



CONDUCT OF ELECTIONS IN SWAZILAND

A. INTRODUCTION

The Kingdom of Swaziland held her national elections in the month of September, 2008. The year 2008 will remain a memorable for the Kingdom in that we were celebrating forty years of independence combined with forty years of His Majesty's birthday. On the political front, Swaziland held her first national elections under a new Constitution that is not only home grown, but also seeking to express the wishes and aspirations of the Swazis. The elections were conducted by an independent Electoral Body styled " The Elections and Boundaries Commission." We will recall that all along, elections have been managed by the Office of Umphatsi Lukhetfo (Chief Electoral Officer). The Elections and Boundaries Commission is a product of the Constitution and not the product an Act of Parliament as the case is with countries who are still using independence Constitutions like Botswana and Lesotho. The other interesting aspect of this election the number of Election Observers increased tremendously. This clearly shows that the global village is taking interest in Swazi politics including its electoral process.

Section 92 (1) states that " the Commission shall as soon as practicable after every election produce and submit a report on that election to the minister responsible for elections, sating-

- (a) the conduct of the elections and the number of voters who participated;
- (b) any irregularities or abnormalities observed;
- (c) whether any nomination or election was disputed and with what result;
- (d) any observed or remarkable peculiarities; and
- (e) recommendations, if any."

It is in this vein that the Elections and Boundaries Commission has put together this report. The report is divided into five sections. Section one deals with the general conduct. Under this section, the report will deal with the system of government, the laws that govern the elections process and the management of elections. Section two deals with the administration of the elections office. Section three legal issues around the elections. This section covers the number cases that went through the courts during the elections process. Section four deals with technical aspects of the elections. The record of those who registered during the registration process and took part in the primary and secondary elections is captured under this section. The final part of the report deals with

the financial position of the Commission and the way forward following the conclusion of the elections and the preparatory processes towards the next elections.

SECTION 1 **THE SYSTEM OF GOVERNMENT**

(a) INTRODUCTION

This section of the report highlights the key areas of the Swazi electoral system. The reason for dealing with the system is that the conduct of elections is rooted in the political system in operation. The other reason is that a lot of people have confessed that there is little knowledge on this Swazi system and that is why it has been a subject of criticism from those who do not understand it.

Some have even labeled as undemocratic and non-participatory. This has been largely attributed to ignorance as it is often said that little knowledge is a dangerous and no knowledge is poisonous.

The section will also deal with the constitutional and legal framework for the conduct of elections in Swaziland. The constitutional framework also makes provision for the establishment and functions of the Elections Management Body.

(b) THE TINKHUNDLA SYSTEM

Our system of Government is based on the Tinkhundla democracy. The term "Inkhundla" or "Tinkhundla" (in plural) is a Swazi name for a constituency. Like all other Commonwealth systems, it is constituency based. The system therefore emphasizes that constituencies should be used as engines for development and empowerment of the Swazis at all levels, whether rural or urban. It also emphasizes that power should devolve to the people, services should be accessed by all and constituencies should be used as political organizations and popular representation of the people in Parliament and other legislative structures. The system emphasizes that people be elected or appointed to public office based on individual merit. The individual right to participate in national activities like the constitution making process has been recently endorsed by the Supreme Court of Swaziland.

All what has been said above is well captured in our Constitution which states in Section 79 that "the system of Government for Swaziland is a democratic

participatory, Tinkhundla-based system which emphasizes devolution of state power from central Government to Tinkhundla areas and individual merit as a basis for election or appointment to public office". The system of Government has proven to be working well for Swaziland and I want to believe that it can work well for Africa, in that:-

- a) It empowers the ordinary Swazi by ensuring that constituencies are used as engines of development;
- b) It is non discriminatory and enhances the right to equality in that all Swazis regardless of one's education background, social status or political persuasion can be elected by the people into public office;
- c) Individual merit is the basis for election into public office. This causes the elected person to be continuously accountable to the people who have voted him or her into office. If you remain un-accountable, the voters will disown you and during the time of election, they will vote you out of office;
- d) It causes the elected person to deliver what he or she promised the voters during the time of campaign. He or she cannot hide under the banner that what he or she promised is not in line with the policy of the party he or she is representing. There is no reason why the elected person should not deliver and remain accountable to the constituency;
- e) It causes the elected person to remain a true agent and a voice of the people who have mandated him or her. This is what we call the direct representation system in that once you are voted into Parliament, you become a direct representative of the people who have voted for you;
- f) It is home-grown. It therefore accords with the norms and values of the Swazis. Most countries are still using the colonial systems of Government which are not compatible with the ways of lives of the people. They therefore cause political unrest because they are foreign to the norms and values of the people they are meant to regulate;
- g) It emphasizes that development and democracy are key to the welfare of the citizens. You cannot enjoy democracy under a poverty stricken environment. As said earlier, our system emphasizes that constituencies should be used as engines for economic development and also be used as polling centres;

