



SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

Revised Edition



SADC PRINCIPLES AND GUIDELINES

— Governing Democratic Elections —







Southern African Development Community

(SADC)

SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

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**Adopted by the Ministerial Committee of the Organ (MCO) on Politics,
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DEFINITIONS OF CONCEPTS AND ACRONYMS

In this document, unless otherwise stated, the following acronyms and concepts shall have the following meaning:-

“AU” means *‘African Union’*;

“ANNEXURES I & II” means *‘[I] General Guidelines for Electoral Observation and Reporting; and [II] General Criteria for Identification and Selection of SADC Electoral Observers.’*

“Code of Conduct” means *‘a set of rules outlining the norms, regulations and responsibilities of; or proper practice for; an individual; political party; or organisation contesting elections; mutually agreeable to the competing entities that participate actively in the electoral process, which are enforceable by a legally competent authority such as an Electoral Management Body (EMB) or other legal entity specified in the national laws.’*

“Credible elections” means *‘electoral processes enjoy considerable support and confidence of the citizenry and international or regional community, leading to mutually agreeable results from competing entities that participate actively in the electoral process.’*

“Democracy” means *‘a system of government based on the respect of the rule of law; in which all citizens of a state enjoy fundamental human rights and freedoms; and are fully involved in decision making processes about affairs affecting their welfare, typically by electing their representatives at all levels of government, under a free and inclusive electoral system.’*

Democratic elections means, *‘competitive, periodic, inclusive, regular elections in which persons to hold office at all levels of government are elected, through the secret ballot, by citizens who broadly enjoy fundamental human rights and freedoms.’*

“ECF SADC” means *‘Electoral Commissions Forum of SADC Countries’*.

“Election” means *‘A formal process of selection of persons to hold office at all levels of government by the electorate through the secret ballot.’*

“Electoral Process” means *‘a series of key election-related undertakings encompassing, inter alia, the formulation of legislation, delimitation, conflict prevention and management initiatives, civic and voter education, registration of voters, development and implementation of codes of conducts, nomination of candidates, campaigning, voting, tabulation, results announcements and election adjudication.’*

“Electoral Cycle” means *‘all interrelated segments of the electoral process during which key undertakings are carried out in the pre-election, election and post-election periods.’*

“Electoral Integrity” means *‘Electoral processes are held in conformity with regional and international norms and standards.’*

“Electoral Justice” means *‘The means and mechanisms for ensuring that actions and procedures employed in the electoral process are consistent with the national and applicable municipal and international laws in order to prevent electoral disputes’*

“Electoral Management Body (EMB)” means *‘a professional and competent authority, established by the relevant legal instruments of a Member State of SADC, responsible for organising and supervising elections’*

“Free (elections)” means *‘Fundamental human rights and freedoms are adhered to during electoral processes, including freedom of speech and expression of the electoral stakeholders; and freedom of assembly and association; and that freedom of access to information and right to transmit and receive political messages by citizens is upheld; that the principles of equal and universal adult suffrage are observed, in addition to the voter’s right to exercise their franchise in secret and register their complaints without undue restrictions or repercussions.’*

“Fair (elections)” means *‘electoral processes that are conducted in conformity with established rules and regulations, managed by an impartial, non-partisan professional and competent Electoral Management Body (EMB); in an atmosphere characterised by respect for the rule of law; guaranteed rights of protection for citizens through the electoral law and the constitution and reasonable opportunities for voters to transmit and receive voter information; defined by equitable access to financial and material resources for all political parties and independent candidates in accordance with the national laws; and where there is no violence, intimidation or discrimination based on race, gender, ethnicity, religious or other considerations specified in these SADC Principles and Guidelines Governing Democratic Elections.’*

“ISPDC” means *‘Inter State Politics and Diplomacy Committee.’*

“LTO” means *‘Long Term Observation’ i.e. the observation of the entire electoral cycle or the major segments of the electoral cycle, including pre-election, election and post-election periods for not less than 30 days.’*

“LTOs” means *‘persons assigned to undertake the observation of the entire electoral cycle or the major segments of the electoral cycle, including pre-election, election and post-election periods for not less than 30 days.’*

“MCO” means *‘Ministerial Committee of the Organ on Politics, Defence and Security Cooperation.’*

“Member States” means the *‘Member States of the Southern African Development Community (SADC).’*

“Non-violent” means *‘The absence of physical actions resulting in injury or death; and non-physical actions such as economic coercion, intimidation, threats and any other form of psychological abuse.’*

“Observation” means *‘the purposeful gathering of information regarding an electoral process and the making of informed judgements on the basis of the information collected by persons who are not inherently authorised to intervene in the process.’*

“OAU” means *‘Organisation of African Unity.’*

“OPDSC” means *‘Organ on Politics, Defence and Security Cooperation.’*

“Peaceful” means *‘electoral processes are punctuated by calm; are undisturbed and untroubled by violence or intimidation; are conflict-free and generally exude an atmosphere where all citizens are free and unhindered to express their right to vote; are able to offer themselves without intimidation for election, communicate freely their electoral choices; and enjoy freedom of assembly and association.’*

“Regular” means *‘elections must be periodic, defined by a specific date or period.’*

“SADC Reference Manual for Election Observers” means *‘a Handbook developed and approved by SADC as a reference manual for SADC electoral observers.’*

“SADC” means *‘Southern African Development Community.’*

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“SADCC” means *‘Southern African Development Coordinating Conference.’*

“SEAC” means *‘SADC Electoral Advisory Council.’*

“SEOM” means *‘SADC Electoral Observation Mission.’*

“SEC” means *‘SADC Electoral Commission.’*

“SIPO” means *‘Strategic Indicative Plan of the Organ.’*

‘Stakeholders’ means *‘as defined by Article 23 of the SADC Treaty: that is, the people of the region, key actors involved in the process of regional integration, and specifically, civil society, private sector, non-governmental organisations; workers, employers organisations, academia, women, youth and people with disabilities.’*

