

REPUBLIC
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REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6460

Regulasiekoerant

Vol. 405

PRETORIA, 17 MARCH
MAART 1999

No. 19857

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

ELECTORAL COMMISSION VERKIESINGSKOMMISSIE

No. R. 362

17 March 1999

REGULATIONS CONCERNING THE ACCREDITATION OF OBSERVERS AND CODE OF CONDUCT FOR ACCREDITED OBSERVERS

1. The Electoral Commission has in terms of section 100 of the Electoral Act, 1998 (Act No. 73 of 1998), made the regulations set out in Schedule A.
2. The Electoral Commission has in terms of section 99 (3) read with section 84 (3)(b)(iii) of the Electoral Act, 1998 (Act No. 73 of 1998), compiled and issued the Code in Schedule B.

SCHEDULE A

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

- (i) **“accredited person”** means any juristic person accredited by the Commission under these regulations; (i)
- (ii) **“the Act”** means the Electoral Act, 1998 (Act No. 73 of 1998). (ii)

Application for accreditation of observers

2. A juristic person applying for accreditation as an observer of an election must complete an application form similar to Appendix 1 and deliver the completed form together with any documentation in support of the application at the office of the Commission in Pretoria.

Certificate of accreditation

3. The certificate of accreditation to be issued to a successful applicant, must be similar to Appendix 2.

Reports and breach of conditions

4. (1) The Commission may from time to time, require an accredited person in writing to submit information concerning the performance of a function by that person.

(2) The Commission may convene a hearing to investigate whether an accredited person has complied with conditions contemplated in sections 84 (5) of the Act, and may call upon any person to appear before the Commission to give evidence or to make written submissions.

(3) If the Commission finds that an accredited person to a material extent failed to comply with such conditions, the Commission may cancel the accreditation.

Identification of persons appointed by accredited person

5. The identification that a person appointed by an accredited person is in terms of section 85(2) of the Act obliged to wear while observing an election is an identification apparel, approved by the Commission, on which -

- (a) the words "Election Observer" is clearly indicated on the back and front in black letters, at least 10 cm high, on a white background; and
- (b) the identification mark or symbol of the accredited person, at least 10cm high, is clearly indicated on the back and front.

Fee for certified copy of or extract from register or copy of a certificate of accreditation.

6. The fee to be paid in terms of section 84 (7) of the Act for a certified copy of, or extract from the register of persons accredited as observers, or a copy of a certificate of accreditation is R1-00 (One Rand) per page.

Short Title

7. These regulations are called the Regulations on the Accreditation of Observers, 1999.

APPENDIX 1

Electoral Commission

APPLICATION FOR ACCREDITATION AS OBSERVER



2.1 Name of Applicant:	2.2 Address of Registered Office of Applicant:
---	--

2.3 Telephone Number:	2.4 Telefax Number (if any):
--------------------------------	---------------------------------------

2.5 E-mail Address (if any):

2.6 Registration Number of Applicant: (if applicable):	2.7 Date of Founding:
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2.8 Number of persons that will be appointed as observers:	2.9 Person in charge of co-ordinating the applicant's observers:
---	---

2.10 Mark or symbol of applicant:	
-----------------------------------	--

2.11 Particulars of persons appointed by applicant:

[illegible]

NB. If the space is insufficient, fullscap paper on which the necessary columns have been drawn, may be used.

Supporting Documents:

The application must be accompanied by the following:

- Copy of deed of foundation or constitution of the applicant.
- A statement of the reasons why the applicant is suitable for accreditation to observe the election process.
- An affirmation that the applicant commits itself to cooperate with the Commission in relation to the training, conduct and deployment of persons.

We hereby apply for accreditation as observer and certify that the particulars furnished in this form and the supporting documents are true and correct, and certify that all persons appointed by us will subscribe to the Code of Conduct for Observers.

Signature of duly authorised person on behalf of applicant

Date _____

Name

Capacity: _____

Certificate of Accreditation as an Observer

Number: _____

This is to Certify that

.....

has in terms of section 84 of the Electoral Act, 1998, been
accredited for one year to observe an election on condition that
the Code of Conduct for Accredited Observers is adhered to at all
times.

Signed:

Date of issue:

.....
Chief Electoral Officer

INDEPENDENT ELECTORAL COMMISSION

SCHEDULE B

Code of Conduct for Accredited Observers

1. Every accredited observer and person appointed by that observer must-

- 1.1 Observe the election impartially and independently of any registered party or candidate contesting the election.
- 1.2 Remain non-partisan and neutral.
- 1.3 Be competent and professional in observing the election.
- 1.4 Provide the Commission with a comprehensive review of the elections taking into account all relevant circumstances including -
 - (a) the degree of impartiality shown by the Commission;
 - (b) the degree of freedom of political parties to organise, move, assemble and express their views publicly;
 - (c) the opportunity for political parties to have their agents observe all aspects of the electoral process;
 - (d) the fairness of access for political parties to national media and other resources of the state;
 - (e) the proper conduct of polling and counting of votes; and
 - (f) any other issue that concerns the essential freedom and fairness of the election.
- 1.5 Comply with all instructions given and every obligation imposed by-
 - (a) the Commission;
 - (b) any electoral officer; or
 - (c) any employee or officer of the Commission; or
 - (d) a member of the security services acting on the instructions of an officer.

