22 April 2009 elections.

3.2.2 Compilation of party lists

A political party cannot contest an election if the following conditions are not met: registration as a political party; submission of a list of candidates by the date legally decided and on the election timetable; payment of an election deposit of R540,000 of which R180,000 is paid for the National Assembly and R40,000 for the provincial legislature. Any political party that does not meet the above requirements is disqualified from contesting an election. Table 9 provides a list of political parties that contested in the 2009 elections:

Table 9: Parties participating in the 2009 Elections

Party	Abbr.	Party	Abbr.
African National Congress	ANC	A Party Coalition	No Abbr.
Democratic Alliance	DA	AL JAMA-AH	No Abbr.
Inkatha Freedom Party	IFP	Dikwankwetla Party of South Africa	DPSA
United Democratic Movement	UDM	African Muslim Party	AMP
Independent Democrats	ID	Sindawonye Progressive Party	SPP
African Christian Democratic Party	ACDP	Peace and Justice Congress	PJC
Vryheidsfront Plus	VF Plus	Universal Party	UP
United Christian Democratic Party	UCDP	Ximoko Party	XP
Pan Africanist Congress of Azania	PAC	African Christian Alliance	ACA
African People's Convention	APC	Christen Party / Christian Party	CP
Congress of the People	COPE	African Independent Congress	AIC
Minority Front	MF	Black Consciousness Movement	BCM
Azanian People's Organization	AZAPO	National Party of SA	NP
United Independent Front	UIF	Cape Party	CAPE
National Democratic Convention	NADECO	SA Political Party	SAPP
Alliance of Free Democrats	AFD	Pan Africanist Movement	PAM
National Alliance	NA	Christian Democratic Alliance	CDA
New Vision Party	NVP	Movement Democratic Party	MDP
SA Democratic Congress	SADECO	Great Kongress of SA	GKSA
Women Forward	WF	Keep It Straight and Simple Party	KISS

Source: Independent Electoral Commission (IEC)

It is compulsory to sign an undertaking binding the party and its candidates to the electoral code of conduct when submitting the party lists. A documented declaration of qualification of the candidate and acceptance of the nomination by candidate has to be included.

3.3   VOTER EDUCATION AND INFORMATION

The Electoral Commission Act provides that voter education is the responsibility of the IEC. The IEC runs education programmes to raise awareness on matters related to elections such as education for people with special needs, a schools voter education project, mass education through stakeholder management, outreach programmes and democracy development education. In compliance with such provisions of the Act, the IEC may outsource voter education, provided that those who are awarded this task comply with the IEC's standards of competence and effectiveness. Therefore, voter educators are provided with resources to run the voter education programmes. Stakeholders of the political process such as NGOs, political parties and the media also play a key role in voter education.

Political parties and civil society organisations also contributed to this effort, emphasising to their supporters how important it is to register in order to vote, as well as describing the voting process and the importance of casting their vote. In this respect SACSEC Gauteng, co-ordinated by EISA and the South African Council of Churches, Gauteng, put in a tender to the IEC for a voter education programme in support of the 2009 national and provincial elections. With partner organisations in Gauteng, SACSEC trained 250 community trainers as voter educators. Out of the 250 trained voter educators, 223 were deployed to conduct the training of 194 men and 119 women.

Community trainers came from diverse backgrounds. Many were unemployed and participating in this programme provided them with an opportunity to earn an income as well as gaining experience; several were teachers who conducted voter education after hours or on weekends, some were self-employed and others were students. Training was conducted for community organisations, scholars, students, church groups, and community clubs and societies. In total 1,698 workshops were held reaching 31,890 voters, 14,061 men and 17,829 women.

The EISA Observer Mission noted with satisfaction that the IEC had utilised a wide range of channels of communication such as the media (broadcasts, newspapers and posters) and other written materials for voter education, and a large dissemination of information pertaining to elections, to reach the maximum of potential voters. In addition, materials were printed in the various languages to ensure maximum outreach.

3.4 THE ELECTION CAMPAIGN

3.4.1 Rules governing canvassing

The election campaign is governed by the code of conduct enshrined in the Electoral Act 73 of 1998. Political parties and their agents may carry out canvassing provided that some rules and regulations are followed. For instance, they are committed to tolerance during campaigns and not to impede access of voters to other political parties. They should refrain from using language aimed at inciting violence and intimidation of voters of political opponents. No motivation other than political appeal is acceptable. Section 103A of the Electoral Act empowers the IEC to attempt conciliation as a method of resolving disputes and complaints about code infringements. The chief electoral officer may institute proceedings in court against offenders to enforce compliance.

3.4.2 Political campaign

Out of the 156 registered political parties, 40 contested the elections, 26 contested nationally and14 provincially. The 2009 national and provincial election campaign was the most exciting since 1994, due in large measure to the new shape of the political landscape characterised in the main by the birth of COPE, a breakaway group from the ruling African National Congress.

Campaign techniques included posters, advertisements on big billboards, political rallies, television appearances by party members and debates involving representatives of various parties and advertisers in the media. The EISA observer mission learned that cases of violence and intimidation during campaigns were reported in some parts of the country (see section 3.4.3).

3.4.3 Violence and intimidation

The pre-election phase in some provinces in South Africa saw clashes between the ANC and COPE, and the ANC and IFP. Violence in KZN was reported

in a few isolated places, between ANC and IFP militants. Nongoma was the highly sensitive area and was almost a no-go area, as was Ulundi. Most clashes occurred during rallies.

The violence that erupted between ANC and IFP in Nongoma, Northern KZN, on 1 February was extensively covered by the media. ANC members and IFP supporters were hurt in separate incidents when the ANC and IFP held rallies on the same day in Nongoma. Three ANC leaders in the province were shot in separate incidents over a two week period. In another incident DA officials were confronted by IFP supporters when the DA tried to visit patients in hospital (EISA Election Update 2009, No. 2).

In early March, scores of women and children were injured during a stampede at an ANC rally addressed by party president Jacob Zuma, at the Chatsworth Stadium in Durban. In East London COPE members were attacked by ANC supporters. A woman was severely assaulted (EISA Election Update 2009, No. 3).

In addition there were also reports of opposition political parties' posters being defaced in some areas across the country. COPE also reported incidents where it did not have access to some premises booked for their meetings on the days and times for the said meetings and sometimes had suddenly to change to another venue (the case of Tshwane University).

Attending a PLC meeting at the IEC in Durban, the mission noted that mechanisms were provided to prevent and to sort out differences between political parties without resorting to court. At these PLC meetings, political parties highlighted incidences, identified their cause, and if members of a political party were responsible, the concerned political party noted further action aimed at defusing tension and intolerance, once back at their respective headquarters.