“STO” means *‘Short Term Observation’* i.e. *‘the observation of electoral processes, for less than 30 days in total, encompassing pre-election, election and post-election periods.’*

“STOs” means *‘Short Term Observers’* i.e. *Persons assigned to undertake observation of electoral processes for less than 30 days in total, encompassing pre-election, election and post-election periods.’*

“Transparent” means *‘elections are operated in an open, clear, visible and unhindered manner.’*

“Troika” means *‘A system of coordination within the SADC as defined by Article 9(a) of the SADC Treaty.’*

“UN” means the *‘United Nations.’*

1. INTRODUCTION AND BACKGROUND

- 1.1 These *SADC Principles and Guidelines Governing Democratic Elections* are a result of broad consultations by the Southern African Development Community (SADC)'s Electoral Advisory Council (SEAC), with Member States, stakeholders and regional electoral experts. The principal objective of the *SADC Principles and Guidelines Governing Democratic Elections* is to promote the holding and observation of democratic elections based on the shared values and principles of democracy, the rule of law and respect for human rights enshrined in the SADC Treaty signed at Windhoek, Namibia in 1992.
- 1.2 The first set of *SADC Principles and Guidelines Governing Democratic Elections* were adopted in 2004 by the Heads of State Summit as a firm commitment to the institutionalisation of democracy and good governance in the region, and have since constituted a basis for the assessment of electoral processes in Member States.
- 1.3 It is notable that following the adoption of the *SADC Principles and Guidelines Governing Democratic Elections* in 2004, SADC took another bold decision in 2005 to create an additional institutional mechanism which would ensure that electoral observation became a fundamental component of democratic processes in the region. The decision to establish SEAC emanated from recommendations of a stakeholder workshop held in Lesotho in line with a decision of the Ministerial Committee of the Organ (MCO). The stakeholder workshop initially urged SADC to integrate the Electoral Commissions' Forum of SADC Countries (ECF-SADC), a formation of national Electoral Management Bodies (EMBs) in southern Africa, into the organisation's structures so as to constitute a regional over-sight institution on electoral matters. The workshop's proposal entailed that the ECF and the SADC Secretariat collaborate to create a SADC Electoral Commission (SEC), whose responsibilities were to include strengthening the capacities of national electoral bodies, coordinating SADC Electoral Observation Missions (SEOMs) and ensuring the implementation of the *SADC Principles and Guidelines Governing Democratic Elections*.
- 1.4 Based on the recommendations of the Inter State Politics and Diplomacy Committee (ISPDC), the MCO reviewed the workshop's resolutions and mandated the Troika of the Organ to liaise with the ECF and work toward the formation of the SEC. However, the MCO decided, upon further deliberations on the matter, and with the support of the ECF, to recommend to the Heads of State Summit, the formation of a SADC Electoral Advisory Council in lieu of a SADC Electoral Commission. Following the establishment of SEAC in 2005 at the Head of State Summit in Gaborone, Botswana, therefore, the MCO adopted the *SEAC Structures, Rules and Procedures* in March 2009; and SEAC was formally constituted in August 2010 in Maputo, Mozambique. SEAC was inaugurated and initiated on 13 April, 2011 in Gaborone, Botswana. SEAC is, henceforth, the official electoral advisory body of the SADC whose aims include advising the regional economic community on elections and conflict mitigation; ensuring the implementation and review of the *SADC Principles and Guidelines*

Governing Democratic Elections; and providing guidance to member states on elections and the enhancement of democracy and good governance.

- 1.5 Historically, the development of electoral norms and standards and relevant institutional mechanisms in the region has been motivated by the provisions of the SADC Treaty of 1992, specifically, Article 4 of the Treaty, which stipulates that “human rights, democracy and the rule of law” are principles guiding the acts of its members; and Article 5 which commits the Member States to “promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective”.
- 1.6 Further guidance has been drawn from the Protocol on Politics, Defence and Security Cooperation (2001), the Strategic Indicative Plan for the Organ (SIPO I) and the Harmonised Strategic Indicative Plan for the Organ (SIPO II), which, read together, underline SADC’s fundamental objective of promoting the development of democratic institutions and practices by State Parties; encouraging the observance of universal human rights and the full participation of the people of the region in procedural democratic processes; as well as espousing the relevant interventions required to achieve these ends.
- 1.7 Accordingly, SEAC, under the auspices of the SADC Organ on Politics, Defence and Security Cooperation (OPDSC), undertook to appraise the region’s normative framework for elections and commenced the review of the *SADC Principles and Guidelines Governing Democratic Elections* from April 2012 to July 2015.
- 1.8 In conformity with Article 23 of the SADC Treaty; and guided by its *Structures, Rules and Procedures*, the SEAC undertook to consult with Member States of SADC and a wide range of stakeholders including, the SADC Parliamentary Forum, the ECF-SADC, the International Institute for Democracy and Electoral Assistance (IDEA), the Southern African Research and Documentation Centre (SARDC), the Electoral Institute for a Sustainable Democracy in Africa (EISA), the African Forum and Network on Debt and Development (AFRODAD), the Institute for Security Studies (ISS), the Southern African Trade Union Coordination Council (SATUCC), the SADC Council of NGOs, the Zimbabwe Electoral Support Network (ZESN) and the African Monitor.
- 1.9 The process was motivated and informed by the following key considerations a) the increasing use of technology in electoral management and administration; and voting processes, which, inevitably, required the improvement of the capacities of SEOMs to enable them undertake their assignments effectively and competently (b) the emergence of Long Term Observation (LTO) as a more professional and comprehensive approach of assessing electoral performance which provided further prospects of complementing existing mechanisms ranged at ensuring regional stability - such as early warning systems, conflict prevention and conflict mediation initiatives (c) the need to respond to the demands of disadvantaged groups such as women, youth and people with disabilities who are, often, unintentionally excluded

from participating in decision-making processes due to cultural, structural and other barriers (d) the changing human context in the region occasioned by migration and the emergence of diaspora communities seeking recognition of their civil and political rights (e) the prerequisite to embrace gender balance in the SEOMs, consistent with relevant SADC instruments, such as the *SADC Protocol on Gender and Development (2008)*; (f) the need to develop a sustainable and cost effective electoral observation programme for SADC; and lastly (g) the necessity to harmonise existing recommendations, non-Treaty standards and Treaty standards concerning elections in the region, as well as the imperative to align the *SADC Principles and Guidelines Governing Democratic Elections* to relevant African Union (AU) instruments.

