



**BRIEF SUMMARY  
ON THE  
*CONDUCT OF ELECTIONS  
IN SWAZILAND***

**PREPARED BY:  
THE ELECTIONS AND BOUNDARIES  
COMMISSION (EBC)**



## **A. INTRODUCTION**

The purpose of this presentation is to highlight the key areas of the Swazi electoral system. The approach that is used to deal with the system of Government of Swaziland. This is important in that a lot of people have confessed that there is little knowledge on this system, that is why it has been a subject of criticism from those who do not understand it.

Some have even labeled it as undemocratic and non-participatory. This has been largely attributed to ignorance as it is often said that little knowledge is dangerous and no knowledge is poisonous. We will thereafter deal with the constitutional and legislative framework on the election process.

Finally, we will deal with the various stages of the electoral process including Voter and Civic Education, Voter Registration, Primary Elections, Campaigns and the Secondary Elections.

## **B. THE SYSTEM OF GOVERNMENT**

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 the 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 we 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 unaccountable, 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. 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 8<sup>th</sup> 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 byre) 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. Some countries in the region have not established this important body in the Constitution. 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. All the provisions pertaining to the operations of the Commission are captured in Section 90 to 92 of the Constitution;
- 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 by 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 under the sub theme dealing with the stages of the electoral process.

## **D. STAGES OF THE ELECTORAL PROCESS**

### **a) Voter and Civic Education**

The elections and Boundaries Commission came into office on the 10<sup>th</sup> March 2008. The Commission drew up a work schedule to address, among other things, the issue of voter and civic education. It then embarked on various stakeholder workshops including one for the media. We then met chiefs around the country to sensitise them on the upcoming elections. This was very important in that voter registration and primary elections take place in the chiefdoms.

There were also meetings with various collaborating partners including non-government organizations so as to ensure that the civic and voter education exercise is carried through harmoniously.

There were also on going radio and television programmes to enable the public to know what was taking place on the various aspects of the election exercise.

### **b) Voter Registration**

This stage of the election process allows for the registration of voters for purposes of electing Members of Parliament, Constituency Headman (Indvuna) and Inkhundla Executive Member (Bucopho). The registration process takes place at the chiefdoms and other designated places.

On the day of registration, the voter must bring some form of identification. In the event he or she does not have one, he or she may still register in the presence of the Competent Witnesses as defined in the Voter Registration Order.

When the Elections and Boundaries Commission came into office in March 2008, it came across reports of Observer Missions on the shortcomings of the voter registration system that was in use at that time. The major shortcoming was that the process in operation did not identify the voter in any way. It was therefore subject to manipulation, abuse and opened up the registration process to international criticism.

It was on those basis that the Commission came up with a new strategy to avert a further attack on the system. It adopted the Optimal Mark Recognition (OMR) System. Under it, the voter is identified by means of an identity card, a photograph and a thumbprint. The system has enhanced the voter participation in that three hundred and fifty thousand out of a voter population of four hundred thousand registered in this year's election.

Once the registration is completed, the data obtained from the registration centres is then used as a basis for preparing the draft voters' roll.

**c) Nomination Stage**

Following the voter registration process and the preparation of the voters' roll, a writ is then issued by the Head of State indicating dates for nominations, primary elections, campaign and secondary elections.

Nominations take place at the chiefdoms. This is contained in the Elections Order, 1992. On the day of nomination, the name of the nominee is raised by a show of hand and the nominee is given an opportunity to indicate whether he or she accepts the nomination. If he or she accepts it, he or she must be supported by at least ten members of that chiefdom. The nominations are for the position of Member of Parliament, Constituency Headman (Indvuna) and the Constituency Executive Committee (Bucopho).

The minimum number of nominees is four and the maximum is ten. The nomination process is a simple stage of the election in that it takes place in the open, persons are nominated by a show of hand and the nomination is done by the community. The community is given the rare opportunity to show who they entrust with power. Those nominated then contest elections at primary level.

**d) Primary Elections**

Primary Elections also take place at the chiefdom level. It is by secret ballot. During the Primary Elections, the voters are given an opportunity to elect the member of the executive committee (Bucopho) for that particular chiefdom. Aspiring Members of Parliament and the Constituency Headman are also elected from each chiefdom.

At the end of the Primary Elections, there should be one candidate for the position of the Member of Parliament and one for the position of the Constituency Headman who are going to contest elections at

secondary level. The election for the Executive Committee Member (Bucopho) goes up to the primary level.

**e) Campaign**

This takes place between Primary and Secondary Elections. All the nominees for the position of Member of Parliament and the Constituency Headman are given equal opportunities in all the chiefdoms in that constituency to address the voters on various aspects of development and issues of national policy. It is during this period that after each address, the voters are given opportunity to ask the nominees questions based on their address. Once the campaign period is over, we then move to the final stage of the elections and that is the Secondary Elections.

**f) The Secondary Elections**

It takes place at the various constituencies. All the nominees at chiefdom level contest elections at constituency level. The nominees with majority votes become the winners and they become Members of Parliament or Constituency Headman. That completes the elections process at the chiefdom and constituency levels.