



**FWC-LOT 7- Culture, governance and home
affairs- n°2009/202498: “EU Election Expert Mission
to South Africa”**

Final report

Expert: Marian Gabriel

26 May 2009

This report has been prepared by Marian Gabriel, through the consultancy company B&S Europe, with the financial assistance of the European Instrument for Democracy and Human Rights. The views expressed herein are those of the consultant and therefore in no way reflect the official opinion of the Commission.

EXECUTIVE SUMMARY

- **Increased competition characterised the fourth general elections in South Africa. Predictions that the 2009 general elections would be negatively influenced by violence did not materialise. These elections were an important step for South Africa's young democracy. For the first time the ANC, the dominant political party of the South African political scene for the last fifteen years, had to face a more mature opposition, including a breakaway party COPE which had an aspiration to become the main opposition party ahead of the current largely "white" official opposition DA.**
- **All major international observation missions assessed the elections as credible, transparent and meeting the international standards for democratic elections. In particular, the performance and independence of the IEC throughout the electoral process were praised by observers. Domestic observers were also satisfied with the conduct of the elections and congratulated the IEC, security forces and political parties for their contributions to the successful election process.**
- **However, for financial and/or capacity reasons none of the international observer missions (African Union, SADC and EISA Regional Forum) observed election based on the long term observation methodology used e.g. by an EU EOM. Therefore no detail reports regarding campaign, media coverage of elections and statistics on Election Day could be presented by international observers' groups.**
- **The campaign period and election day were monitored by observers of two large networks of various civil society organisations, the Election Monitoring Network and South African Civil Society Election Coalition. The presence of domestic observers at political party rallies and various campaign events, as well as their efforts to mediate in conflicts played a positive role in reducing tensions in some areas.**
- **There were more than 23 million voters on the country's Voters' Roll. The number exceeded the target envisaged by the IEC by over one million voters. There were more than 3.16 million new registrants including almost two million first-time voters. The voter registration exercise was seen as successful by local stakeholders although around 6.7 million South Africa's potential electorate did not opt for registration. This figure represents approximately 20% of the South African eligible adult population. Most of the non-registered citizens live in rural areas and areas with high levels of poverty.**
- **More than 9,000 candidates from 40 political parties contested the national and provincial elections. The political party candidates competed for 400 seats in the National Assembly and for 430 seats in nine provincial legislatures. The candidates who were not on the Voters' Roll could not be registered for these general elections as the Chief Electoral Officer appealed against the IEC decision to register 110 candidates who were not registered as voters. The Electoral Court upheld appeal of the Chief Electoral**

Officer not to register 110 candidates whose names were not on the Voters' Roll. This decision was not challenged by the political parties. Differences of opinion between the Commissioners and CEO were seen as a "positive" as each person can appeal against an IEC decision to the Electoral Court.

- **The political parties electioneering had started several months prior to the proclamation of elections. The beginning of party electioneering had seen isolated cases of physical violence, several instances of violent rhetoric, obstruction and disruption of political party meetings and in general increase of tensions among competing parties.**
- **Since the proclamation of elections there was a decrease of violence, intimidation and obstructive behaviour of party supporters in comparison to the early run-up to elections. This was related to the effort by the Independent Electoral Commission (IEC) to enforce the Electoral Code of Conduct and their mediations efforts in conflicts among political parties as well as the fact that according to public opinion polls published prior to elections the ANC absolute majority was not going to be challenged by the opposition.**
- **Another important factor which had a positive impact on the peaceful election environment was an extensive deployment of the security personnel especially to the hot spot areas which were identified by the police prior to elections.**
- **The public funding of political parties is distributed proportionally according to the party's share of seats in all legislative bodies. Political parties did not have to disclose their private, local or foreign donors. This was seen by opposition parties as an advantage for the party in power. The limited access by opposition political parties to the financial resources had a negative impact on a level playing field.**
- **The National Prosecution Authority's (NPA) decision to drop corruption charges against the African National Congress (ANC) leader Jacob Zuma came only two weeks prior to Election Day. This decision might had an effect on voter's behaviour and could be assessed as a weakening of the NPA independence vis-à-vis the ruling party.**
- **The Constitutional Court decided prior to the elections that South African citizens who are registered voters and reside abroad are entitled to vote. Estimates indicate that there are more than two million South African citizens living abroad. Voters living outside of South Africa had to apply for a special vote to the IEC using the same procedures as voters who were temporarily abroad. Only registered voters could cast their vote. Altogether 16,240 voters cast their vote at one of the South African diplomatic missions abroad on 15 April.**
- **The number of registered voters had increased significantly prior to the elections. Voter turnout was 77.3%, slightly more than in the previous elections. The participation of the young population is seen as a positive aspect of the elections. However, the IEC**

expectations that the voter turn out would exceed 80% did not materialise, partly due to long queues which might have discouraged a number of voters.

- Many voters were queuing for several hours to cast their vote. However, despite this fact, election day was orderly and peaceful. Voting was organised smoothly and election procedures were well-executed. Voting arrangements allowed voters to vote at any polling station in the country which caused in some polling stations a shortage of electoral materials and often slowed down the voting process. Media extensively covered the election day and the police presence had a positive effect on the election process.
- The counting process was assessed by international observers as orderly and transparent. Almost in all voting stations visited by international observers party agents from at least two political parties were present. There were only 1.3% of invalid ballots which represents an improvement over the previous elections.
- Party agents and other observers had access to all stages of the collation and tabulation of results. The voting station results were scanned, audited and transmitted electronically to the provincial and national result centre. Political parties and observers had access to the break down of results per voting station which is the key measure for transparency of the result process.
- Official results were announced by the IEC one day after the deadline for submission of complaints against the results. The IEC did not find any of the nine complaints submitted by opposition parties relevant to the overall result, however it did not inform the public about the content of these complaints. This is not in line with best practices regarding the transparency of the complaint process.
- The ANC won a decisive victory in the elections at national level receiving 65.9% of votes followed by the DA (16.7%) and newly established Congress of the People (7.4%). The IFP suffered severe losses receiving only 4.5% of the national vote but remains an important player in Kwazulu-Natal. Smaller political parties were marginalised as voters focused on contest of the three main political parties.
- The ANC achieved a majority in eight out of nine provinces; the main opposition party - DA was able to form a provincial government as it received 51% of votes in its stronghold in Western Cape Province. COPE received half of the votes of the DA at national level but became the official opposition party in five out of nine provinces.
- Few days after Election Day, the IEC Chief Electoral Officer Pansy Tlakula announced that the IEC would like to have an extensive review of the legislation governing the elections so that the future polls could be run more efficiently.

