

**Report of the Commonwealth Expert Team to Voter
Registration in Swaziland
14-18 July 2003**

INTRODUCTION

Following an invitation from the Chief Electoral Officer of Swaziland, Mr Robert M Thwala, the Commonwealth Secretary-General constituted a two-person Commonwealth Expert Team to visit Swaziland for part of the voter registration period scheduled for 23 June - 20 July 2003. The Expert Team comprised Justice Hilary J Mkatte, Commissioner, National Electoral Commission, Tanzania, and Mr William A Sage, Deputy Chief Electoral Officer, Province of Alberta, Canada. They were assisted by Ms Nishana Jayawickrama of the Political Affairs Division of the Commonwealth Secretariat.

The Team's Terms of Reference were as follows: *"Following an invitation to the Commonwealth Secretariat from the Chief Electoral Officer to observe voter registration in Swaziland, the Commonwealth Expert Team is to observe relevant aspects of the organisation and conduct of the voter registration process, in accordance with the laws of Swaziland. They are to consider the various factors impinging on the credibility of this part of the electoral process and to determine in their own judgement whether it provides a sound basis for continued preparations for the General Elections.*

The Expert Team will act impartially and independently. It has no executive role; its function is not to supervise but to observe the process and to form a judgement accordingly. It will submit its report to the Commonwealth Secretary-General, who will in turn forward it to any Commonwealth Observer Group which will be present in Swaziland for the General Elections in 2003. The Secretary-General may also decide to draw any major matters of concern to the Government of Swaziland, the National Elections Office, individuals and groups participating in the electoral process and, if necessary, Commonwealth governments."

Method of work

The Expert Team held meetings with the following individuals and organisations: Mr Robert Thwala, Chief Electoral Officer; Mrs Sibongile Mohammed, Director, National Elections Office; Mr John Mkhonta, Information and Education Officer, National Elections Office; Hon Magwagwa EB Mdluli, Minister of Justice and Constitutional Affairs; Mr Comfort Mabuza, National Director, Media Institute of Southern Africa; Ms Elizabeth Lwanga, Resident Co-ordinator, United Nations Development Programme (UNDP); Mr

Lare M Sisay, Deputy Resident Representative, UNDP; Mr Jabulani Dlamini, Governance Advisor, UNDP; HE. Mr Walter S Seate, High Commissioner, South African High Commission; HE. Mr David Reader, High Commissioner, British High Commission; Mr Jan Sithole, Secretary-General, Swaziland Federation of Trade Unions; Mr Obed M Dlamini, Swaziland Democratic Alliance; Mr Musa Hlophe, Coalition of Concerned Civil Organisations and Dr Joshua Mzizi, Human Rights Association of Swaziland.

The Team visited 27 registration centres across the Southern, Eastern and urban regions of the country.

A. LEGAL AND ADMINISTRATIVE FRAMEWORK:

The principal legislative acts relating to electoral arrangements are:

- the *Establishment of the Parliament of Swaziland Order 1992* (EPSO 1992)
- the *Elections Order 1992* (EO 1992)
- the *Voters Registration Order 1992* (VRO 1992)¹

Criteria for registration: Any citizen of Swaziland who has attained the age of 18 is qualified to be registered as a voter for the purpose of elections to elect members of the House of Assembly. We were told that the total eligible voting population was around 400,000, or approximately 40% of the total population.

Location of registration centres: Registration of voters takes place at an inkhundla or constituency.² Swaziland is divided into 55 tinkhundla for the House of Assembly elections. Tinkhundla centres are further divided into a number of polling divisions. A voter may register in any one polling division of his choice in the inkhundla so long as he has actually resided in that inkhundla for a continuous period of at least three months or if he has retained his home in that inkhundla for the same period.³

¹ i.e. King's Orders in Council 1/1992, 2/1992 and 3/1992

² S80 of the Draft Constitution describes the tinkhundla system in the following manner: "(1) For purposes of political organisation and popular representation of the people in Parliament, Swaziland is divided into several areas called *tinkhundla*. (2) An *inkhundla* (a) is established by the King on the recommendation of the Elections and Boundaries Commission (b) consists of one or more chiefdoms which act as nomination areas for the elected members of the House (the *primary* level of elections) (c) is, among other things, also used as a constituency for the election of the elected members of the House (the *secondary* level elections) (3) The *tinkhundla* unit or areas, inspired by a policy of decentralisation of state power, are the engines of development and the central pillars underpinning the political organisation and economic infrastructure of the country through which social services to the different parts of the Swazi community are facilitated and delivered."