3.5 MEDIA COVERAGE OF THE ELECTORAL PROCESS

The Independent Broadcasting Authority Act of 1993 (s 58(1)) deals with the coverage of elections to ensure that they are free and fair. It provides legislation to be followed and for its enforcement through the Independent Communications Authority of South Africa (ICASA). These rules are

a mechanism put in place to regulate the media coverage of electoral process.

The mission observed that the South African Broadcasting Corporation (SABC) had organised political party debates, thereby providing platforms for party aspirants to discuss key issues of concern to voters. There was also intense growth in the private media arena. The overall view of the observer mission is that during this election process the broadcasters handled issues professionally, creating an environment and platform for exchange, thereby providing voters with information on political parties.

While the public broadcasters provided equitable access to political parties, parties could also buy airtime and pay for their own advertisements. The mission noted that the current ruling party, the ANC made use of this opportunity but that other parties were not able to access media coverage in this way as a result of limited, or lack of resources.

4 | The Election Phase

4.1   Polling stations and provision of election material
4.2   Voters' roll and voter turnout
4.3   Voting staff, party agents and security forces
4.4   Voting process
4.5   Counting process
4.6   Other observer missions

4.1   POLLING STATIONS AND PROVISION OF ELECTION MATERIAL

The EISA teams reported long queues in the early hours before the official opening of polling stations, indicating a high turnout. Of all voting stations visited, most opened on time, with some exceptions. By 07:30 all voting stations were fully operational. It was, however, noted that in some voting stations, voting was interrupted at midday due to a shortage of voting material, such as ballot papers and ballot boxes. At all voting stations visited, the election staff demonstrated high levels of professionalism in the general running of the polling station and by following the necessary procedures for opening and sealing the ballot boxes, which was witnessed by party agents, international and domestic observers.

Generally, the EISA teams reported a peaceful, orderly and smooth voting process with the electorate demonstrating high levels of enthusiasm and eagerness to vote. This was evident, particularly of the youth, most of whom were first-time voters.

4.2   VOTERS' ROLL AND VOTER TURNOUT

There were few instances where voters' names did not appear on the voters' roll. In such cases, they were allowed to exercise their voting right, provided that they had proof of registration reflected in the sticker in their ID book. There were a few cases of people who had not registered to vote, who were turned away. If a name could not be found on the voters roll, the scanner

enabled polling staff to determine whether the potential voter was actually a registered voter. This electronic device was helpful in determining the status of a voter with regard to his/her registration with the IEC.

It was, however, noted that many voters who cast their vote in a particular voting station were actually registered at a different voting station in their province or in another province. This is provided for by section 24A of the Electoral Act, which allows voters to vote outside the voting districts or provinces where they have registered. As anticipated, there was a high voter turnout with an overall percentage of 76,27 per cent of turnout registered for the national and provincial elections of 22 April 2009.

4.3   VOTING STAFF, PARTY AGENTS AND SECURITY FORCES
The IEC indicated that about 200,000 people were recruited and trained to manage the polling stations. The recruitment and appointment of presiding officers (PO) and deputy presiding officers (DPOs) followed a more rigorous process, with criteria agreed on by the parties at the PLCs. This reflected a concerted effort by the IEC to ensure gender balance and sensitivity to the South African context. The overall assessment of the staff was positive and election staff conducted themselves and operated in a manner that demonstrated a high level of professionalism.

A positive note the mission learned, was the introduction of the deputy presiding officer counting (DPOC) whose sole function was the counting process. The DPOCs arrived at the voting stations towards the end of voting in order to lead the counting process. However, the PO remained the ultimate authority of the station.

With regard to security arrangements, the mission noted with satisfaction that in the 234 voting stations visited, security arrangements were appropriate. In all stations the presence of security forces was evident, while not intimidating to voters or compromising or interfering in the voting process. The mission concluded that the security arrangements contributed to the orderly and peaceful election atmosphere. There were some instances where police officers were called by election officials to intervene, an example of which is where a voter tried to interrupt the voting at the Whalaza High School in Kayelitsha, Cape Town (Voting Station Number 97141260). Party agents

were present in all voting stations visited by the mission. However, not all contesting parties were present at every station. The mission learnt that due to logistical challenges experienced by parties, inter-party arrangements were made to ensure wider coverage and presence during voting and counting processes.

Generally, the mission noted with satisfaction that all political parties adhered to the code of conduct issued by the IEC to which they all subscribed. There was no incidence of party agents carrying or displaying propaganda material or messages in the designated perimeter of the voting station. It was noted, though, that in some stations party agents played the role of election officials where electoral staff appeared not to be fully in control or conversant with the process.

4.4   VOTING PROCESS

4.4.1   Voting abroad

In March 2009 the Constitutional Court ruled in favour of expatriate voters, granting them permission to vote outside the country on polling day, provided that they were registered voters. This ruling overturned the ruling of the High Court in Pretoria in respect of section 33(1) (e) of the Electoral Act of 1998, and some regulations promulgated in terms of the Act.

The Constitutional Court ruled that 'all South Africans citizens who are registered voters and who will be abroad on polling day will be entitled to vote in the election for the National Assembly on 22 April provided they give notice of their intention to do so by 27 March to the Chief Electoral Officer and identify the Embassy, High Commission or Consulate where they intend to cast the special vote'. With this ruling, the legal framework for an expatriate voting process was established and the IEC put in place the necessary mechanisms to facilitate it.

For this purpose, 18,855 South Africans applied to cast their vote and 17,841 of these applications were approved. Out of 17,841 approved applications, 16,240 expressed their intention to cast their vote on 15 April 2009 at the 124 designated diplomatic missions. In order to vote, they were required to present their green bar-coded South African identity document or valid

Temporary Identity Certificate, as well as a passport. They were also required to complete a special form, namely the VEC 1 form. The number of voters in the diplomatic missions varied from as many as 7,472 in the United Kingdom to one voter in Bujumbura (Burundi) and Trinidad & Tobago (Port of Spain). Ultimately, 9,857 voters cast their vote abroad, indicating a voter turnout of 52 per cent.

The IEC, in consultation with the Party Liaison Committees (PLCs), increased the number of polling stations from 16,966 in 2004 to 19,726 in 2009. This corresponded to the increase of 2,507,071 in the number of registered voters since 2004. The voting stations were well located and laid out in a manner that allowed and facilitated an easy voting process. It was observed that movement of voters was easy and quick, which on average took a maximum of two minutes per person to cast their vote. The transformation of voting into counting stations when voting closed at 21:00 ensured transparency of the process as there we no threats of ballot boxes and other election material being tampered with or manipulated in any way.