- h) It is democratic and participatory in that everybody participates in the decision making process. It is also user friendly because it is easily understood by the Swazis at all levels;
- i) It emphasizes that change must be people driven and not driven by a few individuals. We must therefore change together and not change apart. It emphasizes that when time to change has come, it must be engineered by the people after carefully weighing the pros and cons of such change;
- j) It has brought unity, peace and stability among the Swazis. It has made Swaziland a family within a nation. The social structures in place are used as valves for one to enjoy his or her freedom of expression on any subject matter. They are also used as conflict resolution mechanisms.

(c) THE CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK FOR THE CONDUCT OF ELECTIONS

i) Constitutional Provisions

Swaziland has a fairly new Constitution. It came into force on the 8th February 2006. The Constitution is a true reflection of the aspirations of the Swazis in that it is home crafted and home-grown. This is fully captured in the Pre-ambule to the Constitution which states that -

Whereas we, the people of the Kingdom of Swaziland do hereby undertake in humble submission to Almighty God to start afresh under a new framework of constitutional dispensation;

Whereas as a nation it has always been our desire to achieve full freedom and independence under a constitution created by ourselves for ourselves in complete liberty;

Whereas various Vusela consultations, economic and constitutional Commissions, political experiments and sibaya (national) meetings have been established and undertaken in the last thirty (30) years in search of a sustainable home-grown political order;

Whereas it has become necessary to review the various constitutional developments, decrees, laws, customs and practices so as to promote good governance, the rule of law, respect for our institutions and the progressive development of the Swazi society;

Whereas it is necessary to blend the institutions of traditional law and custom with those of an open democratic society so as to promote transparency and the social, economic and cultural development of our nation.”

With the above aspirations in mind, our new Constitution has brought with it new roads into our electoral dispensation as evidenced by the following:-

- a) There is provision for the establishment of an Independent Elections management body. The independence of the Commission is guaranteed in that the Commissioners can be removed in the same that way that judges are removed. There is also a specific period of appointment in to office. The Commission is appointed by the King acting on the advice of the Judicial Service Commission. Some countries in the region have not established this important body in the Constitution and the law establishing the Commission can easily be amended. This is creates or cast some doubts on the independence of the Commissions.

The Elections Commission is also responsible for demarcating constituency boundaries. In almost all the countries in the SADC region, constituency demarcation is carried out by a different body.

The Commission is also responsible for continuous civic and voter education. All the provisions pertaining to the operations of the Commission are captured in Section 90 to 92 of the Constitution. Once the local government structure has been fully in place through the necessary legislative intervention. The Commission will be responsible for local government elections. It will also be responsible for demarcating constituencies for purposes of the local government elections;

- b) The right to representation in the legislative bodies and the right to be heard through freely chosen representatives is guaranteed. It is now a constitutional right. Section 84 of the Constitution guarantees this right;
- c) The right to vote at elections is equally guaranteed. Section 85 provides for that. The qualifications and disqualifications as a voter are also prescribed. Sections 88 and 89 provides for that; and
- d) Election by secret ballot is also guaranteed the Constitution. Section 87 provides for that.

ii) Legislative Provisions

There are two (2) pieces of legislation that govern the elections process in Swaziland. These are the Voter Registration Order, 1992 and the Elections Order, 1992. The Voter Registration Order, 1992 provides for the various aspects of the voter registration process. The Elections Order, 1992 provides for the conduct of elections in general. The practical application of these election laws are fully captured in the chapter of this dealing with the conduct of elections. Our elections process starts from voter registration culminating into secondary elections.