I. INTRODUCTION & ACTIVITY OF THE EU ELECTION EXPERT MISSION

Prior to the elections, the Independent Electoral Commission (IEC) clearly indicated its openness towards external observers and invited the European Union to send a “delegation of observers”. The IEC also sent invitations to diplomatic missions in Pretoria to allow diplomats, upon registration, to witness the elections and visit polling stations on Election Day. In order to further contribute to enhancing transparency and confidence in the electoral process in South Africa, the European Commission decided to deploy an Election Expert Mission.

The EEM’s overall objective was to demonstrate to the people of South Africa the European Union’s commitment to support democracy and to contribute to transparency in the country. Its specific objective was to provide continuous strategic analysis and reporting on the ongoing electoral processes during and after the elections. The EEM was also requested to provide information on the possible elaboration of a European Union’s declaration on the outcome of the election and the development of a common European Union’s approach for further targeted assistance. The EEM remained in South Africa until 26 May 2009.

Neither did the expert mission constitute an Election Observation Mission, nor can it substitute to any such mission. It has not been issuing a public statement on the elections or made any public declaration. The election expert was based at the EC Delegation in Pretoria, which kindly offered its hospitality to accommodate the EEM.

II. POLITICAL CONTEXT

South Africa has a positive record of holding democratic elections since the start of democratic transition in 1994. There were three general elections¹ and three local government elections held prior to the 2009 general elections. Despite the violence that preceded the 1994 elections, the elections were assessed by international observers² as credible and legitimate. Incidents of political violence and intimidation, or unfair political practice, in South African elections have been in decline³ since 1994 elections.

The African National Congress (ANC) was able to preserve its popularity among the majority of South African citizens since the end of apartheid era. During the years of democratic transition the political system in South Africa has evolved into a dominant party system in which the ANC emerged as the ruling party under conditions of a weak and fragmented opposition. Since 1994,

¹ General elections were held in 1994, 1999 and 2004 and last local elections in 2006

² The EU deployed an EU EOM. Since the 94 elections there was no EU EOM deployed to South Africa.

³ The Political Environment of Election 2009: Democracy and Contestation, Election update, EISA 2009.

the ANC has gradually increased its share of votes⁴ receiving 69.7% of vote in 2004 elections. As the main opposition party appeared the Democratic Alliance with 12.4% followed by the IFP with 7% and UDM with 2.3%. Other 17 opposition parties contesting the elections received less than 10% of national vote⁵. After the last 2004 general elections the ANC was for the first time able to form government in all nine South African provinces.

Following the 2004 elections the incumbent President Thabo Mbeki was re-elected as a presidential candidate of the ANC. The political situation have changed after President Thabo Mbeki lost internal competition for the party presidency to Jacob Zuma at the ANC December 2007 national conference in Polokwane. This started a process that finally resulted in the resignation of Thabo Mbeki to the presidential post as he was requested by its party to leave it. In the aftermath of the internal party contest a new political party – Congress of the People (COPE) was established by critics of Jacob Zuma. Among prominent members of the COPE are former ANC top politicians Mbhazima Shilowa, former Gauteng Prime Minister and Mosiuoa Lekota, former ANC Minister of Defence.

Creation of the breakaway party from the ANC, which was expected to largely compete for the same electorate, increased competition and led to an early political party electioneering⁶ prior to the elections. Furthermore the increased tensions between the Inkatha Freedom Party and the ANC in KwaZulu-Natal Province were partly affected by Jacob Zuma Zulu factor⁷.

General elections in South Africa take place at a five year interval. South Africans elect a new parliament and nine provincial legislative bodies. The Parliament consists of two chambers, the National Assembly (NA) and the National Council of Provinces (NCP). All 400 members of National Assembly and 430 members of all nine provincial legislatures are directly elected through system of proportional representation. The National Council of Provinces has 90 members who are drawn from the members of provincial legislatures⁸. The President is elected by the majority of members of the National Assembly from among its members at the first sitting of the National Assembly.

⁴ ANC National Assembly elections results since 1994: 62.65% in 1994, 66.35% in 1999 and 69.69% in 2004. The overall number of citizens actually voting was 19.5 million in 1994, 16 million in 1999 and 15.6 million in 2004. The voter turnout decreased from 86% of the voting age population in 1994 to 72% in 1999 and 58% in 2004.

⁵ Only three of 17 small political parties received more than one percent of national vote in 2004 national elections: Independent Democrats, New National Party and African Christian Democratic Party.

⁶ Some political analysts argued that the party electioneering had started immediately after ANC conference in Polokwane.

⁷ The previous ANC president Thabo Mbeki belongs to Khosa, the largest ethnic group in South Africa. Jacob Zuma is Zulu and he was born in the KwaZulu-Natal province which is the stronghold of the Inkatha Freedom Party.

⁸ Each provincial legislative is represented by ten-member delegation in the National Council of Provinces.

III. LEGAL FRAMEWORK

Since the end of apartheid, South Africa has adopted and refined a Constitution and framework of electoral laws in line with the international standards, South African Development Community (SADC) Principles for Election Management, Monitoring and Observation (PEMMO) and the African Union Chapter on Democracy, Elections and Governance.

The 2009 National and Provincial Elections were run under the following laws:

- the 1996 Constitution,
- the 1996 Electoral Commission Act,
- the IEC adopted Election Regulations,
- the 1998 Electoral Act and various Election Regulations under the Act,
- the Independent Communications Authority of South Africa (ICASA) Act of 2000, and
- Public Funding of Represented Political Parties Act of 1997.

The political representations framework is contained in the founding provisions of the Constitution which state that “South Africa is a sovereign and democratic state founded on human dignity, the achievement of equality and the advancement of human rights and freedoms, supremacy of the Constitution and the rule of law, universal adult suffrage, national voter's roll, regular elections and a multiparty system of democratic government, to ensure accountability, responsiveness and openness”.

The Bill of Rights (section 19) provides that every citizen is free to make political choices, has the right to form a party, participate in the activities of, or recruit members for, a political party, and campaign for a political party. Every citizen has also the right to free, fair and regular elections for any of the legislative bodies. Citizens have also the right to stand for public office and to hold office.

The Constitution also provides for the establishment of an Independent Electoral Commission to manage the electoral process and for the establishment of an Electoral Court charged with ruling over electoral disputes as well as the electoral system to be used for the National Assembly and candidate eligibility criteria. The electoral system has to be approved by national legislation and it must be based on a common voters' roll, a minimum voting age of 18 years, and a system which generally ensures proportional representation.

The electoral code of conduct is an important tool for regulating appropriate conduct by the electoral stakeholders. Its purpose is to promote the values embedded in the Constitution and it also serves as a basis for promoting political tolerance. The electoral code includes a public commitment that everyone has the right to freely express his or her political beliefs, challenge

and debate the political beliefs of others, and freely canvas and campaign. It also prohibits the use of language or acting in way that may provoke violence and prohibits the use of inducements or rewards during the campaign, carrying or display of arms or abuse of position of power.