4.4.2   Special voting

The Electoral Act 1998 section 33, Chapter 3 provides that 'special voting will take place two days prior to the election date'. Qualified South Africans of 18 years and older, and registered with the IEC, whose names appear on the voters' roll but who cannot vote on the day of the election at the voting station in the voting district in which they have been registered, can apply for a special vote for the following reasons:

- physical infirmity, disability or pregnancy (this category votes at home);
- absence from South Africa on government service;
- absence from voting district in which they are registered; and
- temporary absence from South Africa for holiday or business purposes.

Special voting was scheduled for 20 and 21 April 2009 for the physically infirm, those who were in an advanced stage of pregnancy, as well as electoral staff and security personnel who would be on electoral duty on election day. South Africans who would be overseas on election day also qualified for a

special vote. Those who wanted to cast special votes had to apply to do so between 1 and 14 April 2009. A total of 753,466 voters cast 743,609 special votes inside South Africa, and 9,857 special votes abroad.

The EISA observer teams in Gauteng, KwaZulu-Natal, Mpumalanga, Eastern Cape, Western Cape, Free State and Northern Cape were able to observe special voting at various voting stations visited on 20 and 21 April, and no incidents during the electoral process were reported.

4.4.3 The voting on 22 April 2009
On election day, long queues could be observed in front of many polling stations. Almost all polling stations opened on time. Voters came out in huge numbers to cast their vote. All polling stations visited had polling staff present and at work. Security was provided and there was a police presence around polling stations. The changes introduced in the legislation to allow registered voters to vote at any polling station resulted in logistical problems, including insufficient electoral materials in some polling stations. The overall voter turnout was around 77.3 per cent.

On voting day, scanners were used at all polling stations to verify that voters were registered and eligible to vote. In some instances these machines were blocked, causing suspension of the voting process. In other areas that were visited by EISA observer teams, party agents were at times not present in the polling station and no explanation were given for their absence. The mission noted a high turnout of youth on the day. The voting process went smoothly, despite a few last minute hiccups relating to shortage of election material in some stations. The mission observed election day operations from the opening at 07:00 until the close of voting at 21:00.

4.5 COUNTING PROCESS
According to electoral law counting takes place at the station immediately after voting closes, with the exception of mobile voting stations, or when, to guarantee freeness and fairness, it is decided that counting should take place at a different venue.

Upon the closing of a voting station, there is an automatic transformation into a counting station and the DPOC presides over counting under the

supervision of the PO. In all stations visited by the mission, counting started immediately after voting closed at 21:00 and continued until the early hours of 23 April. Party agents and observers were allowed to observe the entire counting process.

Although the counting process was not compromised, the mission noted that it was slow due to the fact that electoral staff were tired. The mission also noted some discrepancies in the counting procedure and that not all the DPOCs followed the same procedure. This affected the efficiency and effectiveness of the count. On average, counting concluded around 5:00 on 23 April 2009. In order to avoid such long hours of voting and counting, the mission is of the view that the IEC should consider reducing the voting time to minimise the propensity for error caused by exhaustion and, in some instances, reduced lighting.

4.6   OTHER OBSERVER MISSIONS

The mission learnt from the IEC that 333 international observers from 15 institutions were accredited and deployed in various parts of the country. These institutions included EISA, SADC, SADC-PF, the African Union (AU) and the Commonwealth. The IEC also accredited domestic observers across the country, the largest being from the South African Civil Society Election Coalition (SACSEC), with 1,500 observers. It is worth mentioning that 500 of these observers were deployed in KwaZulu-Natal. The enthusiastic response from civil society to observe the process, in addition to the international observers, contributed to the credibility of the process and enhanced public confidence, especially in KwaZulu-Natal, which was at the centre-stage of sporadic clashes and unruly behaviour during the pre-election phase.

EISA and the African Union deployed observers throughout the country. However, there were an unusually high number of international observers deployed in KwaZulu-Natal. The African Centre for the Constructive Resolution of Disputes (ACCORD) organised an international election observer mission under the name of African Alliance for Peace (AFAP) led by the former president of Nigeria, Olusegun Obasandjo. ACCORD deployed its observers across KwaZulu-Natal with the mandate to observe and record levels of political intolerance and violence in the province, over the period 18 to 24 April 2009. Voting stations in districts of the province

historically plagued by violence and identified as 'hot spots' for potential violence, were also monitored. The unanimous conclusion by all these various observer missions was that although there was room for improvement the South African elections took place under conditions conducive to free and fair elections.

5 | The Post-Election Phase

5.1   RESULTS AUDITING

As in the 2004 elections, immediately after the counting was finalised and the tabulation signed by the PO and party agents, one copy was posted outside the polling station and the original taken to the municipal election office (MEO) for further processing and auditing. Auditing was conducted by independent certified auditors who verified results captured on the system to ensure that they were the same as those of the original results slips. Auditors were stationed in MEOs to scrutinise the original slips delivered by the PO. Once auditing was completed, results were sent to the provincial results centres. Auditing mechanisms ensured the transparency and the credibility of the process. The IEC allowed independent people to check the accuracy of the counting process, thus confirming the visible efforts of the IEC to ensure transparency of the process.

5.2   RESULTS CENTRES

The mission observed that by establishing results centres throughout the country, the IEC again wanted to assure the public of the accuracy of the process and the transparency of the tabulation of results, thus contributing to the acceptance of the results by all of the parties. Three levels of results centres included the municipal election offices where results were delivered by the presiding officer (PO) and processed under sequential auditing by certified auditors; the provincial results centres where results captured at the MEOs were received and centralised for the provincial compilation of

results; the national results centre in Pretoria, where data captured nationally appeared progressively on a set electronic tabulation. Therefore, counting and tabulation took place in a transparent, efficient, effective, and cooperative manner. The IEC and all parties to the elections must be congratulated on this method.

5.3   ANNOUNCEMENT OF RESULTS

The Independent Electoral Commission (IEC) is by law the only institution in charge of communicating the final results of the elections to the people of South Africa.

The final results were in due course announced on 25 April, just over 48 hours after the polls closed. It should be relevant to note that these election results were of utmost importance with regard to the change in the political landscape of the country.

Table 10 gives a breakdown of the 2009 national elections results in terms of numbers of seats won by political parties in the National Assembly of the Republic of South Africa. Nationally, the ANC won 65.9 per cent of votes hence 264 seats in parliament, the DA won 16.66 per cent of votes and 67 seats in parliament, while COPE received 7.42 per cent of votes and 30 seats.

Table 11 provides a comparison between the 2004 and 2009 national and provincial elections.