SECTION2

ADMINISTRATION

Personnel

Prior the appointment of the Commission, the Secretariat had an acute shortage of staff to efficiently execute its mandate. Some posts such as that of Information and Education Officer were vacant whilst there was also need for the creation of new additional posts. Consultations with the Ministry of Public Service and Information and Civil Service Commission (CSC) resulted in the creation of new posts and the appointment of officers into these posts. These included the Principal Elections Officer, Informations and Education Officer, Elections Officers (3), additional to one (1) post which was already existent, Clerical Officer, Accountant and Computer Program Analyst. The Secretariat also engaged temporary staff consisting of three Drivers and thirty (30) Clerks to assist in the procurement and receiving of equipment necessary to conduct elections. The temporary staff was also used as back-up at the registration centres during registration and at the polling stations during Nominations, Primary and Secondary Elections.

Further, the Commission through the involvement of chiefs engaged registration clerks to conduct Voter Registration at chiefdom level and to validate the Voter's Roll. Since the Commission introduced a new and computerized system of conducting the elections, it became necessary for the temporary staff to be trained on the new system. Training was conducted at the Mavuso Exhibition and Trade Centre where Registration Clerks and Supervisors from the four regions of the country were converged.

A special allowance was negotiated with the Ministry of Public Service and Information for the payment of the Registration Clerks, Polling Officers, Presiding Officers and Returning Officers.

Transport

The Commission utilized funds to hire a fleet of vehicles from Imperial Car Rentals through the Central Transport Administration (CTA). These vehicles were hired effective from the Voter Registration Exercise and were used to monitor the registration process at the registration centres. During Nominations, Primary and Secondary Elections, the vehicles were utilized to ferry Polling, Presiding and Returning Officers to the various polling stations around the country. Therefore, the Commission utilized a large chunk of the allocated

budget to also cater for CTA charges for the hired vehicles and those from the Government ministries.

Communication

The Secretariat was faced with a challenge in terms of decision-making which occasionally became stalled due to the sickly condition of the Head of Secretariat. With the subsequent transfer of the incumbent holder of the post of Principal Elections Officer, there was no one to act on behalf of the Head of Secretariat until August 2008. There was also no clear line of the definition of roles as some officers assumed roles that were the prerogative of the Accounts Section. This was specifically in respect with the purchasing of equipment necessary for conducting elections.

Other funds were utilized to purchase airtime vouchers from MTN Swaziland to enable Elections Officers, Supervisors for the Voter Registration Exercise, Presiding Officers and Returning Officers communicate easily during the electoral process. There was also the installation of terminal points and internet to enable the office has access to the Government Computer Systems. This was to enhance prompt payment of the allowances for the officers engaged for the exercise.

Budgetary Issues

Initially, the Commission was allocated to operate on a E23 Million budget. With the introduction of a new system of conducting election, this allocation proved insufficient. Some of the activities which rendered the budget insufficient were the rental of equipment for conducting elections from Waymark Infotech (Pty) Ltd., training, payment of allowances and the rental of vehicles which were previously solicited from Government ministries. The fact that the 2008 National Elections were concurrently conducted with other national activities e.g. 40/40 celebrations, Reed dance, meant that the CTA could not solicit enough of these vehicles from the Government ministries. Consequently, the Commission ended up having over-expenditures in almost all the item codes. A request for a supplementary budget has been forwarded to the Ministry of Finance and is awaiting debate and approval by Parliament.

NOMINATIONS

Nominations

The Elections to the Chamber of Parliament, or Indvuna Yenkhundla, or Bucopho form the basis of the Swaziland democratic system. Various processes and / or stages involved, have a significant role towards democracy, accountability and transparency. The system of Government for Swaziland is a democratic, participatory, tInkhundla based, emphasizing the devolution of state power from Central Government to "Tinkhundla" areas and individual merit as a basis for election or appointment to public office (Constitution of Swaziland, Section 79)

Nominations are an event through which an "Umphakatsi" or a recognizable community chooses an individual to stand for the race to the political vacancies which should be filled through elections. Nominations take place in an atmosphere similar to that of a regular chiefdom's meeting, it is only an item in the agenda of the meeting. This seeks to control the atmosphere, making it as comprehensible and as relevant to the community as possible. Nominations for Bucopho, Indvuna yeNkhundla and member of Parliament shall be open and supported by at least ten (10) persons qualified to vote in that community (Constitution of Swaziland, Section 87 (4)). Candidates are nominated by nominees with valid voter cards or voter numbers and the supporters too should have qualified to be voters and bear valid voter cards and / numbers.