An Electoral Code of Conduct is a part of the Electoral Act and must be followed by everyone involved in elections, including all registered political parties and candidates. The purpose of the Code is to promote conditions conducive to a credible, free and fair election process which includes political tolerance, free political campaigning and open public debate.

Violations of the Code, especially during the campaign period, are one of the categories of electoral disputes. There are several dispute election mechanisms available to deal with these matters: party liaison committee, the IEC itself, conflict mediation panels, police and the Electoral Court.

The 2009 national elections were the first general elections in which South African citizens living permanently abroad were entitled to vote. On 12 March the Constitutional Court ruled that citizens who are registered voters and reside abroad do have a right to vote. As a result, any voter living permanently abroad who had registered to vote after 1994 in South Africa was allowed to vote abroad for the national elections after applying to the IEC for a special ballot.

All election-related fundamental freedoms and political rights are guaranteed in the Constitution. The legal framework provides sufficient safeguards for holding credible and transparent elections in line with the established international standards.

Recommendation for reform:

- The introduction of legal provisions regulating campaign spending and requiring disclosure of domestic and foreign private contributions to political parties could be considered, since a well-regulated and transparent party financing system is crucial for creating a level playing field.
- Consideration could be given to establishing requirements for out of country voter registration and the introduction of postal voting, in addition to voting at the South African diplomatic missions abroad.

ELECTORAL COURT

The IEC is vested with powers to decide over election related complaints. Any person can submit an appeal against the IEC decision to the Electoral Court. The Electoral Court is established under the Electoral Commission Act to adjudicate electoral disputes. The members of the Electoral Court are appointed by the President upon the recommendation of the Judicial Service Commission. The Electoral Court may review any IEC decision concerning an electoral matter and it may consider an appeal against a decision by the Commission, but only if such a decision relates to the interpretation of a law.

In case of an appeal against the electoral results the Electoral Court is also vested with powers to decide that the votes cast at a particular polling station do not count or the votes cast in favour of particular political party at a particular polling station must be deducted. There is no deadline for an appeal against the election results to the Electoral Court.

IV. ELECTORAL SYSTEM

Two electoral systems co-exist in the South African electoral framework. The local government elections use a mixed system while the parliamentary and provincial legislative elections are held under the system of pure proportional representation. The South African Constitution stipulates that the electoral system should result in proportional representation which can be achieved by both systems.

The elections to the National Assembly and to provincial legislatures use multi-member closed list proportional system. The National Assembly has 400 seats, split into 200 national proportional list seats and 200 regional lists seats divided between the provinces based on the number of registered voters in each province. The provincial legislative bodies vary in number of seats from 30 in Free State to 80 in Kwa-Zulu Natal. Altogether there are 430 provincial seats.

There is no formal threshold defined by the electoral law besides the simple quota calculated for each election. The Droop quota method is used in the calculation of seats. The Droop quota is determined by dividing the total number of valid votes for all parties by the number of available seats plus one.

The proportional electoral system was chosen as the most inclusive way how to ensure that the wide variety of political beliefs and minorities of South Africa would be represented in legislative bodies. Despite its inclusiveness, the proportional system used is under scrutiny as it is often criticised by various stakeholders for the lack of accountability of the elected representatives towards the electorate. Also the closed list proportional system does not allow voters to change

the order of party candidates as with an open list system, and gives all power over candidates' nomination to political party structures.

Since 2002 a political discussion started about the appropriateness of proportional representation system. The Electoral Task Team (ETT) was established to deal with this issue. The report of the ETT recommended the introduction of a mixed electoral system based on the combination of a proportional and first-past-the-post system. However, the recommendations to change the electoral system did not find support within the ruling party.

Prior to these elections the opposition political parties, mainly DA and COPE, were advocating in their manifestos for the change of electoral system towards the mixed system. The ANC manifesto is silent on the issue of changing the electoral system and it downplays the direct link between the accountability of elected politicians and general service delivery problems.

V. ELECTION ADMINISTRATION

The Independent Electoral Commission is responsible for the overall management and organisation of elections in South Africa. As stipulated in the Electoral Commission Act (1996) the IEC is also responsible for promoting conditions conducive to free and fair elections, producing the necessary regulations, compiling the voters' roll, registration of political parties, providing voter education, responding to complaints and adjudicating election disputes and reviewing and making recommendations about electoral legislation.

The IEC is one of six institutions established under the terms of Chapter 9 of the Constitution. The Constitution guarantees the institutional independence of the IEC and restrains other government bodies from interfering with its functions. The IEC is funded by public funds allocated by Parliament and by other funds. The Commission must report annually on its activities and performance of its functions to the National Assembly.

The selection of Commissioners is a lengthy process. It starts with establishment of a selection commission from members of Chapter 9 institutions⁹ chaired by the President of the Constitutional Court. The Commission suggests a list of at least eight candidates to an all-party parliamentary committee established on proportional basis. The committee submits its nomination to the National Assembly which subsequently makes its recommendation to the President.

⁹ Chapter 9 of the Constitution established six state institutions supporting constitutional democracy. Besides the IEC these are: Public Prosecutor, South African Human Rights Commission, Commission for Gender Equality, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and Auditor General.

Currently the IEC consists of five commissioners who were appointed by the President upon recommendation of the National Assembly for a seven year term. The IEC is chaired by Ms Brigalia Bam. The executive structure of the IEC has three layers and it is managed by the Chief Executive Officer, Ms Pansy Tlakula who appoints other staff in consultation with the Commission. Besides permanent national structures there are provincial and municipal electoral offices in each of the nine South African provinces. Each Provincial Electoral Office is managed by the Provincial Electoral Officer. The IEC appoints in every municipality municipal electoral coordinators who are responsible for registration of voters, Election Day preparations and recruitment and employment of registration and election officers.

In line with the Electoral Act the IEC established Party Liaison Committees (PLCs) at national, provincial and municipal levels. The PLCs are permanent structures which convene more frequently during election periods. The PLCs played a positive role in informing stakeholders about the state of election preparations and in conflict prevention and mediation. Each registered political party had a right to delegate its members to the PLC at national, provincial and municipal level. Although often civic and religious activists were involved in monitoring and mediation of party conflicts at grass root level, the accredited domestic observers did not have a right to be present at PLC meetings.

Despite some criticism mainly from smaller political parties regarding the IEC's alleged affiliation to the ANC, the IEC both at national and provincial level enjoying a high level of confidence among major political parties and other electoral stakeholders in the country and it was perceived in general as a credible, transparent, neutral and independent institution.