- 1.10 In addition to the socio-economic, political, legal and technological factors therefore, the review process was specifically informed by the experience of elections by the SEOMs; and by the major provisions enshrined in the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII), the African Charter on Democracy, Elections and Governance (2007); the AU Guidelines for African Union Electoral Observation and Monitoring Missions – EX/CL/35 (III) Annex II; The SADC Protocol on Gender and Development (2008); and other relevant SADC Protocols; and the covenants and human rights instruments of the United Nations (UN).
- 1.11 Through these processes, SEAC reflected upon emerging trends in elections in the region; the African continent; and the world. And based on these factors, it was noted that elections with integrity needed to translate into a fundamental change in the welfare of the people; and particularly enabling peace, prosperity, stability and security.
- 1.12 These *SADC Principles and Guidelines Governing Democratic Elections*, including *Annexures I and II*, hence, take into consideration the centrality of civil and political rights; and economic, social and cultural rights, to electoral democracy, good governance and sustainable development; and to the realization of SADC's common and historical vision of a shared future.

2. OBJECTIVES OF THE SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

- 2.1. The objectives of the *SADC Principles and Guidelines Governing Democratic Elections* are to:
 - 2.1.1. Promote and enhance adherence by each Member State to the SADC Treaty and the Protocol on Politics, Defence and Security Cooperation;
 - 2.1.2. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and supremacy of, the Constitution and constitutional order in the political arrangements of the respective Member State holding elections.;

- 2.1.3. Promote the holding of regular free and fair, transparent, credible and peaceful democratic elections to institutionalise legitimate authority of representative government;
- 2.1.4. Enhance electoral integrity by providing a basis for comprehensive, accurate and impartial observation of national elections; and sharing of experiences and information among Member States about democratic development;
- 2.1.5. Promote electoral justice and best practices in the management of elections and mitigation of election-related conflict;
- 2.1.6. Encourage gender balance and equality; and ethnic and religious diversity in governance and development;
- 2.1.7. Promote the development of inclusive political institutions; and enhancement of civil and political rights; and economic, social and cultural rights for the purposes of advancing democracy, prosperity, peace, stability and security in the region.

3. THE ESTABLISHMENT OF THE SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

- 3.1 In conformity with the applicable provisions of the SADC Treaty and the Protocol on Politics, Defence and Security Cooperation therefore, Member States do hereby affirm and endorse the following:
 - 3.1.1 The *SADC Principles and Guidelines Governing Democratic Elections*, including *Annexures I and II*, shall, subject to national laws, apply to all elections held in the Member States of SADC.

4. PRINCIPLES FOR CONDUCTING DEMOCRATIC ELECTIONS

- 4.1 Member States shall invite SADC Electoral Observation Missions (SEOMs) to observe their elections, based on the provisions of the SADC Treaty, the Protocol on Politics, Defence and Security Cooperation and the *SADC Principles and Guidelines Governing Democratic Elections*. To this end, Member States hereby commit themselves to upholding the following “Principles for Conducting Democratic Elections” in the furtherance of democratic elections in the SADC region:
 - 4.1.1 Encourage the full participation of all citizens in democratic and development processes;
 - 4.1.2 Ensure that all citizens enjoy fundamental freedoms and human rights, including freedom of association, assembly and expression;

- 4.1.3 Ensure that the date or period of elections is prescribed by law. The date or period of elections shall be based upon the legal framework and applicable constitutional provisions;
 - 4.1.4 Take all necessary measures and precautions to prevent corruption, bribery, favouritism, political violence, intolerance and intimidation;
 - 4.1.5 Promote and respect the values of electoral justice which include integrity, impartiality, fairness; professionalism, efficiency and regularity of elections;
 - 4.1.6 Promote necessary conditions to foster transparency, freedom of the media; access to information by all citizens; and equal opportunities for all candidates and political parties to use the state media;
 - 4.1.7 Guarantee an environment of open contest with no undue exclusion and restrictions on anyone to vote as well as the right of eligible and qualified citizens to stand as candidates in any election;
 - 4.1.8 Encourage regular reviews of the participation of citizens in the diaspora in national elections;
 - 4.1.9 Uphold and guarantee the impartiality and independence of the Judiciary, the Electoral Management Bodies (EMBs) and all other electoral institutions;
 - 4.1.10 Ensure that voter education capacitates and empowers all eligible citizens; as well as fostering ownership of the electoral process and the democratic political system;
 - 4.1.11 Ensure the adherence to a binding Electoral Code of Conduct;
 - 4.1.12 Ensure the acceptance of the election results by all electoral stakeholders as proclaimed to have been free, fair, transparent, credible and peaceful by the competent and independent national electoral authorities in accordance with the respective laws of the land;
 - 4.1.13 Condemn and reject unconstitutional change of government and non-acceptance of results, after due process, as announced by the legally competent authorities;
- 4.2 The Chairperson of the Organ shall bring to the attention of the SADC Summit, any shortcomings in the application of these *SADC Principles and Guidelines Governing Democratic Elections* for the appropriate decision in accordance with the provisions of the SADC Treaty.