The comparative table in Table 11 shows how the ANC lost some ground in that it lost 15 seats in parliament after the 2009 national elections. Furthermore, while the DA strengthened its position, other political parties such as the ID, UDM and the IFP respectively lost three, five and 10 seats in the National Assembly. At the provincial election, the DA won the Western Cape Province, relegating the ANC to official opposition status in this province, and became the main opposition in Gauteng and Mpumalanga provinces. COPE became the main opposition in Limpopo and in the Northern Cape provinces. COPE won an equal number of seats with the DA in the Eastern Cape, Free State and the North West provinces and won the third highest votes in Gauteng and the Western Cape provinces.

Thirty-eight political parties contested the 2009 provincial elections. Fewer than 12 political parties made it to the legislature with only eight parties gaining seats in the National Assembly. The seats in each provincial legislature are allocated by proportional representation from a single constituency. Only parties that won seats are included in Tables 13 and 14.

Table 10: National Elections 2009 Results: Parties with seats in Parliament

Party	No. of Votes	% Votes	Seats
African National Congress	11,650,748	65.9	264
Democratic Alliance	2,945,829	16.66	67
Congress of the People	1,311,027	7.42	30
Inkatha Freedom Party	804,260	4.55	18
Independent Democrats	162,915	0.92	4
United Democratic Movement	149,680	0.85	4
Vryheidsfront Plus	146,796	0.83	4
African Christian Democratic Party	142,658	0.81	3
United Christian Democratic Party	66,086	0.37	2
Pan Africanist Congress of Azania	48,530	0.27	1
Minority Front	43,474	0.25	1
Azanian People's Organization	38,245	0.22	1
African People's Convention	35,867	0.2	1
Others (see below)	134,614	0.76	0
Total	17,680,729	100.1	400

Source: Independent Electoral Commission (IEC)

Table 11: Comparative 2004 and 2009 National Election Results

Party	No. of Votes	% Votes 2004	Seats	No. of Votes	% Votes 2009	Seats
African National Congress (ANC)	10,880,915	69.69	279	11,650,748	65.9	264
Democratic Party (DA)	1,931,201	12.37	50	2,945,829	16.66	67
Congress of the People (COPE)	–	–	–	1,311,027	7.42	30
Inkatha Freedom Party (IFP)	1,088,664	6.97	28	804,260	4.55	18
United Democratic Movement (UDM)	355,717	2.28	9	149,680	0.85	4
Independent Democrats (ID)	269,765	1.73	7	162,915	0.92	4
New National Party (NNP)	257,824	1.65	7	–	–	–
African Christian Democratic Party (ACDP)	250,272	1.6	7	142,658	0.81	3
Freedom Front + (FF+)	139,465	0.89	4	146,796	0.83	4
United Christian Democratic Party (UCDP)	117,792	0.75	3	66,086	0.37	2
Pan Africanist Congress of Azania (PAC)	113,512	0.73	3	48,530	0.27	1
Minority Front (MF)	55,267	0.35	2	43,474	0.25	1
Azanian People's Organization (AZAPO)	39,116	0.25	1	38,245	0.22	1
AFRICAN People Convention	–	–	–	35,867	0.20	1
Christian Democratic Party (CDP)	17,619	0.11	0	–	–	–
National Action (NA)	15,804	0.1	0	–	–	–
Peace & Justice Congress (PJC)	15,187	0.1	0	–	–	–
Socialist Party of Azania (SOPA)	14,853	0.1	0	–	–	–
New Labour Party (NLP)	13,318	0.09	0	–	–	–
United Front (U.F.)	11,889	0.08	0	–	–	–
The Employment Movement for SA (EMSA)	10,446	0.07	0	–	–	–
The Organisation Party (TO.P)	7,531	0.05	0	–	–	–
Keep it Straight and Simple (KISS)	6,514	0.04	0	–	–	–
Others	–	–	–	134,614	0.76	0
Total	**15,612,671**	**100**	**400**	**17,680,729**	**100**	**400**

Source: Independent Electoral Commission (IEC)

Table 12: 2009 National Election Results by Province

Party Abbrev.	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Mpuma-langa	Northern Cape	Limpopo	North West	Western Cape	Total
ACDP	11,974	7,556	36,099	23,537	6,565	4,041	10,246	7,366	28,995	136,379
ACA	0	0	2,541	0	0	0	0	1,750	0	4,291
AFD	0	0	1,101	0	0	0	1,041	0	0	2,142
AIC	1,7306	0	0	0	0	0	0	0	0	17,306
NO_ABBR	0	0	0	7,612					9,039	16,651
AMP	0	0	0		0			0	4,333	4,333
ANC	1,552,676	734,688	2,662,013	2,192,516	1,110,190	245,699	1,265,631	783,794	62,0918	11,168,125
APC	4,517	3,200	5,123	5,087	4,834	1,364	4,455	3,116	1,778	33,474
AZAPO	4,598	0	8,927	0	2,928	2,439	5,640	2,712	1,291	28,535
BCP	0	0	0	0	0	0	1,432	0	0	1,432
CAPE	0	0	0	0	0	0	0	0	2552	2,552
CP	0	0	0	0	2,435	0	0	0	0	2,435
CDA	1,663	0	2,901	0	0	481	0	0	3,987	9,032
COPE	308,439	120,018	323,327	44,890	37,789	67,416	112,325	89,573	152,356	1,256,133
DA	225,310	119,844	90,8616	318,559	97,204	50,817	51,856	88,728	1,012,568	2,873,502
DPSA	0	11,257	0	0	0	0	0	0	0	11,257
GKSA	0	0	1,909	1,730	0	0	0	0	0	3,639
ID	10,466	1,654	25,243	6,853	1,527	19,995	1,333	4,984	9,2116	164,171
IFP	2,270	2,232	61,856	780,027	6,540	757	936	1,619	1,158	857,395
MF	0	0	0	71507	0	0	0	0	0	71,507
MDP	0	0	5,731	0	0	0	0	4,432	0	10,163

										1996	1,996
NA	0	0	0	0	0	0	0	0	1,996	1,996
NADECO	2,027	1,065	1,497	6,881	1,374	0	0	978	463	14,285
NP	0	0	0	0	0	0	0	0	3,378	3,378
NVP	1,281	0	1,079	0	0	0	6,497	0	0	8,857
PAC	12,108	3,449	12,880	2,578	4,097	882	7,934	2,831	4467	51,226
PAM	1,921	0	0	0	0	0	0	0	0	1,921
PJC	0	398	0	0	0	0	0	0	630	1,028
SPP	0	0	0	0	6,423	0	0	0	0	6,423
SODECO	0	0	0	3,883	0	0	0	0	0	3,883
SAPP	0	0	0	0	0	0	0	1,832	0	1,832
UCDP	1,908	3,459	10,091	1,798	913	4,889	1,320	56,678	1,552	82,608
UDM	93,196	3,722	16,480	7,953	3,366	604	5,193	5,467	14,013	149,994
UIF	0	0	0	0	0	0	1,769	0	1,178	2,947
U.P.	0	0	0	0	0	0	0	0	599	599
VF Plus	4,428	20,780	67,660	5,760	11,590	5,034	9,035	19,463	8,384	152,134
WF	0	0	1,974	1,816	0	0	977	0	0	4,767
XP	0	0	0	0	0	0	3,452	0	0	3,452
Total	2,256,088	1,033,322	4,157,048	3,482,987	1,297,775	40,4418	1,491,072	1,075,323	1,967,751	17,165,784
Spoilt Votes	32,299	15,744	42,815	43,713	19,119	6,190	22,549	21,007	20,026	223,642
Total Votes Cast	2,288,387	1,049,066	4,199,863	3,526,700	1,316,894	410,608	1,513,621	1,096,330	1,987,777	17,389,246
Registered Population	3,056,559	1,388,588	5,555,159	4,475,217	1,696,705	554,900	2,256,073	1,564,357	2,634,439	23,181,997