Recommendation for reform:

- In order to increase the number of registered voters the IEC could organise regular information campaigns encouraging voters to register.
- The IEC could revise the election day counting procedures and ensure that voting station staff is properly trained. There is a need for more training particularly for presiding officers and deputy presiding officers. There should be clearer guidelines for the counting of ballots and training should be adequate to allow election officials to fully understand and apply these procedures.

ELECTORAL PREPARATIONS

The IEC met all important deadlines regarding the electoral preparations. It published a detailed election timetable in line with the electoral law to enable all stakeholders to follow its activities and check the state of preparations. On 20 February, the IEC made available the list of addresses of voting stations for inspection. The list of political parties registered for general elections was made public on 16 March and printing of the ballot papers was completed by the end of March. The sequence of political parties on the ballots was determined by public draw.

In total, the IEC recruited and trained some 215,000 election officers to work at the 19,726 voting stations across the country. The electoral staff was recruited from the public service, private sector and the unemployed¹⁰. Appointment details of presiding and deputy presiding officers were submitted to local Party Liaison Committee structures for perusal and verification. The IEC trained all members of the polling stations committee's electoral commissions. However, the two-day for training for electoral officers was criticised as not sufficient by several electoral stakeholders.

One of the key tasks of the IEC is to promote continuous civic and voter education. Prior to these elections the IEC had developed an extensive outreach programme to strengthen and promote public participation and mobilisation of voters. A high number of partners including NGOs, universities, trade unions, community leaders and mass media collaborated in the voter and civic education activities and in successful advertising campaign focused on getting the message about how important is to register across to the whole population. In general, domestic observers commended the voter education activities of the IEC and co-operating civil society organisations but noted that "given the size of the country and the different levels of formal literacy, voter education remains a challenge"¹¹.

VI. VOTER REGISTRATION

In order to vote every South African citizen must possess a green bar coded identity document (ID) or a valid temporary identity certificate (TIC) and have to be registered on the Voters' Role. The voting age in South Africa is 18 years. The voter registration exercise is a permanent process organised by the IEC on an ongoing basis. The applicant must apply in person to a registration officer during working hours in one of the municipal offices around the country.

¹⁰ The ratio between employed and unemployed members of electoral staff was 85% to 15%.

¹¹ The SACSEC post election day report.

The Identification Act provides that green bar coded ID documents are issued by the Department of Home Affairs. According to the Survey on South African participation in elections¹² conducted in 2005 more than 90% of South African citizens in all provinces possess green bar coded ID, with national average being 96%. In the least developed provinces of Limpopo and Eastern Cape, more than five percent of respondents indicated that they did not possess a green bar coded ID. In relation to age, the results clearly showed that a large proportion (11%) of the youth was not in possession of a green bar coded ID. The survey also showed that differences among age and race groups were rather small; Africans (4%), males (4%), and people with low income (4%) were slightly more likely not to be in a possession of a green bar coded ID than were people of other races, females and higher income.

The IEC registration offices were using for the first time modern scanning devices to scan the applicant's bar coded ID. This voter registration system enables to link an applicant to the correct voting district. In addition, a receipt is printed from the device as proof of application and then pasted in the applicant's identity document. Once the registration data are processed they are checked against the monthly updates of the National Population Register (NRP) of the Department of Home Affairs. The NRP data is used for verifying if the applicant is a citizen and qualifies to register as a voter. This system is also able to capture and track all appeals and objections lodged against the Voters' Roll as well as any duplication which are automatically excluded. Similarly any notification of death from the Department of Home Affairs leads to automatic removal of the name from the Voters' Roll.

Voters who were already registered in the past and did not move to a new voting district since the last elections remain registered. Voters who changed residence or who did not register in the past as well as young people who reached the age of eligibility (18 years) need to register themselves anew.

The IEC was not satisfied with the number of registered voters at municipal offices. To further increase the number of registered voters the IEC made an extra effort to reach out to first time voters as well as other eligible voters who were previously not registered or moved from their voting districts. More specifically, the IEC held nationwide advertising campaign to inform and encourage citizens to register during the special registration weekends. On 8-9 November 2008 and 7-8 February 2009 all country's 19,726 voting stations were open and served as a registration stations. More than seven million voters visited registration centres to register, re-register or clarify their data on the Voters' Roll. The national registration weekends led to a 3.16 million increase in the total number of registered voters. More than 4.2 million voters¹³ currently on the

¹² The Survey was prepared for the IEC by the Knowledge System Group prior to the 2006 local elections.

¹³ Out of 4.2 million first time voters 75% are in the age between 18 and 29.

Voters' Roll registered after 2004 and will participate in national and provincial elections for the first time.

The voter registration ended on 12 February when the elections were officially proclaimed. The 2009 Voters' Roll contained more than 23 million of voters¹⁴ and out of these nearly two million were first-time voters. The IEC expressed its satisfaction with the voter registration process as they exceeded their target of 22 million voters by over one million registrations. The number of registered voters on the Voters' Roll increased nationally by 27.5% since 1999 elections, with the highest growth in Northern and Western Cape provinces.

The IEC published the certified Voters' Roll on 20 February 2009 for inspection by political parties and general public. Voters had one week to check their names and details on the register and if applicable, to make any objections to the IEC. For this purpose the voters could also use the IEC website.

The registration was considered by the IEC, political parties and the general public as a success. There were no major complaints from political parties against inclusiveness and reliability of the voter registration process. Despite this fact, the estimated number of South African citizens older than 18 years who did not register themselves for various reasons is approximately 6.7 million¹⁵. This number represents more than 20% of South African citizens older than 18 years, which should be taken into consideration in assessing voter turnout in these general elections. The lower registration figures were recorded in the rural provinces with higher level of poverty and unemployment.

VII. POLITICAL PARTY AND CANDIDATE REGISTRATION

The Electoral Commission Act gives the IEC the power to register political parties. Only registered political parties by the IEC at national level may submit their lists of candidates for national and provincial elections. A political party may decide to contest only the National Assembly election or particular/all provincial elections or both provincial and National Assembly elections.

For the National Assembly, a party must submit either a National List together with a Regional List for every province; or only a Regional List for a province. For the Provincial legislature election, a party must submit only one list per province that is contesting. Each political party

¹⁴ There were 23,181,997 voters on the Voter's Roll. The provincial breakdown in percentage of the total number of registered voters was as follows: Gauteng 23.5%, KwaZulu-Natal 19.3%, Eastern Cape 13.9%, Western Cape 11.3%, Limpopo 9.3%, Mpumalanga 7.3%, North West 7.1% Free State 6% and Northern Cape 2.4% .

¹⁵ Source: The Institute for Security Studies.

must pay a certain amount of money¹⁶ as a deposit which is reimbursed in case a party wins at least one seat in the legislature they are contesting.