5. RESPONSIBILITIES OF MEMBER STATES HOLDING ELECTIONS

- 5.1 As a commitment to the SADC Treaty and the Protocol on Politics, Defence and Security Cooperation, Member States shall undertake to implement interventions designed to promote democratic principles and practices. To this end, the responsibilities of Member States shall be to:
- 5.1.1 Make every effort to ensure the scrupulous implementation of the “Principles for Conducting Democratic Elections”, as contained in section four (4) of the *SADC Principles and Guidelines Governing Democratic Elections*, and in accordance with the constitutional processes of the country;
 - 5.1.2 Facilitate the observation of the entire electoral cycle of their national elections by SEOMs, including the deployment of Goodwill Missions, Long Term Observers (LTOs), Short Term Observers (STOs), and pre-election assessment processes;
 - 5.1.3 Establish impartial, professional, independent, all inclusive, competent and accountable EMBs staffed by eminent, non-partisan and capable commissioners, and efficient and professional personnel;
 - 5.1.4 Ensure transparency, justice, and expediency in the resolution of disputes that arise from elections by such means as Codes of Conduct, Constitutional and Electoral Courts, or any relevant Court of law to arbitrate in the event of disputes arising from the conduct of elections;
 - 5.1.5 Ensure that the EMB, or other legally designated institution, is independent and that it has adequate logistics, human, financial resources and contingencies made available for the entire Electoral Cycle, including the authority to recruit, train and build the capacity of permanent and temporary electoral staff.
 - 5.1.6 Ensure that adequate security is provided to the entire electoral process including all political parties participating in elections;
 - 5.1.7 Ensure timely accreditation of observers in accordance with national laws as appropriate;
 - 5.1.8 Uphold the Principles of equal and universal suffrage in line with the provisions of the SADC Treaty and relevant SADC Protocols;
 - 5.1.9 Guarantee and ensure a political environment that is conducive to the conduct of democratic elections;

- 5.1.10 Take reasonable measures to guarantee political parties and other electoral stakeholders, unhindered access to, and to communicate freely with, the media in line with the “Principles for Conducting Democratic Elections.”

6. RESPONSIBILITIES OF THE ORGAN IN ELECTORAL PROCESSES IN SADC

- 6.1 The Organ on Politics, Defence and Security Cooperation (OPDSC) shall act as the coordinating mechanism for implementing the *SADC Principles and Guidelines Governing Democratic Elections*. To this end:
 - 6.1.1 The SADC Secretariat shall facilitate the constitution of the Long Term Observation (LTO) Missions in terms of sections 8.1.1 and 8.1.2 of the *SADC Principles and Guidelines Governing Democratic Elections*;
 - 6.1.2 The Chairperson of the Organ shall head the Short Term Observation (STO) Missions to Member States holding elections in Terms of section 8.1.3 and 8.1.4 of the *SADC Principles and Guidelines Governing Democratic Election*;
 - 6.1.3 The Chairperson of the Organ shall receive the SEOM reports and reports of the SADC Electoral Advisory Council (SEAC) on matters pertaining to elections and the enhancement of democracy and good governance in the SADC region.

7. RESPONSIBILITIES AND ROLES OF SEAC IN ELECTORAL PROCESSES IN SADC

7.1. SEAC's Role during the Pre-election Period:

7.1.1 In conformity with the applicable provisions of the *SEAC Structures, Rules and Procedures*, the objective of the SEAC shall be to advise SADC and its electoral institutions on all matters pertaining to electoral processes and the enhancement of democracy and good governance in the SADC region. In this regard, the SEAC shall report on these matters to the Ministerial Committee (MCO) of the Organ on Politics, Defence and Security Cooperation (OPDSC). In order to ensure the effective application of the *SADC Principles and Guidelines Governing Democratic Elections*, the SEAC shall undertake Goodwill Missions in line with Article 9.2 of the *SEAC Structures, Rules and Procedures*. To this end, the Executive Secretary of SADC shall, in consultation with the Member State holding elections, and in line with Article 9 of the *SEAC Structures, Rules and Procedures*, constitute and send Goodwill Missions in the period prior to elections in order to achieve the following:

- (a) Reflect on possible conflict situations in respective countries on matters pertaining to electoral processes and render advise to the MCO on the development of mediation strategies, before, during and after elections;
- (b) Based on the findings of the Goodwill Mission, report to the MCO on whether the political environment is conducive to the holding of free, fair, transparent, credible, and peaceful elections in conformity with the *SADC Principles and Guidelines Governing Democratic Elections*;
- (c) Encourage the specific SADC Member State holding elections to adhere to international best practices in all elections;
- (d) Advise the specific Member State holding elections on strategies for enhancing and consolidating the capacity of the EMBS;
- (e) Encourage the specific Member State holding elections to uphold and respect the independence and autonomy of the EMBS;
- (f) Encourage the revision and improvement of electoral laws, codes of conduct and regulations in line with the *SADC Principles and Guidelines Governing Democratic Elections*.

7.2 SEAC's Role during the Election Period

7.2.1 During the election period, the SEAC shall play no active role in observing elections in Member States;

- 7.2.2 The role of the SEAC shall be to provide advisory services, as necessary, to the SEOMs and the Organ Troika, through the Head of Mission and the Mission Leadership. To this end, the SEAC is not deployable.

7.3 SEAC's Role during the Post-election Period

7.3.1 In order to promote electoral integrity, electoral justice, good governance, peace and stability in the SADC region in the post-election period; and to give effect to the commitments contained in the *SADC Principles and Guidelines Governing Democratic Elections*, the SEAC shall, during the post-election period, undertake the following:

- (a) Compose a post-election review, which is of particular relevance should there be a conflict situation, and submit such report to the MCO;
- (b) Advise the MCO on the development of mediation strategies to address any post-election conflicts, as necessary;
- (c) Evaluate recommendations emanating from the key electoral stakeholders including reports of the SEOM, Domestic and International Election Observers, the SEAC's separate report, and any post-election review processes;
- (d) Encourage the EMB of the respective Member State holding elections, to implement all relevant recommendations emanating from SEOM Reports and the SEAC Reports;
- (e) Encourage the EMB of the respective Member State holding elections to convene post-election dialogue forums with stakeholders;
- (f) Encourage Member States holding elections to, at all times; adhere to the *SADC Principles and Guidelines Governing Democratic Elections*.