³ Moreover, a person who by the nature of his occupation cannot retain his home in any inkhundla is allowed to register in the inkhundla of his principal place of business. Further, a person who is in

Disqualification of voters: A person is not entitled to register as a voter if s/he has either been certified to be insane or judged to be of unsound mind under the laws of Swaziland or is under sentence of death imposed by a court in any country for an offence which constitutes a criminal offence in Swaziland.⁴

National Elections Office: The EO 1992 provides for the appointment of the following officials to perform duties under the EO 1992 and the VRO 1992:

(i) The Chief Electoral Officer (Umphatsi Lukhetfo), who is appointed by the King, is responsible for the overall supervision of elections and preparation of all electoral documents and of all election officers under his/her control.

(ii) The Deputy Chief Electoral Officer- has responsibility to the Chief Electoral Officer

At the present time the position of Deputy Chief Electoral Officer is vacant. A Secretariat, comprising a Director and two officers, has recently been established to support the Chief Electoral Officer on a permanent basis.

(iii) Electoral officers: officers charged with the overall supervision of all election arrangements in the constituencies under them, and the compiling and publishing of a register of voters and the hearing of objections. These officials are seconded from government ministries for the registration period.

(iv) Registration officers: Every polling division has a Registration Officer whose duty is to assist the Electoral Officer in the compilation of the register of voters. S/he is the officer primarily responsible for the initial phase of voter registration.

Method of registration: The Voters Registration Manual, published by the National Elections Office, sets out two ways in which a voter may register. The first, which applies to those registering outside the country, is not relevant for the purposes of this report. The second method is as follows: applicants must attend a public meeting (registration centre) arranged for the purpose of registering voters. There s/he must answer questions put to her/him by the registration officer as to his/her identity. If s/he satisfies the registration officer that s/he fulfills the criteria of citizenship and age, s/he will be duly registered. In rural areas, each chiefdom supplies two members of its inner council to verify the identity of registrants. In urban areas,

government service outside Swaziland (and his spouse and adult children) may register in the inkhundla where he resided prior to taking his post outside Swaziland. (S6, VRO 1992)

4 S10 EPSO 1992

registrants must provide one form of identity document such as passport, tax identification number, drivers' license, birth certificate, naturalisation papers or national ID card.

The full name and particulars such as codes specifying the inkhundla, polling division, chief and indvuna (supervisor of an inkhundla) is entered by the registration officer onto a form of which the registrant is given a red duplicate. This duplicate serves as the certificate of registration. It contains a serial number which becomes the voter's number in the register of voters. This certificate is valid for 5 years from the date of registration and the voter needs to present this certificate for identification purposes on polling day. If s/he loses this certificate s/he would not be prevented from voting but would need to supply an alternative form of identification such as those listed above.

Preparation of the register: The electoral officer for each inkhundla has responsibility for preparing a register for that inkhundla from the contents of the registration books compiled by the registration officers. The voters list contains serial numbers, surnames and addresses for all voters. There is provision for the drawing up of a supplementary voters list. The electoral officer is responsible for the checking of particulars on this list and for the correction of mistakes. Amendments may be made up until nomination day and the electoral officer must state reasons for any removals, restorations or additions of names. Electoral officers are responsible for sending completed registration lists for their inkhundla to the NEO in Mbabane where the lists will be transferred onto computer.

We were told that a fresh voters list was created prior to each general election. The ultimate intention is to establish a permanent, computerised voter's register, but staff shortages have meant that this process has been delayed.

Display and inspection of register: The register of voters for a constituency is to be open for public inspection at Regional Administration Offices, Sub-Regional Offices and the office of the electoral officer⁵ to allow any voter to object to the inclusion, retention, restoration, addition or removal of any name in the voters list. Objections are to be made on an approved form, and appeals against the decision of the Electoral Officer must be made within 14 days to a magistrate.

We were told that display is scheduled to begin on 18 August 2003.

Elections: Political parties are banned and elections are therefore held on a non-party basis. Direct elections by secret ballot are held for 55 seats in the House of Assembly. The King appoints a further 10 members of the House of

⁵ cf. S11 VRO 1992

Assembly. There is also an unelected 30-member Senate comprising 20 Senators appointed by the King and 10 elected by the House of Assembly.

Nominations for the House of Assembly are made at the village or chiefdom level. The community assembles at the chief's kraal on a designated date to submit nominations. Nominated candidates must be registered voters in that inkhundla and require at least 15 registered voters in the constituency to support their nomination. A minimum of four candidates (upto a maximum of ten) are required to be nominated within each community. Once nominations are received by the NEO, candidates must obtain police clearance.

Primary elections then take place at the chiefdom level. Each chiefdom elects a candidate by secret ballot and these candidates then stand for a secondary election at the inkhundla level. Each successful candidate in the secondary elections becomes the member of parliament for that inkhundla.

Independent campaigning is prohibited for both primary and secondary level elections. The returning officer for the inkhundla takes the candidates around together to the various chiefdoms so that they can meet the community and discuss issues of local concern with them. The state is responsible for the costs of transportation of the candidates.