Out of 117 political parties that are registered at national level¹⁷, 42 political parties submitted their candidates' lists. Two political party lists were not registered by the IEC as they did not pay the prescribed deposit for registration. Altogether 26 political parties contested elections for the National Assembly. Only 11 political parties contested the elections for the National Assembly and all nine provincial legislatures. The number of parties contesting provincial elections in different provinces ranged from 13 in Northern Cape to 22 in Western Cape.

The deadline for submission of party lists for both legislatures was 2 March 2009. The IEC certified and made publicly available all the party lists for inspection on 16 and 17 March 2009, and after this date there was a period for objections against any party or candidate registration. Anyone may object to the nomination of a candidate on the grounds that the candidate is not qualified to stand in the election or he/she did not sign the prescribed acceptance of the nomination or the Electoral Code of Conduct.

In order to stand for the national and provincial elections a potential candidate has to meet firstly all the requirements of a voter entitled to vote for the National Assembly election. A voter must be 18 years or older, must be a South African citizen¹⁸ and has to be ordinarily resident in the voting district for which she/he as a voter applied to be registered. Secondly the Constitution disqualifies the following persons as potential candidates: a person who is appointed by or employed by the state and who receives remuneration from it, the permanent provincial delegates to the NCP, members of provincial legislatures, an unrehabilitated insolvent person and a person guilty of an offence committed after 1996, and sentenced to prison for longer than 12 months without a choice of the fine¹⁹.

The IEC received objections against 338 candidates out of the total of 9,425 candidates. In this regard, 297 objections were lodged by the Chief Electoral Officer and 41 objections were lodged by individual persons, candidates themselves and political parties.

A controversy arose when the Chief Electoral Officer lodged objections against 110 candidates from 28 political parties who were not on the Voters' Roll as the law does not explicitly stipulate that a candidate must be registered as voter in order to stand for election. The Commissioners disagreed with the interpretation of the Chief Electoral Officer on Section 47 (1) of the

¹⁶ The deposit for the parties contesting National Assembly is R180 000(16,000EUR) and R40 000 (3,500EUR) for each provincial legislature.

¹⁷ Political parties that are registered with the IEC at the municipal level can only contest municipal elections.

¹⁸ The voter is disqualified if he/she is declared of unsound mind or mentally disordered.

¹⁹ This disqualification is valid five years after completion of the sentence.

Constitution which states that “Every citizen who is qualified to vote for the National Assembly is eligible to be a member of the Assembly” and decided to register these candidates. The CEO appealed against the IEC’s decision on this matter to the Electoral Court which upheld the Chief Electoral Officer’s appeal regarding the candidates whose names are not on the Voters’ Roll. The IEC made public the final list of candidates on 3 April 2009. Altogether 9,289 candidates contested the national and provincial elections.

The registration of the prominent ANC candidate Winnie Mandela was challenged by the leader of the Freedom Front Plus Party on the basis that constitutional rule barred her from being a parliamentary candidate. According to the Constitution anyone sentenced to more than 12 months imprisonment without the option of a fine is disqualified from standing in National Assembly election until five years after the sentence has been completed. After an appeal in July 2004, the sentence of Winnie Mandela for fraud was suspended for five years. The formal objection lodged by Freedom Front Plus Party with the IEC argued that the sentence was still active. The IEC decided to register Winnie Mandela on the basis that her sentenced had been suspended and that the Constitution is silent on cases of suspended sentence. The subsequent appeal against the IEC decision by the leader of the Freedom Front Plus Party was rejected by the Electoral Court.

VIII. FUNDING OF POLITICAL PARTIES

State funding of political parties in South Africa is regulated by the Public Funding of Represented Political Parties Act 1998. Management of the fund established for that purpose is carried out by the IEC and funding is provided on an annual basis for those political parties which are represented in both national and provincial legislative bodies. The funds are distributed proportionally based on the number of party’s seats in all legislatures. The law stipulates that 90% of the funding is distributed proportionally and the rest is allocated to each party on the basis of a threshold payment²⁰.

The opposition political parties were proposing in the past to change the ratio between proportionality allocation of funds and the thresholds payments to 50% - 50% basis. As international experience shows the current model of distributing public funds has a tendency to give advantage to larger political parties although it can not be assessed as discriminatory.

More controversial is the issue of private funding of political parties. The private donations from domestic and foreign donors are allowed. These donations are not regulated in the same way as public funding and there is no requirement of public disclosure. This creates generally a potential for corruption practices in seeking funding by political parties and according to opposition parties, it gives a certain advantage to the political party in power. The single most important

²⁰ About 10% of funds are distributed equally among political parties represented in legislative bodies.

factor which prevents a level playing field in all respects is not a legal one, but parties' access to financial resources²¹.

IX CAMPAIGN

The campaigning activities of political parties started several months²² prior to the elections. The electoral law does not define the "official campaign period" but campaigning generally intensified since the proclamation of elections by the President and subsequent registration of political party lists by the IEC on 12 March.

The beginning of party electioneering had seen isolated cases of physical violence, several instances of violent rhetoric, obstruction and disruption of political party meetings and in general increase of tensions among competing parties.

This led the IEC to call on political parties to adhere to and formally sign the Election Code of Conduct to limit the potential for increase of violence and intimidation. Since the signing of the Code of Conduct political atmosphere among leaders of the main parties was somehow more peaceful and less tense. This might have been also influenced by the results of various public opinion polls which showed that the ANC was still expected to win at least an absolute majority, that the DA could slightly increase its support and that COPE's potential for the upcoming elections could be within 10% of a national vote.

Although there were sporadic incidents of violence, in general the campaign was seen by domestic observers²³ as relatively peaceful with no major incidents. The most problematic province in this respect was KwaZulu-Natal with high potential for increase of violence especially between supporters of the Inkatha Freedom Party (IFP) and the ANC.

The NPA decision to drop corruption charges against the ANC leader Jacob Zuma increased tensions between supporters of the ANC and COPE, as prominent COPE leaders were seen by ANC supporters to be behind the allegations against the ANC President. The timing of the NPA decision on this highly political case just two weeks prior to Election Day can be seen as a weakening of the independence of judiciary in the country.

In general in the run-up to the elections there was an increase of public protests in all provinces of the country regarding the delivery of services. Dissatisfaction among various groups and

²¹ EISA, South Africa Election Update # 1, 2009.

²² It is possible to divide campaigning into two periods. Early run up to the elections which started in October/November last year and continued until the proclamation of Election Day on 12 February. The second period extended from the date of proclamation of the elections until the Election Day.

²³ Conclusion of the Election Monitoring Network roundtable in Cape Town, 9 April.

different local communities might have had a negative effect on the voter turnout on Election Day. In many areas local political party leaders were using these protests for their political goals. There were reports by the media and domestic observer groups regarding the misuse of state resources predominantly by the ANC party structures which used distribution of social assistance (state grants and food parcels) for campaigning purposes.