8. CONSTITUTION AND MANDATE OF THE SADC ELECTORAL OBSERVATION MISSIONS (SEOMs)

Electoral observation, inter alia, serves to improve electoral integrity, mitigate electoral conflict, enhance public confidence and promote citizen participation in the electoral process. In the short term, electoral observation provides a basis for accurate and impartial evaluations of the nature of the electoral process. In the long term, it presents an invaluable opportunity to share experiences, information and strategies for consolidating democratic institutions and development. Recognising the importance of deploying competent, impartial and representative Electoral Observation Missions, therefore, Member States hereby re-affirm as follows:

8.1 CONSTITUTION OF THE SADC ELECTORAL OBSERVATION MISSIONS (SEOMs):

8.1.1 The Chairperson of the Organ shall officially constitute and deploy Electoral Observation Missions, comprising the Troika and electoral experts, in a timely manner, after having received an invitation to deploy Observation Missions by the respective Member State holding elections. The periods of observation must allow sufficient time to oblige with the tasks assigned to Observation Missions during pre-election, election and post-election periods

in the respective country. The specific length of observation, which can be subdivided into periods, shall be determined by SADC according to the tasks assigned to the Observation Missions.

- 8.1.2 The Observation Missions shall be selected on the basis of the criteria established and specified in terms of section 8.2;
- 8.1.3 The Chairperson of the Organ shall endeavour to deploy the Long Term Observation (LTO) Mission comprising the Troika and electoral experts not less than 30 days before the polling date and Short Term Observation (STO) Mission at least 14 days before polling;
- 8.1.4 The Long Term Observation (LTO) Mission shall be led by a person appointed by the Chairperson of the Organ. The Short Term Observation (STO) Mission shall be led by the Chairperson of the Organ or by an eminent person appointed by the Chairperson of the Organ.

8.2 SELECTION OF INDIVIDUALS TO SERVE ON SEOMs

- 8.2.1 SEOMs shall generally comprise electoral experts, representatives of EMBs, national governments and legislatures, civil society and eminent personalities from Member States, based on the principles of balanced national representation and gender equality. To this end, in order to ensure the effective implementation of the *SADC Principles and Guidelines Governing Democratic Elections*, the following shall apply:
 - 8.2.1.1 Individuals selected to serve as SEOM observers must have been duly trained and certified as such by SADC; and orientated to the *SADC Principles and Guidelines Governing Democratic Elections*;
 - 8.2.1.2 The qualifications of nominees from Member States to be trained as observers shall be as specified in Annexure II of these *SADC Principles and Guidelines Governing Democratic Elections*;
 - 8.2.1.3 The SADC Secretariat shall finalise the country SEOM list based on election pre assessments, financial capacity and its central elections roster;
 - 8.2.1.4 The Chairperson of the Organ shall mandate the Executive Secretary to issue a Note Verbale containing the list of SEOM members, to the Member State holding elections, for the purposes of accreditation;
 - 8.2.1.5 There shall be a minimum representation of the Member States in the SEOM Mission as determined by the MCO; and in accordance with the specifications in Annexure II.

8.3 *MANDATE OF SEOMs*

- 8.3.2 The mandate of the SEOM shall be to determine the adherence of the Member State holding elections to the relevant provisions of the *SADC Principles and Guidelines Governing Democratic Elections*;
- 8.3.3 The deployment of the SEOM does not preclude bilateral arrangements between the SADC Member States.

9. RIGHTS OF SADC ELECTION OBSERVERS

- 9.1. The Rights of the SADC Electoral Observation Missions (SEOMs) are based on the SADC experience and the AU Guidelines for Electoral Observation and Monitoring Missions. Accordingly the following shall be the Rights and of the SADC Election Observers:
 - 9.1.1 Freedom of movement within the host country;
 - 9.1.2 Timely accreditation of SEOMs, enabling individual observers to conduct their work in the Member State holding elections;
 - 9.1.3 Freedom to communicate with, and have unimpeded and unrestricted access to the EMB or appropriate electoral authority and all other election administrators.
 - 9.1.4 Unhindered access to, and freedom to communicate with the media, subject to section 10.1.13 of the *SADC Principles and Guidelines Governing Democratic Elections*;
 - 9.1.5 Free access to all legislation and regulations governing the electoral process and environment;
 - 9.1.6 Free access to electoral registers or voters' rolls; as well as all information pertaining to electoral processes, including any electronic and biotechnological data;
 - 9.1.7 Unimpeded and unrestricted access to all polling stations and counting centres;
 - 9.1.8 Freedom to communicate with all competing political parties, candidates, other political associations and organisations, and civil society organisations;
 - 9.1.9 Freedom to communicate with voters without prejudice to the electoral law proscribing such communication in order to protect the secrecy of the vote;

10 CODE OF CONDUCT FOR SADC ELECTION OBSERVERS

- 10.1 The Code of Conduct for the election observers of SADC is consistent with those of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa - AHG/DECL. 1 (XXXVIII). The SADC Electoral Observation Missions shall, therefore, at all times, adhere to the following Code of Conduct:
- 10.1.1 Comply with all national laws and regulations;
 - 10.1.2 Maintain personal discipline and behaviour that is beyond reproach;
 - 10.1.3 Maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and candidates in contention in the Electoral process. Furthermore they will not display or wear any partisan symbols, colours or banners;
 - 10.1.4 Neither accept nor attempt to procure any gifts, favours or inducements from a candidate, their agent, the parties or any other organisation or person involved in the electoral process;
 - 10.1.5 Disclose to the relevant SADC structures any relationship that could lead to a conflict of interest with their duties or with the process of the observation and assessment of the elections, as soon as the observer becomes aware of such conflict;
 - 10.1.6 Base all reports and conclusions on well documented, factual, and verifiable evidence from a multiple number of credible sources as well as their own eye witness accounts;
 - 10.1.7 Seek a response from the person or organisation concerned before treating any unsubstantiated allegation as valid;
 - 10.1.8 Identify, in their reports, the exact information and the sources of the information they have gathered and used as a basis for their assessment of the electoral process or environment;
 - 10.1.9 Report all information gathered or witnessed by them honestly and accurately;
 - 10.1.10 When meeting election officials, relevant state authorities and public officials, parties, candidates and their agents, inform them of the aims and objectives of the SEOMs;
 - 10.1.11 Carry any prescribed identification issued at all times, and will identify themselves to any interested authority upon request;

- 10.1.12 Undertake their duties in an unobtrusive manner, and will not interfere with the electoral process, polling day procedures, or the vote count;
- 10.1.13 Refrain from making personal or premature comments or judgements about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers. In this regard, observers shall channel all communication with the media through the Head of Mission.
- 10.1.14 Participate in the briefings or training provided by the SEOM;
- 10.1.15 Provide their reports on time to their supervisors and attend any debriefings as required;
- 10.1.16 Work harmoniously with each other and with observers from other organisations in their area of deployment.