Source: Independent Electoral Commission (IEC)

Table 13: 2009 South African National Council of Provinces seats allocation by Province

	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Total
ANC	7	7	7	7	9	9	7	6	3	**62**
DA	1	1	2	1		1	1	1	5	**13**
COPE	1	1	1		1		1	2	1	**8**
ID								1	1	**2**
IFP				2						**2**
UCDP							1			**1**
UDM	1									**1**
FF+		1								**1**
Total	**10**	**10**	**10**	**10**	**10**	**10**	**10**	**10**	**10**	**90**

Source: Independent Electoral Commission (IEC)

Table 14: 2009 Seats in Provincial Legislature or Provincial Parliament

	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Total
ANC	44	22	47	51	43	27	25	19	14	**292**
DA	6	3	16	7	2	2	3	4	22	**65**
COPE	9	4	6	1	4	1	3	5	3	**36**
IFP			1	18						**19**
ID			1					2	2	**5**
UDM	3									**3**
ACDP			1	1					1	**3**
FF+		1	1							**2**
UCDP							2			**2**
MF				2						**2**
AIC	1									**1**
Total	**63**	**30**	**73**	**80**	**49**	**30**	**33**	**30**	**42**	**430**

Source: Independent Electoral Commission (IEC)

6 | Conclusions and Recommendations

6.1   FINDINGS AND CONCLUSIONS

The EISA Mission observed the following:

- At many polling stations political parties displayed their campaign material in the perimeter of the station and some voters wore party political regalia. Although this practice is not against the electoral law, it runs counter to international standards for credible elections as it is tantamount to campaigning.

- The mission commends the South African Broadcasting Corporation (SABC) for organising political party debates thereby providing platforms for party aspirants to discuss key issues of concern to voters. This helped to defuse some of the pre-election tension that could have disturbed the electoral process. More importantly it shifted the focus of the campaign from a regional, ethnicity and personality-oriented process to an issue-based one.

- Our teams noted that women were involved in the electoral process at all levels, most notably in the election management structures. Though the electoral system does not discriminate against women in a significant way and, in fact, makes access to political power easier for women, two parties have their own quotas for the equitable inclusion of women on their party lists. Only ANC and COPE have quotas for female party leadership

and other opposition parties have no quotas and in particular, representation of women is restricted to delegates from the women's wings which form part of party leadership structures at various levels. The number and proportion of women on the lists is at the discretion of the political parties. However, the mission was pleased to note that 55 per cent of women made up the number of registered voters.

- South Africans living abroad were allowed to exercise their democratic right to vote. This was an important milestone in expanding the frontiers of South Africa's democracy. Special groups of the electorate, including the physically infirm, the elderly and pregnant women were allowed to cast their ballot through a special vote. The South African experience of external voting and special votes should serve as an inspiration for other African countries in democracy building.

- EISA teams observed voting operations from the beginning at 07:00 until the close at 21:00. The teams observed such a high voter turnout that in some stations people went home with plans to return later in the day. The voters were calm and in jovial mood. In some areas, voting was disrupted by the shortage of ballot papers and ballot boxes as well as election officials attending to the voters who were voting at polling stations where they were not registered.

- The EISA teams noted that in some instances, election officials did not demonstrate adequate understanding and application of the counting procedures, which caused substantial delays. Procedures were not applied uniformly. For instance, some polling stations used one ballot box for ballots of both national assembly and provincial legislatures. The ballot box seals were also not applied uniformly.

- The establishment of the National Results Operations Centre in Pretoria helped to enhance the transparency and integrity of the electoral process. The IEC also established Results Operation Centres in all the nine provinces thereby opening the process to scrutiny of the parties, the media and the electorate at large. These centres facilitated smooth relay of results from polling stations. The Results Operations Centres were well equipped

and accessible. The streaming of the results as they came into the results centre also enhanced credibility and integrity of the elections.

- 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 elections. We commend the deployment of extra police forces in KwaZulu-Natal where conflict had been looming since the pre-election period. We also note and commend the tolerance shown by voters and party supporters.

It is the considered opinion of the EISA mission that this election was a credible exercise held in accordance with the PEMMO and other internationally accepted electoral standards and good practices. The people of South Africa demonstrated their belief and confidence in the democratic process by turning out in large numbers to exercise this franchise. The overall atmosphere at the polling stations was peaceful. Queues were long but orderly. Security agents were visible, but not obtrusive or intimidating. Overall, the secrecy of this ballot was assured.

The IEC deserves to be congratulated for demonstrating high levels of professionalism. For the first time since 1994, South Africans living abroad were given the opportunity to vote and adequate arrangements were made for the old, infirm, pregnant, physically challenged, to cast their vote. Though there were some lapses, this did not affect the overall credibility of the exercise. The mission believes that the results declared by the IEC were a reflection of the will of the South African people. We congratulate the IEC, political parties and the people of South Africa and all electoral stakeholders for the successful conduct of the 2009 national and provincial elections.

While the mission noted that the elections were conducted efficiently and in an environment conducive to enabling the voter to make his/her choice freely, it noted some areas for improvement.

6.2   RECOMMENDATIONS AND AREAS FOR IMPROVEMENT
- *Political Rallies and enforcement of the provisions of the code of conduct:* In the early campaign period there was evidence of intolerance,

hate speech, obstruction and intimidation. This is an area that needs to be improved upon in order to maintain and consolidate electoral democracy in South Africa. Thus, enforcement of the code of conduct signed by political parties is of great importance.

- *Electoral Reforms:* The possibility offered to voters to cast their ballot at any voting station in their province caused disruption, given that the IEC could not anticipate how many voters would show up at a given polling station. If the provision allowing voters to vote outside their voting districts is not changed, then adequate provision of voting material (especially ballot boxes and papers) should be made well in advance.