The issue of lack of funding was raised by the smaller parties and newly created Congress of the People. COPE explicitly complained that the overwhelming grip of the ANC on all spheres of power intimidates possible business donors of COPE (due to fear of retaliation e.g. by being excluded from local, provincial and federal government contracts). There were evident differences in the size and scope of campaign activities between well established political parties such as the ANC and Democratic Alliance (DA) on one side and smaller or emerging parties as IFP or COPE on the other side. The public funding of political parties is based on their results in the previous elections. This is a common practise in many other democratic countries. It should also be noted that impact of foreign funding of the ANC and the SA Communist Party (notably the Chinese communist party) was recently subject of intense debate in South Africa.

X. MEDIA

Media Regulations

The Independent Communications Authority of South Africa (ICASA) is established under the ICASA Act of 2000. Its main aim is to regulate broadcasting to serve the interests of public and to ensure fairness and reflection of diverse and representative views in broadcasting. ICASA's election responsibilities, as stipulated by the ICASA Act, are to regulate political advertising and election broadcasts during election period. The "election period" starts with the submission date of the party lists to the IEC and end 48 hours before the start of voting. During this period all political parties have to be treated on equal basis in regard of allocated time to party political broadcasts and advertising.

South Africa has a large and vibrant media sector. The television is dominated by the state owned South Africa Broadcasting Corporation (SABC) having three out of four free-to-air terrestrial television channels. The radio is the biggest broadcaster in South Africa and there is large number of state, private and community owned radio channels.

In general, the SABC coverage of the election campaign was seen by major opposition parties as improvement over the previous elections. Particularly the SABC weekly debate series were focusing on key election issues and gave political parties representative equitable space. The coverage of election events of individual political parties was seen as fair in most of the cases and more concerns were related to the amount of space provided to individual political parties.

There were concerns articulated by opposition political parties about bias in the media, particularly SABC, for or against particular parties. An SABC board member in a public debate on political bias in the SABC, said it was natural for the ruling party to receive a majority share of the attention and that the higher figure is to be expected and not really debatable. Another criticism regarding media bias was the alleged preference given to the COPE which received more media coverage than other opposition political parties represented in Parliament (e.g. DA, IFP, UDM). In case of high coverage of the COPE different reasoning was used by the media as regarding the coverage of ruling party. The media's response to the high coverage afforded to COPE was explained by "news worthiness"²⁴.

Media Monitoring Africa (MMA) is a non-governmental organisation which was monitoring the media during election campaign period. According to its monitoring results, the media considered coverage of campaign activities and political conflict to be more important than engaging parties and the public over the content of party manifestos, and how parties would like to address the major issues such as poverty, health care, education and lack of service delivery.

MMA Elections 2009 Topic Coverage Breakdown – Top 15 Topics²⁵

IEC/Election Logistics	23%
Party Politics	15%
Political Party Campaigning	15%
Party Manifesto	5%
Political Violence and Intimidation	5%
Justice System	5%
Public Service Delivery	3%
Provincial and Local Government	2%
Voter Education and Registration	2%
Corruption	2%
Coalitions and party co-operation	2%
National, including Government and Parliament	2%
General	2%
Opinion Polls	2%
Personalities and Profiles	1%

²⁴ MMA' report. April 2009

²⁵ MMA's monitoring methodology required that all election news items were monitored for the main topics of the items and that the topic "Campaigning" was chosen only as a last resort. MMA's results of media monitoring conducted from 13 March until 1 April 2009.

The MMA criticised media coverage of the campaign based on their monitoring results for not being proactive in analysing and questioning the validity of party proposals and seeking to draw the information on parties' policies and solutions on behalf of public. Another shortcoming was that the media gave significant and disproportionate attention²⁶ to party campaign activities, political conflict including violence and intimidation and criminal procedures against party members.

According to MMA media coverage of parties' campaigning often ended up only providing citizens with the same information that parties were determined to disseminate without providing further analysis. Political parties were often being left to set the media coverage agenda and content so news coverage could be seen as an additional free air time provided to political parties. Political advertisement in the electronic media was dominated by the ANC and DA as other political parties claimed to be short of financial resources.

Recommendations on electoral reform:

- ICASA could take a more proactive role in media monitoring, especially during the campaign period, to ensure objectivity and independence of the media.

XI. ELECTION DAY

All 19,726 voting stations were operational on election day. Voters who were voting within their original voting districts were entitled to vote in both elections. In case the voters were on election day outside of the province in which they were registered to vote, provision was made for such voters to make a declaration²⁷ and cast only the national ballot. Logistical arrangements were complicated by the fact that many voters decided to vote outside of their district of registration in line with the section 24(a) of the Electoral Act According to the EC this possibility was not used so extensively in the previous elections but during the recent elections political parties were informing voters about this possibility and as a result it was used by much more voters. Another reason was that voters did not want to wait in long queues and were trying to vote in voting stations with less people in the queue.

The role of the police was assessed very positively by all election stakeholders as security forces were present without any intimidatory effect on voters. Police and security forces were deployed

²⁶ According to MMA monitoring results: Issues such as crime, corruption, development, education and gender all receiving only 1% of election coverage attention

²⁷ A person whose name did not appear on the certified segment of the voters' roll for a voting district and who applied for registration as a voter before the date the election was proclaimed may submit to the voting station presiding officer for that voting district his/her ID and a sworn or solemnly affirmed statement (VEC 4).

to all voting stations with reinforced deployment to all hot spots mainly in KwaZulu-Natal. Election day was covered extensively by the media and the IEC issued several press releases during the day to inform the public on important electoral matters.

VOTING

The general atmosphere was positive and voting was conducted in a calm and orderly manner. The domestic and international observers, as well as diplomatic poll watchers, assessed highly positively the performance of electoral staff as the process of voting was organised smoothly despite long queues in some voting stations and the election procedures were well-executed.

In almost all voting stations visited by international observers party agents from at least two political parties were present and voters cast their ballots in secret and without any difficulties. Almost no complaints were reported by observers regarding campaigning and tension inside the voting stations. More problematic were activities of political parties outside the vicinity of voting stations which are allowed by law and represent a general practice supported by political parties. In some cases political parties often had their tables in the vicinity of the voting station to "help their supporters to find the correct voting station". In a few instances political parties were also actively campaigning in the area outside the voting station using loudspeakers and party election materials.

According to the IEC 98% of voting stations opened on time in South Africa's fourth general election. Voters arrived in large numbers for the opening and queues were long in many voting stations. In some areas there were queues of voters in front of voting stations during the whole day.

There were several reasons for the creation of queues. Firstly, there was on average a large number of voters assigned per voting station. Secondly, each voter's ID had to be scanned by the electoral officer which took extra time as in general only one scanner was available per voting station. Thirdly, registered voters were allowed to vote in voting stations other than the ones where they were registered and this often resulted in additional delays as such voters had to fill in a special form²⁸.