11 GUIDELINES FOR ELECTORAL OBSERVATION AND REPORTING

11.1 RATIONALE FOR ELECTORAL OBSERVATION

The observation of elections assists in enhancing transparency, political credibility and acceptance of the election results. Electoral observation also provides an impartial and methodical assessment of electoral outcomes. These Guidelines for Electoral Observation and Reporting therefore provide a framework for the evaluation of the application, by Member States, of the *SADC Principles and Guidelines Governing Democratic Elections*. Accordingly, the Member States endorse the following:

11.2 ELEMENTS TO CONSIDER IN ELECTORAL OBSERVATION:

11.2.1 The SEOM, in its consultations with electoral stakeholders, shall seek to inquire into the broad key elements of the Electoral Cycle to observe whether the electoral process is being conducted in conformity with the “Principles for Conducting Democratic Elections”, which are stipulated in section four (4) of these *SADC Principles and Guidelines Governing Democratic Elections*.

11.2.2 The SEOM shall employ, in its best practice, Long-Term Observation (LTO) and analyses that address all aspects of the Electoral Cycle as well as observe the broader political context that affects the character and quality of elections. Such considerations shall be informed, but not limited to, reports of Pre-election Goodwill Missions of the SEAC as well as the related reports on the political environment. Accordingly, the SEOM shall be committed to:

- (a) Employing systematic electoral observation methodologies and techniques practicable in light of objective principles and national conditions, as well as the elements of the electoral process being observed;
- (b) Conducting impartial, fact-based analysis and develop findings and recommendations based on national legal requirements and applicable international and regional obligations, principles and commitments;
- (c) Being transparent concerning the benchmarks they use in their observation activities.

11.3 PRE-ELECTION PERIOD:

Accreditation is essential for the fulfilment of SEOMs mandate; therefore, the EMB, as one of the principal institutions to accredit domestic and foreign observers as well as party agents, shall ensure that accreditation is done in a timely manner to enable individual observers to conduct their assignment.

11.3.1 In this regard, SEOMs should establish whether the accreditation for party agents and observers by the responsible authority is done in a timely manner.

- 11.3.2 In order to evaluate the Implementation of the “SADC Principles for Conducting Democratic Elections” and “Responsibilities of Member States Holding Elections”, contained in sections four (4) and five (5) respectively, the SEOM shall observe whether the legal and constitutional framework guarantees freedom of expression, freedom of assembly, freedom of association and human rights; civil and political rights; and economic, social and cultural rights and if it promotes good governance;
- 11.3.3 SEOMs shall observe whether the composition of the EMB reflects the applicable provisions of the *SADC Protocol on Gender and Development, particularly Articles 12 and 13 of the Protocol*, which stipulate that State Parties that have ratified the Protocol, shall endeavor, by 2015, to have at least 50 percent women in decision making positions, including electoral administration.
- 11.3.4** The SEOM shall in addition, observe the extent to which Member States have provided for all who are eligible to participate in the electoral process.
- 11.3.5** SEOMs shall observe the adequacy of funding and contingencies availed to the EMB to deliver a credible and legitimate election. In this regard, SEOMs shall be further guided by reporting criteria stipulated in Annexure I.
- 11.3.6** In furtherance of the values of Electoral Justice, the SEOMs shall inquire into the delimitation of election boundaries – whether it was done in a manner acceptable to stakeholders, and whether the factors that prompted delimitation were in accordance with the laws of the land. To this end, SEOMs shall observe these elements as stipulated in Annexure I.
- 11.3.7** The host country shall provide SEOMs with information relating to the registration of political parties, qualification and disqualification of political candidates and whether these are explicitly provided for in national laws. There should be no stringent exclusionary elements in the regulatory framework of political party and candidate registration. In this regard, SEOMs shall refer to Annexure I.

11.4 Civic and Voter Education

- 11.4.1 Member States agree that civic and voter education are indispensable to democratic consolidation, as they allow for the electorate to make informed choices on who decides on their governance priorities. To this end, SEOM shall observe:
- 11.4.2 The capacity and quality of civic and voter education programmes to afford all prospective voters accurate, comprehensible and adequate information upon which to make electoral choices;
- 11.4.3 The adequacy of civic and voter education conducted particularly by state agencies, inter alia, information about where, when, how and why to register and vote;

11.4.4 The adequacy of civic and voter education in relation to the necessary guarantees of the secrecy of the ballot.

11.5 Voter Registration

11.5.1 The SEOM shall observe voter registration in accordance with the detailed guidelines stipulated in Annexure I.

11.6 ELECTION PERIOD:

11.6.1 During the Election period, the SEOM shall gather information or concerns relating to polling stations, voting mechanisms, voting and counting arrangements in accordance with provisions in *Annexure I*.

11.7 POST-ELECTION PERIOD:

11.7.1 During the Post-election period, the SEOM shall Observe:

11.7.1.1 The conduct of procedures and processes concerning electoral complaints and challenges by citizens, prospective voters and those seeking election, including the provision of effective remedies for violations of electoral-related rights;

11.7.1.2 The conduct of administrative, civil and criminal processes concerning alleged violations of laws and regulations regarding electoral related rights and responsibilities, including application of appropriate penalties.

11.8 ELECTION REPORTING BY SADC ELECTORAL OBSERVATION MISSIONS

11.8.1 In order to promote and strengthen the culture of democracy and good governance, SEOMs, facilitated by the SADC Secretariat, shall compile and issue a preliminary post-election statement immediately after the close of the polls, followed by a final report within 30 days to the Member State holding elections and to the EMB.