Recruitment of Personnel

In each constituency a Returning Officer, usually a senior Government officer and / or Public officer is appointed by the Elections and Boundaries Commission (EBC) to administer the election. He/She arranges the general logistics necessary for the general elections to be conducted in a free and fair, and peaceful manner. The recruitment of these officers was solely a prerogative of the EBC. A total of 55 Returning Officers was realised and they were all appointed into office on the 31st July, 2008.

The recruitment of Presiding Officers together with Polling Officers was decentralized to the Regional Administration Offices. A total of 343 Presiding Officers was met country-wide. Each chiefdom or recognizable community was supervised by one Presiding Officer and was serviced by seven (7) Polling Officers.

The recruitment process was riddled with various challenges. This is in that whilst the recruitment process of Presiding and Polling Officers was delegated to the Regional Administration, the EBC was skeptical about the manner the appointments were done citing intentions of elections rigging. The EBC made attempts to re-shuffle the Presiding and Polling Officers to avoid the looming elections rigging, a move which was not warmly welcome by the Regional Administration Offices.

After the re-shuffles by the EBC, notices through the radio were aired requesting the recruited and re-shuffled to report to their polling centres. This confused the officers and fuelled undesired animosity.

The training of recruited officers was a formidable task. The time available was too limited to impart the necessary information and empower adequately and build the capacity of the officers. Returning Officers were trained for less than five (5) hours to carry-out the August task of elections. A similar fashion was accorded to Presiding Officers. Polling Officers were even worse off as most of them were given too short a notice to report to regional centres. Most of them were engaged in their respective duty stations which are not nearer to the regional offices. What compounded this problem even further was the re-shuffling of the officers. One officer whose duty station is in the Hhohho District was posted in the far end of the Manzini District and reporting on time for them was a great challenge.

This however, does not in any way mean that the manner the EBC handled the issue was wrong, in fact credit should be given to the EBC for not giving the public one impression that they are mere rubber stamping Commissioners. Credit is due to Regional Administration for assisting the EBC in carrying out the recruitment exercise and posting officers closer to their respective duty stations. The only set back that militated against these efforts was the time factor. Given more time the EBC together with Regional Administration offices, the team would have had the best team to undertake the phenomenal national election and adequately equipped not only with literature but also relevant practice.

Nomination at Chiefdom Level

Having the recruitment and appointment of Returning Officers on the 30th July 2008 and appointment of Presiding Officers on the 31st July 2008, preparations for the Nomination in the various chiefdoms and recognizable communities took place on the 1st August 2008, between 0900 hours and 1600 hours at each Chiefdom / Umphakatsi or recognized Community Hall or school.

Returning, Presiding and Polling Officers and the entire EBC staff intensified their effort to see a successful nomination on the prescribed nomination dates. Generally, the Nomination stage of the election was a huge success despite the fact that "little" training was imparted to the officers but credit could be given to the common sense of the officials and regular consultation with the EBC.

There were however a few places that encountered challenges during the nominations. In the Manzini region at Mgazini the Presiding Officer misunderstood that each category should have at least four (4) candidates. He allowed that each nominee should be supported by at least four (4) voters instead of ten (10). The Elections Officer upon receiving such news promptly organized for a re-nomination on the 3rd August where this error was rectified.

In simplistic terms the Nomination stage in the general elections was a great success save for Luhhumaneni polling station, Piggs Peak in the Hhohho region. This matter was reported to the EBC and was further taken to the Court of Law. The verdict of this matter instructed the EBC to prepare and conduct for a re-nomination. The details of this matter will be discussed at a later stage.

Vetting

Soon after nomination, the nominated candidates were required to complete the "Nomination Paper" (Form 12) and a declaration on oath of the person nominated as a candidate for election (Form 13). It was a further requirement that the nominated candidates should take finger printing with the Royal Swaziland Police (RSP) and further more take a photo shooting with the EBC officials. The completion of form 12 and 13, respectively were made on the day of Nomination. The other activities could not be accomplished during the Nomination day because of the number of factors including lack of capacity on the RSP and EBC.