The possibility for voters to vote in another voting station than where they were registered also resulted in a shortage of voting materials such as ballot boxes and ballot papers in some voting stations. The IEC had to distribute additional electoral material during polling day and strictly instructed the electoral officers, in line with the Electoral Law, to allow all voters who were in queue at the time of closing of the voting station to vote. In some polling stations procedures

²⁸ Each voter who voted outside of her/his voting district had to fill the special IEC form (VEC 4).

were not applied uniformly, for instance, some voting stations used one ballot box for both elections and the ballot box seals were not applied according to the IEC instructions. There were only a few isolated incidents²⁹ reported on election day.

VOTING ABROAD

The 2009 National Assembly elections were the first general elections in which South African citizens living permanently abroad were entitled to vote. On 12 March the Constitutional Court ruled that citizens who are registered voters and reside abroad do have a right to vote. Registered voters who reside or who were outside of South Africa on election day had to notify the Chief Electoral Officer of their intention to vote and indicate at which South African mission they intend to vote. Registered voters abroad could only cast national ballot as the same provision of the Electoral Act applies to them as to the voters voting on election day outside of their province in South Africa.

Out of 17,937 voters who sent their applications for special voting abroad in 106 countries, 9,857 cast their vote on 15 April. The vast majority of voters abroad voted for the Democratic Alliance (DA), which received 7,581 votes (COPE received 918 votes and the ANC 673 votes). The voting station with the highest number of voters by far was London with 7,472 voters followed by Canberra, Australia, with 1235 and Dubai with 900 voters.

With an estimated two million South African living abroad, the number of those citizens who voted represents only the small fraction. The question remains for the next general election if the IEC would be able to find resources and ways for citizens living abroad to register and vote by post while being out of country.

SPECIAL VOTING

Voting started already on Monday 20 and Tuesday 21 April when more than 86,000 South African citizens cast their votes. As defined in the Electoral Act the special voting arrangements were in place for casting of special votes by physically disabled, electoral staff and security staff on duty and by those registered voters who could not cast their vote on election day at the voting station for which they were registered.

Those voters who qualified for a special vote³⁰ were able to cast their vote on 20 and 21 April 2009 within South Africa either in the voting district where they were registered or in a particular

²⁹ The most significant one happened in Ulundi, KwaZulu-Natal, where a presiding officer was caught with 100 pre-marked ballot papers.

voting district of which they have informed the IEC in advance. The IEC election officials also visited voters in their homes. Few problems were reported by opposition political parties over non-qualifying individuals being allowed to cast special vote and procedures for special voting not being fully applied by some electoral officials. Often there were no political party agents present in the voting station to monitor the special voting and mobile voting teams.

COUNTING

In line with best practise, the counting of ballots took place at each voting station. After closure of polling stations at 9 p.m. the counting continued into the early hours of the following day. The counting process was assessed by international and domestic observers as orderly and transparent. In the vast majority of voting stations visited by domestic and international observers the process was held in a friendly atmosphere and in general counting procedures were adhered to although more procedural mistakes occurred in comparison to voting process. This could be explained by the lack of sufficient training and exhaustion³¹ of polling staff.

The counting of ballots was done in the presence of party agents. A number of safeguards were in place such as the signing of voting station result sheets by party agents and public display of results sheet at each voting station.

There were 1.3% of invalid ballots which represents a small improvement over the previous elections when there were 1.6% of invalid ballots. In this respect the IEC Chief Electoral Officer commended the numerous voter education activities of NGOs across the country.

³⁰ This may be due to: physical disability, pregnancy, temporary stay abroad, government service abroad, security services.

³¹ The polling in South Africa takes 14 hours what is exceptionally long in comparison to other countries.

Recommendations for reform – voting and counting:

- The IEC could consider increasing the number of polling stations in order to accommodate a large numbers of registered voters. The shortages of election material on election day demonstrated that planning should take into account an increased number of people who may vote at a different voting station as compared to where they were originally registered.
- There were insufficient distinguishing features between the ballot papers for the national and provincial elections. The ballot papers should be distinguishable even when they are folded. This would prevent confusion during the voting and counting process.
- Translucent ballot boxes could be used as it is a general practice in the SADC region. Introduction of translucent and colour coded ballot boxes to match the different ballot papers would be desirable. Separate ballot boxes should be consistently used as a standard practice for each election. In addition the number of polling booths should be proportionate to the number of registered voters per voting station.
- The political parties should not be displaying campaign material very close to the polling station as this might be perceived as intimidation or campaigning. The electoral law could be amended with a view to prohibiting political parties to display their material and posters in the vicinity of voting station.
- The voting lasts from 7.00 to 21.00 hours and counting takes on average more than 3 hours. This period should be shortened in order to allow party agents and domestic observers to conduct their duties properly. Therefore there is a need to revise the closing time of voting stations. Earlier closing of polling stations would allow conclusion of counting in the same day.
- 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 work of the party liaison committees especially at municipal level, should be strengthened to resolve party conflicts.

XII. TABULATION AND ANNOUNCEMENT OF RESULTS

As during the previous election, the IEC opened the result centres in Pretoria and in all nine provincial capitals. All political parties, representatives of media and observers had access to these centres. The establishment of the results centres had positive effect on transparency of the process.

Once the counting was finalised and the results were announced at the voting station level, the presiding officer had to deliver a copy of the result form to the result collation centre usually located at the municipal election office. Then they were cross-checked and audited. A private auditing company was hired by the IEC to audit the counting process at each municipal election office. The system of auditing the results enabled to re-check any suspicious result³². The results were scanned and transmitted electronically to the provincial and national result centre. The results from each municipality were transmitted to the result centre once results from all voting stations within a municipality were audited.

All results from voting districts, as they were arriving could be checked by the political parties. The results with voting station break down were accessible online, so political parties could verify the tabulated results with the voting station results recorded by their party agents.

The law provides that the IEC has to declare the results of elections for national and provincial legislative bodies within seven days after election day. Any objections or complaints concerning the election results in any particular voting district must be submitted to the IEC before 9 p.m. on the second day after elections.

The IEC was issuing partial results on an ongoing basis since few hours after the close of the poll. On the second day after election day more than 90% of voting district results were announced by the IEC. The IEC announced final results at 5 p.m. on Saturday 25 April.

Nine formal complaints were submitted by three political parties: DA, COPE and IFP. All complaints were related to voting and counting process. The IEC did not find any serious irregularity concerning any aspect of the election and subsequently notified the political parties of its decision. No appeal against the IEC decision was submitted by any political party to the Electoral Court. The IEC declined to elaborate on the nature of the objections³³.