11.8.2 When SEOMs publicise and officially submit their election reports, Member States which held elections, may:

- (a) Consider the recommendations advanced by the SEOM for improving the conduct of elections;
- (b) Submit to the Chair of the Organ, a response to the SEOM report;

12 REVISIONS AND AMENDMENTS TO THE SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

- 12.1 Member States shall revise the *SADC Principles and Guidelines Governing Democratic Elections* as the need arises.

13 ANNEXURES:

13.1 ANNEXURE I: GENERAL GUIDELINES FOR ELECTORAL OBSERVATION AND REPORTING

13.1.1 RATIONALE FOR ELECTORAL OBSERVATION

The SEOM, in its consultations with electoral stakeholders, shall seek to inquire into the broad key elements of the Electoral Cycle to ascertain whether the electoral process is being conducted in conformity with the “SADC Principles for Conducting Democratic Elections” and “Responsibilities of Member States Holding Elections”, contained in sections four (4) and five (5), respectively;

13.1.2 ELEMENTS TO CONSIDER IN ELECTORAL OBSERVATION AND ASSESSMENT:

The SEOM shall employ, in its best practice, Long-Term Observation (LTO) and analyses that address all aspects of the Election Cycle as well as assess the broader political context that affects the character and quality of elections. Where the SEOM observation cannot physically examine every element of a given electoral process, they shall consider and take into account the significance of Pre-election and Post-election factors. Such considerations shall be informed, but not limited to, reports of Pre-election Goodwill Missions of the SEAC as well as the related reports on the political environment. To this end, the SEOM shall be committed to:

13.1.2.1 Employing systematic electoral observation methodologies and techniques practicable in light of objective principles and national conditions, as well as the elements of the election process being assessed;

13.1.2.2 Conducting impartial, fact-based analysis and develop findings and recommendations based on national legal requirements and applicable international and regional obligations, principles and commitments;

13.1.2.3 Being transparent concerning the benchmarks they use in their observation activities.

13.2 PRE-ELECTION PERIOD:

Accreditation is essential for the fulfilment of the SEOM’s and the SEAC’s mandate; therefore, the EMBs, as one of the principal institutions responsible for accrediting domestic and foreign observers as well as party agents, shall ensure that accreditation is done in a timely manner, upon arrival, to enable individual observers’ access to all parts of the country.

13.2.1 In this regard, SEOMs should ascertain whether the requirement for timely accreditation of party agents and observers, upon arrival, enabling individual observers’ access to all geographical areas of the country holding elections is obliged to by the EMB.

- 13.2.2 In order to evaluate the Implementation of the “SADC Principles for Conducting Democratic Elections” and “Responsibilities of Member States Holding Elections”, contained in sections four (4) and five (5) respectively, the SEOM shall assess whether the legal and constitutional framework guarantees freedom of expression, freedom of assembly, freedom of association and human rights.
- 13.2.3 Accordingly, the structure and model of the electoral system, the EMB, the Electoral Act and regulations and the nature of civil and political rights; and economic, social and cultural rights as they relate to democratic participation shall be assessed.
- 13.2.4 SEOMs shall evaluate the establishment, process of appointment and retention of members of EMBs; in addition to assessing the composition, status, independence, impartiality, professionalism and preparedness of the EMB for the election. Accordingly, the following specific considerations shall be taken into account:
- (a) The adequacy of funding and contingencies availed to the EMB to deliver a credible and legitimate election;
 - (b) Whether the EMB’s budget is appropriated by Parliament or other representative institution;
 - (c) Whether the composition of the EMB reflects the applicable provisions of the *SADC Protocol on Gender and Development, particularly Articles 12 and 13 of the Protocol*, which stipulate that State Parties that have ratified the Protocol, shall endeavor, by 2015, to have at least 50 percent women in decision making positions, including electoral administration.
 - (d) Whether appointment and dismissal procedures of EMB commissioners are explicitly stated and articulated to facilitate impartiality, accountability and transparency.
- 13.2.5 In furtherance of the values of Electoral Justice, the SEOM shall ensure that the delimitation of election boundaries was done in a manner acceptable to stakeholders, and whether the factors that prompted delimitation were in accordance with the laws of the land. To this end, the following elements shall be assessed:
- (a) The independence and impartiality of the Delimitation/Border Commission;
 - (b) The composition of the Delimitation/Border Commission;
 - (c) The criteria for appointing members of the Delimitation/Border Commission;
 - (d) The accessibility of the delimitation process to the general public;
 - (e) Whether the delimitation process was undertaken in accordance with the national law and without undue exclusion of particular groups or political interests.
- 13.2.6 That the registration of political parties, qualification and disqualification of political candidates are explicitly provided for in national laws. There should be no stringent exclusionary elements in the regulatory framework of

political party and candidate registration. Therefore, the following aspects should be observed and assessed by the SEOM:

- (a) Whether criteria for registration of political parties and candidates is explicitly defined in the laws and transparently executed;
- (b) The existence of appeal processes and mechanisms upon disqualification of political parties or candidates;
- (c) The procedures for nomination and provision of reasonable time frames to allow political parties and candidates to comply with the requirements of the registration process;
- (d) The existence of a Code of Conduct governing all political parties and candidates;
- (e) The incidence of international interference in the electoral process, through proscribed financial contributions to electoral contestants, or other activities;
- (f) Funding to political parties for campaigns, and campaign spending are transparent and oversight of both is in accordance to the laws of the land;
- (g) The use of public assets and funds for electoral campaigns, including impartial application and their improper use for the electoral advantage of particular political parties, candidates or supporters;
- (h) The application of anti-corruption laws and other safeguards in the electoral context, including protections for those who expose election related corruption;
- (i) The neutrality of the security forces in providing election security; and the existence of requisite special voting facilities for security forces to enable them cast their votes;
- (j) The requirements and practices regarding direct and indirect access to the mass media for political parties, candidates, supporters and the general public;
- (k) The requirements and practices concerning reporting by state controlled, public and private media about political parties, candidates and supporters or opponents of referendum initiatives, including quantitative and qualitative coverage of electoral contestants and issues that are pertinent to voter choices in elections or referenda;
- (l) The ability of political parties, candidates and supporters and opponents of referendum initiatives to campaign freely for the support of prospective voters.