The lack of capacity had its toll on the Primary Elections. This is in that nominated candidates, especially in the rural areas, did not have the means of covering greater distances to Police stations and Regional Administration offices to make and fulfill the requirement of vetting. Police had to make it a point that "suspects" insolvents under the law and also has not been rehabilitated and any other characteristics which disqualify individuals to stand for the election race are identified and disqualified accordingly. Furthermore these individuals did not undergo the photo shoot, where their images would be used to produce the described quality of ballot papers,

PRIMARY ELECTIONS

The 23rd August 2008 was proclaimed as the date for national primary elections. Preparations for the national event were marked with the training and briefing of Returning Officers and Presiding Officers by the Elections and Boundaries Commission. A further training and briefing of the Polling Officers was done by Returning Officers and Presiding Officers. The main intention of the exercise was to conscientize the officers about the significance of the election, election process and how their action and inaction would dent the credibility, and fairness of this August event;

The Primary Elections did not receive the publicity campaign it so deserve, the same for the Tuesdays morning phone-in program at 0600 hrs in the SBIS and that recorded program on Saturday repeated on Monday evening. Given such a background one would expect a poor turn-up to the polls, however an amazing turn-up was observed much contrary to the allegation that the high registration results were an outcome of unorthodox measures effected to coerce individuals to register.

The turn-up, were seen before rendered the elections climate tense and demanded the Returning, Presiding and Polling Officers to exercise vigilance, impartiality and integrity to the utmost level in the discharge of their duties.

Polling Stations

The polling stations were generally the same locations previously used for registration and the nomination process same for the few centers that were compelled to relocate as their carrying capacities were too limited to effectively provide a suitable and/or environment for elections. schools, church building and community centres were utilized to accommodate the elections.

The office of the Regional Administration and traditional authorities were consulted for the location of the ideal polling stations. Each Inkhundla had a Returning Officer who was responsible for the electioneering of the entire constituency. Each constituency made up of one or more chiefdoms had polling centres manned by a Presiding Officer and at least seven Polling Officers. Security was provided by the Royal Swaziland Police from the eve of the elections to the day of the counting of votes.

Ballot papers were published locally in full colour containing the picture and name of the candidate. The ballot papers were numbered and perforated.

The polls were opened on the 23rd of August 2008 from 0700 hrs to 1700hrs. There were, however differences in the closing times of the polls as scores of voters flocked into the stations demanding to cast their votes. Some polling stations closed at 1900 hrs but still huge numbers of voters were still queuing in readiness to cast their votes. This marked a clear indication that ten hours of voting is not adequate for the densely populated areas to cast their votes. An extension of hours should be considered. A classical case is that of Gundvini where by until after 1900 hrs more than 50 voters were still queuing to cast their votes.

The furniture and personnel available allowed one voter to participate. There is a need to avail more furniture and personnel to speedily facilitate the voting process.

Ballot papers had omissions and other significant variables to consider. Some names and pictures of nominees were mixed up. This caused nominees in various centres to challenge the elections not to proceed until such was rectified. This was a result of limited time for preparations. More time for ballot paper preparations should be budgeted for to avoid this unnecessary confusion. The pages of the ballot books were too limited to cater for the demand of the voters. Many voters were turned back because of the lack of ballot papers. The pronouncement of the lack of ballot papers at Gundvini not only brought an embarrassment in the face of the officers, but also a riot to the voters who wanted to cast their votes. The need to print more ballot papers to cater for cases of spoilt ballot papers and other cases is glaring.

In centres where the elections took place on the 23rd of August 2008 the atmosphere was calm and voters came in, in their numbers; which we believe demonstrates the commitment of the people towards democracy.

The writ spelt it out clearly that the polling day was the 23rd of August 2008, however, due to unforeseen reasons and the public demand, the polling day was extended to the 24th of August 2008 in the most affected stations whilst a few centres remained closed on this day and others opened late at noon.

The voters were counted on the 25th August 2008 with the exception of Lobamba Lomdzala Inkhundla where candidates and the public were anxious to know the results. Candidates and their agents were present to watch the votes and check errors.

Before the ballot boxes were opened the seals were checked if they were still intact to ensure that nothing was added or subtracted in the ballot boxes. After this the ordinary ballot papers were unfolded with their backs upwards and official seals checked. Thereafter the official ballot papers used turned face

upwards and votes given for each candidate were counted. The Returning Officer then declared the results of the poll to all the candidates and the public.