On 18 July 2003, the Chief Electoral Officer announced the provisional electoral timetable as follows:

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|---|---------------------------------|
| • Nominations | 23-24 August 2003 |
| • Primary Elections | 20 September |
| • Candidates introduced to constituents | 23 September– 2 October |
| • Secondary elections | 3 rd week of October |

B. OBSERVATIONS

Our main findings were as follows:

- **Public awareness of the registration exercise**

The NEO placed advertisements on television, radio, the press and posters around community areas. We were told that dramatisations explaining the registration process took place in community centres in rural areas and observed television and print advertisements. We also noted posters prominently displayed around registration centres.

Registration officers we spoke to were of the opinion that the public was generally aware of the registration exercise. However, we had little opportunity to question members of the public as we encountered very few on our visits. When questioned on this, registration officers thought that people were aware of registration but that they were not interested in registering. In response to our enquiries as to the gender and age balance of those registering, we established that on the whole, men and women were represented in approximately equal numbers. However there appeared to be a greater number of older voters registering as compared to 18-29 year olds. Registration officers often told us that young people were on the whole apathetic about the electoral process. It must be noted that our conclusions are based mainly on interviews with registration officers since as noted above, we observed very few people actually registering.

While we were present in Swaziland the Chief Electoral Officer announced that the registration period would be extended for two weeks beyond the month initially allocated.

- **Accessibility of venues**

There were approximately 325 registration centres which operated from 8am-5pm seven days a week. In urban areas these were situated in schools, community halls, regional administration offices, shopping centres and industrial sites. Most rural registration centres were located in the royal kraal or chief's headquarters.

We found that urban registration points were within easy reach of both residents and workers. Many rural centres, on the other hand, especially taking into account the lack of transport and the greater distances involved, would have required lengthy journeys by foot to reach. However, we considered this to have been unavoidable and noted that the chief's headquarters seemed a logical place to carry out registration from and would certainly be a location known to all local residents.

We noted that registration officers often travelled around their polling divisions in order to carry out mobile registrations. On some occasions they had moved to shopping centres frequented by local residents or had conducted door to door registration. We were also informed of instances where staff had visited local schools in order to register those who had recently turned 18 years of age. On several occasions however, we were unable to locate registration staff at the centres where they meant to be and there was no indication at the centres of where they had moved onto. Indeed, on our visit to the Southern region, two-thirds of the centres visited contained neither registration staff nor an indication of where they had gone. This lack of information would obviously hinder and discourage a person who had travelled to a specific registration centre. While carrying out mobile registrations is highly commendable and demonstrates a commitment to reaching as wide a part of the community as possible, we recommend that in the future there should be a clear procedure for informing the public of days and locations of such registrations.

- **Registration staff**

They are employed on a temporary basis for the registration period and were provided training in the form of day-long seminars. We noted the staff to be uniformly well-trained, helpful and professional in their approach. They all said that their training had been sufficient and that they had not encountered any situations that fell outside their area of training.

- **Ease of registration**

We found that the registration process was extremely quick and simple. Whilst we did not observe many people actually registering, those we did witness were registered in no more than three or four minutes. The public certainly had ample opportunity to register: centres were open on weekends, and in the urban areas of Manzini and Mbabane we were informed that staff had decided to stay open during the lunch hour in order to enable workers to register at a convenient time.

- **Verification of identity**

The procedures whereby an applicant's identity was checked appeared to work well. In urban areas applicants were required to produce one of the specified forms of identification. In rural areas, the competent witness attested as to the applicant's identity and whether they were local to that inkhundla. We were informed that in the case of elderly voters, whether rural or urban, attestation as to identity by the competent witness would be sufficient, since many elderly voters did not possess documentary forms of identification such as passports and driving licences. Registration officials

also questioned applicants as to their local provenance and details of their chief. Since this information was supported by the documentary identification supplied and where relevant, verification by the witness, we concluded that the checks in place were sufficiently rigorous so as to ensure that only those entitled to register in that area were permitted to do so.

We were informed by the Chief Electoral Officer that it was envisaged that future registration exercises would require applicants to furnish a national identity card with the intention that for the 2008 elections all registration applications would be accompanied by this card. We were told that some, mostly urban voters, already possessed the new identity card, but that generally passports and tax identification numbers were the most common forms of documentary identification.

- **Supply of materiel**

There did not appear to be any difficulties regarding the supply of registration materiel to registration officers. We were informed that if they ran out of registration books, they would either contact the electoral officer or wait until s/he visited on their regular round (which took place either daily or every two days). Registration officers were also able to convey messages to the electoral officer through the local police station if necessary.