The electoral law should also be amended with a view to disallowing parties to display their material and posters around polling stations and voters should not be allowed to wear party political regalia around polling stations to avoid influencing voting tendency and the election environment in the polling stations.

- *Electoral Materials and Polling Stations:* The mission noted that voters made use of section 24A of the electoral law that provides for voters to vote outside the voting districts or provinces in which they are registered to vote. This caused shortages of election material on election day. In this regard, the mission calls upon the IEC to make an effort to step up their procurement and distribution of election materials, taking into account the maximum number of people who may vote. The mission also recommends that the IEC consider increasing the number of polling stations in order to cater for large numbers of registered voters.
- *The Ballot Boxes:* Ballot boxes should be translucent in order to increase transparency, which is in accordance with best practice. Election officials should ensure that there are at least two ballot boxes per polling station so that national and provincial ballots are not mixed up.
- *Training of Polling Staff:* There should be clearer guidelines on counting of ballots and training should be adequate to allow election officials to fully understand and apply these procedures.

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APPENDIX I
Composition of EISA Observer Mission

	Team 1: Gauteng			
	Name	**Designation**	**Country**	
1	Ade Adefuye	Mission Leader	Nigeria	Male
2	Dr Khabele Matlosa	Deputy Mission Leader	Lesotho	Male
3	Enass Muzamel	Observer	Sudan	Female
	TEAM 2 : Gauteng			
4	Denis Kadima	Observer	DRC	Male
5	Belinda Musanhu	Observer	Zimbabwe	Female
6	Vincent Tohbi	Observer	Cote d'Ivoire	Male
	TEAM 3 – Mpumalanga			
7	Peter A'lingo	Observer	Kenya	Male
8	Senesie Amara	Observer	Sierra Leone	Male
	TEAM 4 – North West			
9	Japhet Bieghon	Observer	Kenya	Male
10	Mabolae Mohasi	Observer	Lesotho	Female
	TEAM 5 – Northern Cape			
11	Prof Merga Bekana	Observer	Ethiopia	Male
12	Aime Konan	Observer	Cote d'Ivoire	Male
	TEAM 6 – Free State			
13	Egidio R V Morais	Observer	Mozambique	Male
14	Anissa Izidine	Observer	Mozambique	Female
	TEAM 7 – KZN (Durban)			
15	Rombaut Muzodi	Observer	DRC	Male
16	Anselme Siakam Nana	Observer	Cameroon	Male
	TEAM 8 – KZN (Pietermaritzburg)			
17	Ephrem Tadesse	Observer	Ethiopia	Male
18	Oliva Fumbuka	Observer	Tanzania	Female

**TEAM 9 – KZN (Ulundi)**
19	Alice Mabota	Observer	Mozambique	Female
20	Jose M.M. Manjate	Observer	Mozambique	Male
21	Onesemo Setecula	Observer	Angola	Male
**TEAM 10 – KZN (Ladysmith)**
22	Joao da Silva Ncueca	Observer	Mozambique	Male
23	C Khabbab	Observer	Sudan	Male
**TEAM 11 – Eastern Cape (Bisho)**
24	Felix Owour	Observer	Kenya	Male
25	Junior Muke	Observer	DRC	Male
**TEAM 12 –Eastern Cape (PE)**
26	Bodunrin Edebo	Observer	Nigeria	Male
27	Guston Kolombo	Observer	DRC	Male
**TEAM 13 – Western Cape 1**
28	Sheik Abdul C. Sau	Observer	Mozambique	Male
29	Anastacio Chembeze	Observer	Mozambique	Male
**TEAM 14 – Western Cape 2**
30	Rev Denis Matsolo	Observer	Mozambique	Male
31	Angelina Seeka	Observer	Sudan	Female
**TEAM 15 – Polokwane**
32	Lucien Toulou	Observer	Cameroon	Male
33	Carina Issuso	Observer	Mozambique	Female
	Secretariat			
	Belinda Musanhu			Female
	Naphtaly Sekamogeng			Male
	Yvette Ondinga			Female

APPENDIX 2
EISA Observer Mission to the 2009 South African National
& Provincial Elections
Johannesburg, 24 April 2009

INTERIM STATEMENT

Introduction

The Electoral Institute of Southern Africa (EISA) was invited by the Independent Electoral Commission of South Africa to observe the country's National and Provincial elections scheduled for 22 April 2009. Accordingly, EISA deployed an Observer Mission to these elections. The Mission has made the assessment of the election and its preliminary findings and recommendations are presented in this interim statement. EISA will produce a more comprehensive and final report on the entire election process. This will provide an in-depth analysis, detailed observations as well as recommendations for further consolidation of South Africa's democratic governance within the next three months. EISA will continue to follow the process to its completion, including the announcement of final results so as to evaluate the overall post-election phase. EISA believes that elections are not an end in themselves, but a process that requires refinement along the way. That is why EISA uses an electoral cycle approach in its observation ensuring that all stages of the elections are observed adequately namely (a) the pre-election stage; (b) the polling stage; and (c) the post-election stage. Members of the EISA Mission started arriving in Johannesburg, South Africa on 15 April 2009 and observed the electoral process until 23 April 2009.

On behalf of the entire EISA Election Observer Mission, I, as the Mission Leader and my Deputy would like to take this opportunity to extend our gratitude to the people of South Africa for the warm welcome and hospitality accorded to the Mission.

Mission composition

The EISA Election Observer Mission to South Africa is composed of 34 persons from Nigeria, Lesotho, Sudan, The Democratic Republic of Congo (DRC), Cote d'Ivoire, Zimbabwe, Kenya, Sierra Leone, Ethiopia, Mozambique, Cameroon, Tanzania, and Angola. The Mission was led by Professor Ade Adefuye Senior Governance Advisor at the Economic Community of West African States (ECOWAS). The mission's composition was drawn from civil society organisations (CSOs), academics and election management bodies from all the regions of the African Continent. The Deputy Mission leader was EISA's Programmes Director, Dr. Khabele Matlosa.

Deployment

A total of fifteen (15) EISA teams were deployed in all the nine provinces of South Africa as follows. There were four teams in KwaZulu-Natal, two teams each in Eastern Cape, Gauteng and the Western Cape and one team each in the Free State, Limpopo; Mpumalanga, Northern Cape and North West. We were able to visit a total of 234 polling stations throughout the country. We covered selected rural and urban areas in the areas where they were deployed.