³² For instance: results were re-checked if voter turn out at a particular polling station was over 95% or there were no votes for main political parties.

³³ The IEC Chief Electoral Officer argued that "objections are the matter between the commission and political parties".

XIII. ELECTION RESULTS

Voter turnout was 77.3%, slightly more than in previous general elections. The participation of the young population is seen as a positive aspect of the elections. However the IEC expectations that the voter turn out would exceed 80% did not materialise partly due to long queues which might have discouraged a number of voters.

The ANC achieved a landslide victory obtaining 65.9% of the national vote and coming short of only three seats to reach the 2/3 majority in the National Assembly. The Democratic Alliance confirmed its position of the official opposition party getting 16.7%, followed by COPE with 7.4% of the vote. The IFP has significantly lost support in comparison to the previous election, obtaining only 4.5% of votes mainly in its stronghold of KwaZulu-Natal.

None of the nine smaller political parties³⁴ which will be represented in the next parliament achieved more than one percent of the national vote. The number of votes for small political parties decreased as the majority of voters gave their vote to one of the three main competitors in these elections.

The ANC received more than 50% of votes in eight provinces and lost to the DA in the Western Cape Province. Although COPE received only half of the votes for the National Assembly elections in comparison with the DA and the DA remained the “official opposition party” at national level, COPE was able to secure the second largest number of votes in five provinces (Northern Cape, North West, Limpopo, Free State and Eastern Cape), where it will be the official opposition.

The Inkatha Freedom Party received 16% less votes in the provincial elections in its stronghold of KwaZulu-Natal than in the previous election; however with 22.4% of the provincial vote, it still succeeded in securing the position of official opposition party in KZN, the most populated province of South Africa. The DA won 51% of the vote in the Western Cape Province and it is expected to form the provincial government.

The National Assembly held its first meeting on 6 May. After newly elected MPs were sworn in, Jacob Zuma (ANC) was elected by 277 votes out of 327 votes cast. The second presidential candidate Mvume Dandala (COPE) received 47 votes. Members of the National Assembly voted in a secret ballot. The new President was sworn in at the inauguration ceremony on 9 May 2009.

³⁴ Independent Democrats 0.92%, United Democratic Movement 0.84%, Freedom Front Plus 0.83%, African Christian Democratic Party 0.80 %, United Christian Democratic Party 0.37%, Pan Africanist Congress of Azania 0.28%, Minority Movement 0.25%, Azapo 0.22% and African Peoples Convention 0.20%.

XIV. DOMESTIC AND INTERNATIONAL OBSERVERS

One of the key SADC Principles for Election Management, Monitoring and Observation is a requirement for unhindered, credible, professional and impartial monitoring and observation of the electoral process. In line with these principles the IEC invited and accredited observation groups which have met requirements stipulated in the Electoral Act.

Civil society organisations played an important role in monitoring and assisting the electoral administration in holding a peaceful and credible election. One of the most visible networks of independent civil society organisations was the Election Monitoring Network which had a team of 500 national election campaign monitors working to document election related intimidation and violence. Their monitors were trained and informed community members who were in regular contact with provincial and national institutions and often helped in mediation of conflicts among political parties at local level.

The largest domestic election observers' network was the South African Civil Society Election Coalition (SACSEC). The SACSEC activists were observing all stages of the election process and fielded 1,200 observers on Election Day. Both SACSEC and EMN³⁵ complained about the lack of available funding as they would have liked to recruit and field more election observers. Altogether more than 5,000 domestic election observers were accredited by the IEC around the country.

The elections were observed by observers from 16 international organisations including the SADC Electoral Forum, the SADC Parliamentary Forum, the African Union and Electoral Institute for Southern Africa (EISA). The SADC deployed a team of 88 observers to eight out of nine South African provinces which constituted the largest international mission. The African Union fielded 42 observers and the EISA regional forum consisted of 40 international observers from African countries. In total the IEC accredited 352 international observers. The international observer mission of SADC and AU only arrived to South Africa two weeks prior to election day. The missions were not able to monitor a significant part of the election campaign period and conduct monitoring of the media.

³⁵ The EMN is a network of several NGOs including: Institute for Democracy in South Africa, South African Council of Churches, Action for a Safe South Africa, Southern African Catholic Bishops' Conference, Justice and Peace Commission, Western Cape Network for Community Peace Development, Black Slash and Quaker Peace Centre

Recommendations on electoral reform:

- Civil society should receive more support from the international community in its efforts to mobilise a sufficient number of election campaign monitors and election observers. The presence of election monitors will be even more important during the local elections of 2011 as tensions are expected to increase. Domestic observer groups' representatives should have access to the different stages of the electoral process including the meetings of Party Liaison Committees at all levels.

OBSERVER STATEMENTS

All major international observer groups held their press conferences after election day. In general their assessment of the process was very positive and missions highlighted only few irregularities related to election day procedures. All observation missions congratulated the IEC for demonstrating high levels of professionalism and independence.

The SADC Parliamentary Forum as well as the SADC Electoral Commission Forum concluded that "the 2009 elections complied with regional election standards and reflected the will of the people of South Africa".

The African Union observers commended the people of South Africa for turning out in impressive numbers, the enthusiasm displayed and the peaceful character of the process. In their conclusion AU observers stated that "the smooth conduct of the elections and the vibrancy of the electorate had done honour not only to the people of South Africa but to Africa as a whole".

The observers from EISA regional forum in their overall conclusion assessed election as "a credible exercise held in accordance with PEMMO³⁶ and other internationally accepted standards and best practices. The largest domestic observer network SACSEC which deployed more than 1,200 observers was satisfied as the elections were conducted in a substantially free, fair, transparent and credible manner. SACSEC was the only domestic group which has issued a post election day statement. Both EMN and SACSEC are planning to publish their final election report within two months after elections.

XV. DIPLOMATIC POLL WATCHING

There was substantial interest to observe Election Day among the members of diplomatic missions based in South Africa. The IEC invited the local diplomatic community to visit voting

³⁶ Principles for Election Management, Monitoring and Observation in SADC region.

stations on Election Day. The US Embassy accredited 120 diplomatic poll watchers and established an internal election coordination centre. Altogether 358 diplomats from 61 countries were accredited by the IEC to visit and observe the voting stations on election day.

The diplomatic poll-watchers from EU Member States and EC Delegation in Pretoria visited more than 180 voting stations³⁷ in all nine South African provinces. The highest number of diplomatic poll watchers was from the UK which deployed a team of two diplomats to each of the nine South African provinces and from the EC Delegation. The deployment of diplomatic poll watchers increased number of visits of voting stations by international observers around the country and provided some relevant information for the EEM on the voting process.

³⁷ See: Statistics gathered by EU diplomatic personnel based on 178 visits of polling stations during voting.