13.3 Civic and Voter Education

Member States agree that civic and voter education are indispensable to democratic consolidation, as they allow for the electorate to make informed choices on who decides on their governance priorities. To this end, SEOMs shall assess:

13.3.1 The capacity and quality of civic and voter education programmes to afford all prospective voters accurate, comprehensible and adequate information upon which to make electoral choices;

13.3.1.1 The adequacy of civic and voter education conducted particularly by state agencies, inter alia, information about where, when, how and why to register and to vote;

13.3.1.2 The adequacy of civic and voter education in relation to the necessary guarantees of the secrecy of the ballot.

13.4 Voter Registration

The SEOMs shall assess:

- 13.4.1 The ability of eligible persons to register to vote and have their required information appear accurately on the voter registry and voter lists;
- 13.4.2 The extent to which the process enjoys the trust of the electorate, including inclusiveness, accuracy, and transparency, and whether the electorate are able to own and identify with the process;
- 13.4.3 The sustainability, appropriateness and cost-effectiveness of electoral and voter registration technologies;
- 13.4.4 Whether there have been regular consultations and engagement by the EMB with all stakeholders by way of trainings, briefings and dialogue throughout the entire electoral process.

13.5 ELECTION PERIOD:

During the Election period, the SEOMs shall assess:

- 13.5.1 The appropriateness of locations of polling stations, and adequacy and accessibility of their facilities;
- 13.5.2 The production and distribution to polling stations and storage of ballots and other sensitive election materials;
- 13.5.3 The presence of special voting mechanisms, in line with national laws;
- 13.5.4 Whether elderly and incapacitated voters as well as expectant mothers are accorded preference when voting;
- 13.5.5 The conduct of voting, including assistance to voters, counting, tabulation and announcement of results; the transparency of procedures and adequacy of safeguards against inaccuracies.

13.6 POST-ELECTION PERIOD:

During the Post-election period, the SEOMs shall assess:

- 13.6.1 The conduct of procedures and processes concerning electoral complaints and challenges by citizens, prospective voters, those seeking election, including the provision of effective remedies for violations of electoral related rights;
- 13.6.2 The conduct of administrative, civil and criminal processes concerning alleged violations of laws and regulations regarding electoral related rights and responsibilities, including application of appropriate penalties; and

- 13.6.2.1 The development of changes to electoral related laws, rules, regulations and administrative procedures preceding and following elections;
- 13.6.2.2 Whether the EMB would convene a Post-Election Review, and gather information concerning any follow-up arrangements that would enable the implementation of recommendations of SEOMs;
- 13.6.2.3 Accordingly, the SEAC, in conformity with section 1.2.2 of the *SEAC Structures, Rules and Procedures*, shall collaborate with the EMB on holding Post-Election Reviews depending on the recommendation of SEOMs.

14. ANNEXURE II: GENERAL CRITERIA FOR IDENTIFICATION AND SELECTION OF SADC ELECTION OBSERVERS

14.1 SEOM Selection Criteria

- (a) SEOMs shall be composed of citizens of Member States of SADC.
- (b) The general criteria for identification and selection of SADC election Observers shall take into consideration, for State Parties that have ratified the *SADC Protocol on Gender and Development [2008]*, the applicable provisions of the Protocol.
- (c) The SADC Secretariat shall endeavour to select Observers with a diverse professional background and experience; and with the requisite skills to assess the relevant aspects of the electoral cycle.
- (d) Preference shall be given to candidates with prior election observation experience.
- (e) In this regard, the SADC shall include, among others, government representatives, members of parliament, members of national civil society organisations representing domestic electoral observation groups, experts from national Electoral Management Bodies (EMBs), legal experts and academics from relevant social science and other relevant disciplines.
- (f) SADC shall endeavour to ensure that there is a reasonable number of Observers that have basic knowledge of at least one of the official languages of the country of deployment.

14.2 SEOM Selection Process

- (a) The SADC Secretariat shall develop a central roster of experts and trained observers disaggregated by country, gender, language skills, prior election observation experience, and occupational category.
- (b) When the SADC Secretariat invites Member States to submit observers for a SEOM, each Member State shall endeavour, to the extent possible, to base their nominations on the approved list of trained and experienced observers held in the SADC Secretariat Central Roster.

- (c) Member States shall submit shortlists to the SADC Secretariat taking into consideration gender balance, physical fitness, linguistic skills, technological skills, occupational balance, and prior relevant experience of electoral observation in Africa.
- (d) Upon submission of the Observer shortlists by Member States, the SADC Secretariat shall determine the required number of Observers to be deployed to each Member State holding elections, taking into account, inter alia, the political context, geographical size and financial capacity.

14.3 SEOM Observer Profile

- (a) Observers should be citizens of the respective Member State nominating them.
- (b) Observers should be in good health and sound physical condition to undertake the election observation assignments.
- (c) Observers should possess basic knowledge of the history of the SADC region.
- (d) Observers should possess basic knowledge of the *SADC Principles and Guidelines Governing Democratic Elections*.
- (e) Observers should possess basic knowledge of electoral systems and processes within the SADC region.
- (f) Observers should be prepared to undergo intensive election training organised by the SADC Secretariat.
- (g) Observers should be prepared to spend indeterminable lengths of time outside their own country.
- (h) Observers should be prepared to abide by the Code of Conduct for SEOMs stipulated in section 10 of these *SADC Principles and Guidelines Governing Democratic Elections*.
- (i) Observers should be reasonably competent to undertake electoral observation.
- (j) Observers should have basic knowledge of any or all of the official languages of SADC, (English, Portuguese and French).
- (k) Observers should have no criminal record.



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