Generally, the Primary elections stage was riddled with numerous challenges. It was like there was no polling station that ran the Primary election without problems. The nature of the problems indicated that the EBC was not adequately prepared to conduct the Primary Elections. This was largely influenced by the inexperience on the part of the entire department and Commission. The science of muddling through was engaged. Mistakes and blunders were the order of the day. The print media made the Commission a laughing stock. The state of preparedness during the Primary Elections was appalling to say the least, it seemed no one was concerned with such. This is testimonial by the over 100 complaints and court cases received by the EBC.

Campaigns

The "self explanatory" Writ directed that the campaigning period was to resume on the 25th August 2008 until the 18th September 2008, however due to the extension of the Primary Elections the date of resumption of campaigns was postponed to the 26th August 2008.

Campaigns were characterized with canvassing and public meetings. Candidates and their agents were entirely responsible for running the campaign except for the "organized campaign" an event run by the EBC on behalf of Government and expenses catered for by the EBC. This organized campaigning, was run by the Returning Officers, regularly consulting the candidates for consensus.

The organized campaign is in a form of a public meeting where the Returning Officer with the assistance of the Presiding Officer, organize a public meeting within the chieftdom / imiphakatsi or recognizable community. Here each candidate is given an opportunity to meet, and try to win the hearts of the people to vote for him/her. The Returning Officer controls the meeting in terms of time allocation and directing the entire proceedings of the meeting.

During the meeting candidates are encouraged to centre their deliberations within issues of National Policy. This not only benefit the public in terms of evaluating which candidate may best serve their interests (public) but also eliminates subjective and personal issues, protecting the candidate as well. After each presentation by the candidate the public is also given an opportunity to "grill" and scrutinize the candidates on what he/she has presented and other National Policy issues.

Outside the forum of the "Organised Campaigns" terror reigns. It is there that corrupt practices and other offences like treating, undue influence, bribery and personating are practiced all in the name of campaigning. What compounds this problem is that these offences are not reported to law enforcing agencies until after the declaration of the secondary elections results and individuals fail to accept birth defeat, instead they discredit the elections.

Overall one can conclude by pointing out that the campaigning period was fairly well conducted by the Returning and Presiding Officers and the co-operation that was received by the EBC from the Central Transport Administration (CTA) department was excellent. There is however a need for the EBC to educate not only the would-be candidates about the significance of the campaigns but also the general public and law enforcing agencies to best achieve the desired results from campaigns and eliminate the corrupt practices and other offences. The campaigning period lasted until the eve of the Secondary Elections.

SECONDARY ELECTIONS

The state of preparedness for the Secondary Elections was not in any way a match to the Primary Elections of 23rd August. The EBC strived to see the Secondary Elections of the 19th September 2008 a greater success. The entire logistics operation was made easier by the lessons learnt from the Primary Elections. Theories were developed from past experiences and tested in the Primary Election of Lomahasha and Nkilongo, where due to gross anomalies the Courts of Law made ruling that Primary Elections in those polling stations be declared null and void and the EBC should re-run the Primary Elections there.

The voting stations were the same locations previously used for Primary Elections, unlike in the Secondary Elections of 2003. The rationale behind this move was primarily to make the voting stations most accessible to the voters. It was also a control measure to avoid foul play and ensure that the elections are free, fair and peaceful and also relevant to the constituency. Another control measure put in place to ensure that there was no double voting and similar forms of cheating was the compilation of the voters register limiting voters to a single voting stations. A voter appeared in only one voters register.

The voters register was the only gate keeper which enables people to get inside the polling station and cast a vote. Unlike in the 2003 National Elections, where the voting stations during the Secondary Elections were limited, each voting station in the constituency had a voters register bearing the names of all the voters in the constituency. This then made room for cheating.

Unlike in the Primary Election, the Secondary Election had a facelift in that the voting furniture and personnel was allocated proportionate to the total voters

registered. Where less than 200 voters were expected, only six (6) Polling Officers were allocated to service the station, and where over 3000 voter were expected, 15 Polling Officers were allocated to service the station.

Voting booths and ballot boxes were also allocated proportionately to allow the ease and effective service. Long queues were not a feature during the Secondary Elections.

Ballot papers were produced in the Republic of South Africa. The Ballot papers were in full colour containing the names and photographs of the candidates. They were also numbered and perforated. Some books contained two hundred pages, some one hundred and a few contained fifty pages. This was particularly so in constituencies where the registered voters were slightly over a hundred and ninety hence rounding down the figure would bring undesired consequences where a hundred percent show up was experienced.