Method of work

In order to accommodate the need for a holistic approach to election assessment, EISA conducted various activities covering the pre-election, the polling and the post-election phases. The assessment methodology includes the following activities:

Election update

As part of its pre-election assessment, EISA engaged researchers in all the nine provinces of South Africa to gather relevant information and produce Election Update 2009: South Africa. About ten volumes of the update covering the three phases of the election will soon be published. By the time of the elections, some of these updates were already available on the EISA website at www.eisa.org.za/EISA/publications/eu2009.htm

Stakeholder meetings and political party rallies

In the period leading up to and including the polling period, members of the mission consulted with various electoral stakeholders including

representatives of the IEC, civil society organisations, the media, political parties and other observer missions (domestic and international). Meetings were held at the national and provincial levels. Other meetings were held at municipal level with representatives of the IEC.

Findings of the mission

The EISA Election Observer Mission, basing itself on the EISA/ECF Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), as its benchmark, made the following findings:

Overall context of the elections

The 22 April 2009 National and Provincial elections in South Africa took place against the backdrop of growing disenchantment with the capability of African countries to hold credible and peaceful elections. Recent major setbacks in election management have been witnessed in Nigeria (2007), Kenya, (2007) and Zimbabwe (2008). Ghana (2008) has, however, been a recent example of good election management in Africa.

The 2009 South African elections build upon the three successful competitive elections successfully held in 1994, 1999 and 2004. Local government elections are held separately and thus far the country has held three such elections (1995, 2000 and 2006). Since those elections, the country has enjoyed political stability and has been seen as a standard bearer for democracies in Africa. The political climate changed in 2008 with the recall of President Thabo Mbeki by the governing African National Congress (ANC) and the emergence of new political opposition in the form of the Congress of the People (COPE). These political developments re-ignited political interest in the electorate as evidenced by the high number of new voters, particularly young voters who registered to vote, as well as the vibrancy and competitiveness of the electoral campaign.

Stakeholders expressed the hope that members of the South African electorate would demonstrate their faith in the sustainability of democracy and peace by casting their votes on Election Day peacefully and in large numbers.

The Constitutional and Legal Framework

The main instruments governing the conduct of elections in South Africa include:

- Electoral Act, 73 of 1998
- Electoral Commission Act, 51 of 1996
- Public Funding of Represented Political Parties Act, 103 of 1999
- Independent Broadcasting Authority Act, 153 of 1993

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.

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.

The campaign process
The election campaign was generally calm and orderly. It allowed all parties to convey their messages to the electorate without any form of open intimidation. Though the incidence of electoral violence was not as high as in the past, there were incidents of political intolerance and conflict in KwaZulu-Natal between the ANC and the Inkatha Freedom Party (IFP) and between the ANC and COPE, and the ANC and the Democratic Alliance (DA) in other parts of the country. Incidences of political intolerance and pre-election conflicts ran counter to the letter and spirit of the code of conduct which parties contesting the elections signed at national and provincial level.

The mission also noted several instances of hate speech and trading of insults between the ANC and members of other parties notably the DA, IFP and COPE which exhibit disturbing signs of intolerance.

Voter registration and voters' roll
From its consultative meetings with stakeholders ahead of elections, the Mission learnt that a voter registration exercise was conducted in November 2008 and February 2009. Voters continued registering at IEC offices until

the official declaration of the election date. The mission was impressed by increase in the number of registered voters which brought the total to 23,181,997 representing 80 per cent of those qualified to vote. This was an impressive number of people registered to cast their vote. A majority of those registered were youth and women. The IEC managed the voters' roll with efficiency and utmost competency. In managing the electoral process, the IEC consulted regularly with the parties through the Party Liaison Committees.

Civic and voter education

The mission took positive note of various voter education and information programmes undertaken throughout the country in order to enhance participation and encourage voters to make an informed choice. We commend the excellent work done by the IEC and various civil society organisations in mounting civic and voter education programmes which went a long way in empowering the electorate.

Political material on election day

Our mission observed that in many polling stations political parties displayed their campaign material in the perimeter of the station and some voters wore party political regalia. Although this practice is not against the electoral law, it runs counter to international standards for credible election as it is tantamount to campaigning.

The media

The mission commends the South African Broadcasting Corporation (SABC) for organising political party debates thereby providing platforms for party aspirants to discuss key issues of concern to voters. This helped to diffuse some of the pre-election tension that could have disturbed the electoral process. More importantly it shifted the focus of the campaign from a regional, ethnicity and personality oriented process to an issue based one.

Gender equality

Our teams noted that women were involved in the electoral process at all levels most notably in the election management structures. Though the electoral system does not discriminate against women in a significant way and, in fact, makes access to political power easier for women, few of the

major parties have quotas for the equitable inclusion of women on their party lists. The number and proportion of women on the lists is at the discretion of the political parties. However, the mission was pleased to note that women make up a high percentage of the number of registered voters.

The voting process

South Africans living abroad were allowed to exercise their democratic right to vote. This was an important milestone in expanding the frontiers of South Africa's democracy. Special groups of the electorate, including the physically infirm, elderly, pregnant women, were allowed to cast their ballot through a special vote. The South African experience of external voting and special vote should serve as an inspiration for other African countries in democracy building.

EISA teams observed voting operations from the beginning at 07:00 until the close at 21:00. The teams observed a high voter turnout such that in some stations people returned home with a plan to return later in the day. The voters were calm and in a jovial mood. In some areas, voting was disrupted by the shortage of ballot papers and ballot boxes as well as the election officials attending to the voters who were voting at the polling station where they were not registered.

The counting process

The EISA Teams noted that in some instances, election officials did not demonstrate adequate understanding and application of the counting procedures which caused substantial delays. Procedures were not applied uniformly. For instance, some polling stations used one ballot box for ballots of both national assembly and provincial legislatures. The ballot box seals were also not applied uniformly.

Results operations centres

The establishment of the National Results Operations Centre in Pretoria helped to enhance the transparency and integrity of the electoral process. The IEC also established Results Operation Centres in all the nine provinces thereby opening the process to scrutiny of the parties, media and the electorate at large. These centres facilitated smooth relay of results from polling stations. The Results Operations Centres were well equipped and

accessible. The streaming of the results as they came into the results centre also enhanced credibility and integrity of the elections.

Conflict management
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 looming since the pre-election period. We also note and commend the tolerance shown by voters and party supporters.

Recommendations and areas for improvement

- In the early campaign period, there was evidence of intolerance, hate speech, obstruction and intimidation. This is an area that needs to be improved in order to maintain and consolidate electoral democracy in South Africa.
- The possibility offered to voters to cast their ballots at any voting station in their province caused disruption given that the IEC could not anticipate how many voters would show up at a given polling station. Adequate provision should be made for this.
- The IEC should consider increasing the number of polling stations in order to cater for large numbers of registered voters
- The shortages of election material on Election Day demonstrated that planning should take into account the maximum number of people who may vote.
- The ballot boxes should be translucent in order to increase transparency. The election officials should ensure that there are at least two ballot boxes per polling station so that national and provincial ballots are not mixed up.
- There should be clearer guidelines on counting of ballots and training should be adequate to allow election officials to fully understand and apply these procedures.
- The electoral law should be amended with a view to disallow parties to display their material and posters around polling station and voters should be disallowed to wear party political regalia around polling stations.