- **Conditions of work**

We often found that registration officers, particularly but not exclusively, in rural areas, had to work under difficult conditions. Many officers worked outside, either under the shade of a tree or by rocks. This left them exposed to the elements and would cause difficulty in inclement weather. However, on balance we realised that on most occasions there was often little alternative to this. The registration officers were certainly visible to the members of the public, and it was a testimony to their diligence that none complained about their conditions of work.

- **The electoral environment:**

Our main observation with regard to the voter registration exercise was the exceedingly small number of people we actually saw registering during our visits to centres. In approximately 85% of the centres we visited we did not encounter any registrants. While some registration officers at these centres had registered people prior to our arriving, an equal number said that they had not registered anybody that day, despite the fact that some of these interviews took place in the afternoons. One of the reasons could have been that we were present during the official last week of registration (although this was subsequently extended - see above). However, in our experience,

the final week of registration would more often see greater numbers of people coming to register themselves.

We did note a difference in percentages registered in rural and urban areas. In several rural areas, we were told by registration officers that upto 50% of those eligible had registered. In some, particularly urban areas, we were told that only 10-25% of the eligible population had registered. Figures reported in the press put the total number of registrants 3 weeks into the exercise at 100,000 or around 25% of those eligible.

As to the possible reasons for this apathy, we did not consider lack of public awareness to be among them. It appeared to us that the lack of public participation in the registration process was symptomatic of a wider public disengagement with electoral processes. For instance, civil society organisations played no role in educating and mobilising voters to register and thus exercise their franchise. The provision of education on electoral rights and responsibilities seemed to be the preserve of the election management body and the chiefs at inkhundla level. Nor were domestic observers from civil society involved in monitoring the integrity of the registration process. We were of the view that key stakeholders such as civil and political organisations needed to be brought into the electoral process so that they could play an active role in educating and mobilising the public to exercise their vote. We were also of the opinion that public participation in democratic activity both at local and national level may increase if political parties, which currently have de facto existence, were given legal recognition.

The prevailing public uncertainty over the timing of elections, was, we believe, also a factor in the small numbers registering. Those organisations we met strongly called for a postponement of the general elections until public consultations on the draft constitution had been completed and the new constitution enacted. Elections held under the new constitution, would, it was expressed, have greater legitimacy amongst the public. We too concluded that public confidence in the electoral process as evidenced by a higher turnout at elections would be enhanced by the postponement of the elections until the constitutional consultation process had been concluded.

C. CONCLUSIONS AND RECOMMENDATIONS:

- We consider that the overall registration process was implemented in an efficient manner by the National Elections Office.
- Technical and financial assistance should be provided to the NEO so that it may achieve the capacity necessary to establish and maintain a permanent computerised voters register.
- Registration staff were seen to be well-trained and professional in the manner in which they carried out their work.
- There was however a need to clearly inform the public of days when registration officers would be carrying out mobile registrations and of the locations where these would be held.
- We are concerned at the very small numbers of people we noted registering. We hope that the extension of the registration deadline will encourage greater numbers to register.
- We are of the view that a programme of voter education aimed at young voters may help to partially address this apparent apathy.
- We are also of the view that the electoral system needs to be made more inclusive so that civil society and political organisations can play a role in educating and mobilising the public on their rights and responsibilities as voters.
- In the interests of enhancing the involvement of civil society in the democratic process, we recommend that provision be made in the electoral laws for domestic observers from civil society organizations to observe relevant aspects of the electoral process and for the NEO to facilitate this as necessary.
- While we consider that the voter registration exercise has been carried out in a credible and transparent manner, having observed aspects of the voter registration exercise, we are of the opinion that public confidence in the process would be enhanced by and serious consideration should be given to postponement of the elections until the constitutional consultative process has been concluded.

Annex

REGISTRATION CENTRES VISITED

Eastern Region

<i>Inkhundla</i>	<i>Polling division</i>
	Lobamba
	Mahlanya
Mbabane East	Regional Administration Office
	Simunye
Lomahasha	Lomahasha
Dvokodvweni	Malindza
Dvokodvweni	Mdumezulu
Mabonduweni	Matcetjeni
Mabonduweni	Sigcaweni

Manzini

<i>Inkhundla</i>	<i>Polling division</i>
	Manzini Central High School
Manzini North	St Paul's High School
Manzini South	Nazareen Primary School
Manzini South	Zakhele Community Hall
Kwaluseni	Matsapha Government School
Manzini South	Sihlaheni

Nhlambeni Ngwane Park
Shali

Mbabane

Inkhundla *Polling division*
Nkwalini Primary School
Mbabane West Mahwalala Red Cross
Mbabane East Msunduzi Hall
Mbabane West Mbabane Central High School

Southern Region

Shiselweni 2 Mbangweni
Jopa Primary School
Textile Factory
Zombodze Zombodze-royal kraal
Jericho Primary School
Ebylylyn Bering