Special Votes

Votes from registered voters engaged in foreign mission, security personnel and registered voters engaged in the running of the elections were casted before the 19th September 2008. The EBC staff and agents casted their special votes on the 17th September 2008 whilst national security personnel and Police did so on the 18th September. These votes were handed over to Returning Officers who in turn, before placing them in the ballot boxes made the candidates aware of the presence of such votes. Each special vote would be scrutinized if the voter was in the voters register.

Security

The Royal Swaziland Police (RSP) together with His Majesty's Correctional Services joined forces to provide security and ensure that the elections period was peaceful and violence free. The armed forces were present in each and every polling centre and were also stationed in strategic positions.

Voting

Voting hours commenced at 0700 hours and ended at 1800 hours. The well trained staff and effective voting system ensured that voters spent less than 30 minutes in a queue. Queues were only seen before 0700 hours. By 1100 hours no queues were seen. An even more effective record was achieved in the Kwaluseni Constituency which held its election on the 27th September due to the court cases.

Double voting and similar incidents were never witnessed. This was achieved primarily because of the strict adherence to the voters register. No voter was permitted to enter the polling station without him/her being located in the voters register. Where one was not located in the voters register the Voter Management System (VMS) was consulted promptly to find out the status of the individual. More often than not, those who did not appear in the voters register was because he/she had requested a transfer but because he/she has failed to avail himself to where he has transferred to, then he came to take chances.

After 1800 hours ballot boxes were closed, waxed and taken to the nearest Police stations for safety keeping. All voting centres did not encounter problems with closing but Mbekelweni and Ludzeludze. Here the candidates raised fears and pointed out that they had fears that the ballot boxes might be tampered with in the Police Station. Candidates requested to place their padlocks and lock the ballot boxes. After a scuffle on the Commissioners sanctioned that the candidates may have their padlocks put in and accompany the ballot boxes to the nearest Police station.

Counting

Counting of votes was done on the 20th September 2008. This exercise was centralized to one point per constituency. The focal point was the "Inkhundla Centre" where all the chiefdoms / imiphakatsi and recognizable communities usually meet for their community development issues.

The actual counting of votes was first done following the Elections Order, 1992. Section 44(1) of the Order was observed per ballot box per polling centre then Section 45. This proved to be a cumbersome task. In constituencies where over ten polling centres had to connect for the Returning Officers resolved to skip section 44 and only to hasten the declaration of results. After the results were declared, the Presiding Officers then had to entertain Section 44.

Counting of votes at Kwaluseni Inkhundla on the 18th October 2008 took another turn.

It was a clear departure from the counting and election of the 19th and 20th September 2008. There was a need to eliminate the distrust that surrounded the Ludzeludze election.

The best way of ensuring the election credibility, legitimacy and transparency was to count and announce the results of the count on the voting day.

Soon after closing the polling centres at 1800 hours, the candidates, their agents, EBC staff and Observers converged at Matsapha Police Station where the counting started. Ballot boxes were from the polling centres to the Police station

guarded by the candidates and their agents and the presence of the security personnel was also felt.

In conclusion, one would suggest that the EBC should formulate a methodology to be put in place in running the election, one which will clear the distrust surrounding elections, ensure credibility and enforce transparency thus eliminating the possibility of real or perceived tampering with ballot boxes.

STRATEGY FOR CIVIC AND VOTER EDUCATION, NATIONAL ELECTIONS, 2008

The Elections and Boundaries Commission (EBC) principally used the media under this activity to disseminate information and educate the voting public about the elections process. Due to a short time frame between the appointment of the Commission and the commencement of the National Elections 2008, visitations to chiefdoms and communities to engage the public about the electoral process were very limited. The EBC opted to exploit the power of the media, especially radio, to reach communities in all regions of the country with regards to voter information.

However, before engaging the media, the EBC met Chiefs in all four regions of the country to encourage them to sensitize their subjects about the incoming elections. The meetings were held soon after the Commission had met and consulted with Regional Administrators on the national assignment. During the meetings with Chiefs, the Commission explained that due to the shortage of time, it was not possible to physically visit each chiefdom to educate the public about the elections. The Chiefs were given the mandate to constantly conscientize their subjects about the elections during their community meetings.