Conclusion

Overall this election was a credible exercise held in accordance with the PEMMO and other internationally accepted electoral standards and good practices. The people of South Africa demonstrated their belief and confidence in the democratic process by turning out in their large numbers to exercise this franchise. The overall atmosphere at the polling stations was peaceful. Queues were long but orderly. Security agents were visible, but not obtrusive or intimidating. Overall, the secrecy of this ballot was assured.

The IEC deserves to be congratulated for demonstrating high levels of professionalism. For the first time since 1994, South Africans living abroad were given the opportunity to vote and adequate arrangements were made for the old, infirm, pregnant, physically challenged to cast their vote. Though there were some lapses, this did not affect the overall credibility of the exercise. The mission believes that the results that will be declared by the IEC will be a reflection of the will of the South African people. We congratulate the IEC, political parties and the people of South Africa and all electoral stakeholders for the successful conduct of the 2009 National and Provincial Elections.

We are aware that as of now, the process has not been concluded. We hereby appeal to all the stakeholders to resort to the constitution as a way of resolving whatever disputes may arise.

Professor Ade Adefuye, Mission Leader
Dr Khabele Matlosa, Deputy Mission Leader

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APPENDIX 3

PRE-DEPLOYMENT AND STAKEHOLDER BRIEFING
Randburg Inn, 16-17 APRIL 2009

DAY ONE – 16 APRIL 2009

TIME	TOPIC	PRESENTER/FACILITATOR
08:30-09:00	Registration	
09:00-09:15	Welcome Remarks	Professor Ade Adefuye - Mission Leader
09:15-09:30	Mission Background & Plan	Ms Titi Pitso
09:30-10:00	Election observation types, function & role of international observers	
1000-1030	GROUP PHOTO and TEA/COFFEE BREAK	
1030-1130	Arrival Press Conference	Mission Leader
11:30-12:00	General features for free and fair elections	Mr Denis Kadima, EISA Executive Director
1200-13:00	Reporting Forms & Checklists	Ms Titi Pitso
13:00-14:00	LUNCH	
14:00-14:30	Terms of Reference and Code of Conduct	Dr Khabele Matlosa – Deputy Mission Leader
14:30-15:30	The Political and Historical Context of the 2009 National and Provincial Elections	Academic – TBA
15:30-16:00	TEA/COFFEE BREAK	
16:00-17:00	The state of readiness of the Electoral Commission and preparations thus far	TBA – Independent Electoral Commission

DAY TWO - 17 APRIL 2009

TIME	TOPIC	PRESENTER/FACILITATOR
09:00-10:00	Preliminary Assessment of the electoral process: perspectives from civil society	TBA
10:00-10:30	The Media and the 2009 National and Provincial Elections	Media Monitoring Project
10:30-11:00	TEA/COFFEE BREAK	
11:00-13:00	Political Parties Panel	ANC, DA, Cope, ID
13:00-14:00	LUNCH	
14:00-15:00	Briefing from Other Missions	AU, ECF, SADC, PAP
15:00-16:00	DEPLOYMENT PLANS	Ms Titi Pitso – Mission Secretariat

APPENDIX 4
Code of Conduct for Observers

CODE OF CONDUCT
International election observation is widely accepted around the world. It is conducted by inter-governmental and international non-governmental organisations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including observers and leaders of the mission, must subscribe to and follow this code of conduct.

Respect sovereignty and international human rights
Elections are an expression of sovereignty, which belongs to the people of a country , the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognised human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the laws of the country and the authority of electoral bodies
Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election related rights guaranteed by law, constitution or applicable international instruments.

Respect the integrity of the International Election Observation Mission
Observers must respect and protect the integrity of the international election observation mission. This includes following this code of conduct, any written

instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership.

Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission.

Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers that are part of the mission.

Maintain strict political impartiality at all times
Observers must maintain strict political impartiality at all times, including leisure time, in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do not obstruct election processes
Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.

Observers may ask questions of election officials, political party repre-sentatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide appropriate identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain accuracy of observations and professionalism in drawing conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence.

Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from making comments to the public or the media before the mission speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with other election observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain proper personal behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of this Code of Conduct

In a case of concern about the violation of this code of conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to follow this Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance fields throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

MISSION

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the sector

CORE ACTIVITIES

- Research
- Policy Dialogue
- Publications and Documentation
- Capacity Building
- Election Observation
- Technical Assistance
- Balloting

OBSERVER MISSION REPORTS

CODE   TITLE

EOR 1   Mauritius Election Observation Mission Report, 2000
EOR 2   SADC Election Support Network Observer Mission's Report,
           1999/2000
EOR 3   Tanzania Elections Observer Mission Report, 2001
EOR 4   Tanzania Gender Observer Mission Report, 2001
EOR 5   Zimbabwe Elections Observer Mission Report, 2001
EOR 6   South African Elections Observer Mission Report,
           Denis Kadima, 1999
EOR 7   Botswana Elections Observer Mission Report,
           Denis Kadima, 1999
EOR 8   Namibia Elections Report, Tom Lodge, 1999
EOR 9   Mozambique Elections Observer Mission Report,
           Denis Kadima, 1999
EOR 10   National & Provincial Election Results: South Africa June 1999
EOR 11   Elections in Swaziland, S. Rule, 1998
EOR 12   Lesotho Election, S. Rule, 1998
EOR 13   EISA Observer Mission Report, Zimbabwe
           Presidential Election 9-11 March, 2002 (P/C)
EOR 14   EISA Observer Mission Report, South Africa
           National and Provincial Elections 12-14 April 2004
EOR 15   EISA Observer Mission Report: Malawi Parliamentary and
           Presidential Elections 20 May 2004
EOR 16   EISA Observer Mission Report, Botswana Parliamentary and Local
           Government Elections 30 October 2004
EOR 17   EISA Observer Mission Report, Mozambique Parliamentary and
           Presidential Elections 1-2 December 2004
EOR 18   EISA Observer Mission Report, Namibia Presidential
           and National Assembly Elections 15-16 November 2004
EOR 19   EISA Observer Mission Report, Mauritius
           National Assembly Elections 3 July 2005
EOR 20   EISA Observer Mission Report, Tanzania Presidential,
           National Assembly and Local Government Elections 14 December
           2005
EOR 21   EISA Observer Mission Report, The 2005 Constitutional Referendum
           in the DRC/ Le Référendum Constitutionnel en RDC 18–19
           December 2005
EOR 22   EISA Observer Mission Report, Zanzibar Presidential,