Soon after the meetings with Chiefs the Commission organized a one-day seminar with media practitioners in the country to educate them about the entire electoral process. The whole day seminar to equip the media on the electoral process was made more important by the fact that this were to be the first elections to be held under the auspices of the National Constitution. The main purpose of the seminar was not only to educate but to encourage the media to play a leading role in sensitizing the public about the forthcoming elections. It was also a chance for them to get clarification from the Commission on all the electoral processes as enshrined in the National Constitution.

As part of the massive media campaign adopted by the Commission, on April 18, 2008 a weekly 30 minute programme titled "Khetsa Ngwane" was launched on the Siswati service of the Swaziland Broadcasting and Information Services (SBIS). The programme, fully run by the Commission, featured different topics on elections where the public was educated in detail about the entire process and the importance of voting. It became a major vehicle of voter education as several topics in relation to electoral processes were tackled in detail.

Concurrently, a live-talk 45 minute show was allocated to the Commission weekly on SBIS. It compounded the educational process through engaging the public live in debate and responding to questions while detailing the electoral process. Both these programmes ran throughout the entire elections process until the end of September, 2008.

The Commission also featured prominently on live talk shows on both television stations in the Kingdom to continue engaging the public on electoral matters.

The Print media also played a pivotal role in reporting extensively about the elections as communication lines between them and the Commission had been established. In that regard, the entire role played by the media in compounding the interest of the public in the voting process was massive and cannot be downplayed.

Vigorous advertising in all media outlets was also adopted on both print and electronic media in a bid to reach all corners of the Swazi society with voter education information encouraging the public to register and vote. Advertising started earnestly at the beginning of May, mainly in the electronic media and ran periodically up to end of elections.

As a start, the Commission engaged Siphila Nje Drama society to produce television and radio adverts to alert the nation that elections were approaching and registration was about to start.

In a bid to increase the visibility of the elections campaign, the EBC interviewed several Communications companies with the intention to establish a fully fledged Elections 2008 logo to create a fresh and positive outlook of the Kingdom's elections. Two Swazi owned companies, Ovaqado in conjunction with Emporium Holdings came out with the best logo, slogan and advertising campaign which were eventually adopted by the Commission. The adopted slogan was "Shape your future, Vote" in English and "Yakha Likusasa Lakho, Khetsa" in Siswati.

The campaign logo prominently featured the words "Vote Swaziland 2008" and had three open hands in black, white and red representing people of all colour in Swaziland, as a call to all eligible residents, regardless of colour, to be counted and be part of an historic election meant to shape the kingdom's future.

The logo was inscribed in all communication tools of the EBC pertaining the 2008 election and was maintained throughout the process. Furthermore a theme song carrying the slogan was composed by Claiming Grounds Records in conjunction with Ovaqado/Emporium Holdings and it featured as the signature tune of all elections audio programmes and adverts in the electronic media.

A theme to support the logo and slogan was also developed and standardized to all voter educational material and advertising. The theme was "You have the power to shape your future. Register and vote" or Unawo emandla ekwakha likusasa lakho. Bhalisa uphindze ukhetse." The purpose of the theme was to encourage active participation in the election, emphasizing the need to register to be able to vote and "shape your future."

In that regard adverts carrying the new logo and theme were adopted and ran throughout the elections process.

In addition, the EBC established a website, www.voteswaziland.org.sz, covering key aspects of the elections. The website helped in demonstrating transparency in the conduct of the first elections held under the Kingdom's Constitution. It provided and continues to provide voter information which can be accessed by Swazis living within or outside the borders of the Kingdom.

The EBC also used pamphlets, banners, t-shirts and caps which were distributed throughout the country as means of marketing the 2008 National Elections. Clear Channel was also engaged by the Commission for Street pole advertising in the country's main two cities, Manzini and Mbabane. This served as one of the major strategies of ensuring that the 2008 elections process was visible and in the face of potential voters.

WAY FORWARD

1. There is a need to start the civic and voter education exercise early to engage and sensitise the public about the electoral process and the importance of voting in preparation for the 2013 National Elections.
2. More voter education material has to be developed and distributed to communities and schools.
3. Civic society has to be engaged in civic and voter education as a means of reaching all corners of the Swazis.
4. Media slots to inform and educate the public about the elections have to be maintained on both the electronic and print media outlets.
5. There is a need to develop and maintain the website, www.voteswaziland.org.sz to be able to disseminate more information to the public. The website can easily be turned into a tool and centre of elections information for Swazis living within or outside the country who have access to the net.