2. The accredited observer and any person appointed by that observer should -

- 2.1 Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate or registered party.

- 2.2 Act in a strictly neutral and unbiased manner.
- 2.3 Disclose to the Commission any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election.
- 2.4 Not accept any gifts or favour from a political party, organisation or person involved in the election process.
- 2.5 Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate or political party.
- 2.6 Not express a view or opinion on any matter which is the subject of electoral campaigning.
- 2.7 Not influence or attempt to influence the choice of a voter regarding any registered party or candidate in an election.
- 2.8 Not wear, carry, or display any registered party's symbols or colours.

No. R. 362

17 Maart 1999

REGULASIES AANGAANDE DIE AKKREDITERING VAN WAARNEMERS EN GEDRAGSKODE VIR GEAKKREDITEERDE WAARNEMERS

1. Die Verkiesingskommissie het ingevolge artikel 100 van die Kieswet, 1998 (Wet No. 73 van 1998) die regulasies in Bylae A uitgevaardig.
2. Die Verkiesingskommissie het ingevolge artikel 99(3) gelees met artikel 84(3)(b)(iii) van die Kieswet, 1998 (Wet No. 73 van 1998) die Kode in Bylae B opgestel en uitgereik.

BYLAE A

Woordomskrywings

1. Enige woord of uitdrukking in hierdie Regulasies waaraan 'n betekenis in die Wet geheg word, het daardie betekenis en tensy uit die samehang anders blyk, beteken -

- (i) **“geakkrediteerde persoon”** enige regspersoon wat deur die Kommissie ingevolge hierdie regulasies geakkrediteer is; (i)
- (ii) **“die Wet”** die Kieswet, 1998 (Wet No. 73 van 1998); (ii)

Aansoek om akkreditering van waarnemers

2. 'n Regspersoon wat aansoek doen om akkreditering om 'n verkiesing waar te neem, moet 'n aansoekvorm soortgelyk aan Aanhangsel 1 voltooi en die voltooië aansoekvorm, tesame met enige dokumentasie ter ondersteuning van die aansoek by die kantore van die Kommissie in Pretoria indien.

Sertifikaat van akkreditering

3. Die Sertifikaat van akkreditering wat aan 'n suksesvolle aansoeker uitgereik moet word, moet soortgelyk aan Aanhangsel 2 wees.

Verslae en verbreking van voorwaardes

4. (1) Die Kommissie kan van tyd tot tyd skriftelik van 'n geakkrediteerde persoon vereis om inligting betreffende die uitvoering van 'n funksie deur sodanige persoon, voor te lê.

(2) Die Kommissie kan 'n verhoor belê om ondersoek in te stel of 'n geakkrediteerde persoon die voorwaardes bedoel in artikel 84(5) van die Wet, nagekom het en kan enige persoon versoek om voor die Kommissie te verskyn om getuienis af te lê of om skriftelike voorleggings te maak.

(3) Indien die Kommissie bevind dat 'n geakkrediteerde persoon in 'n wesenlike opsig versuim het om aan die voorwaardes in subregulasie (2) bedoel, te voldoen kan die Kommissie die akkreditering intrek.

Identifisering van persone aangestel deur geakkrediteerde persoon

5. Die identifikasie wat 'n persoon, aangestel deur 'n geakkrediteerde persoon, ingevolge artikel 85(2) van die Wet, verplig is om te dra wanneer 'n verkiesing waargeneem word, is identifikasie klerasie wat deur die Kommissie goedgekeur is en waarop -

(a) die woorde "Verkiesingswaarnemer" duidelik op die agter-en voorkant in swart letters, ten minste 10cm hoog, op 'n wit agtergrond verskyn; en

(b) die identifiseringsmerk of simbool van die geakkrediteerde persoon, ten minste 10cm hoog, duidelik op die agter-en voorkant verskyn.

Fooi vir gewaarmerkte afskrif van of uittreksel uit register of afskrif van 'n sertifikaat van akkreditering

6. Die bedrag wat kragtens artikel 84(7) van die Wet betaalbaar is vir 'n gesertifiseerde afskrif van of uittreksel uit die register van persone wat as waarnemers geakkrediteer is, of 'n afskrif van 'n sertifikaat van akkreditering, is R1-00 (Een Rand) per bladsy.

Kort Titel

7. Hierdie regulasies heet die Regulasies op die Akkreditering van Waarnemers 1999.

AANHANGSEL 1

Verkiesingskommissie

AANSOEK OM AKKREDITERING AS WAARNEMER



2.1 Naam van Aansoeker:	2.2 Adres van geregistreerde kantoor van Aansoeker:
--	---

2.3 Telefoonnommer:	2.4 Faksimilee nommer:
------------------------------	---------------------------------

2.5 E-pos Adres (indien enige):

2.6 Registrasienommer van Aansoeker (indien van toepassing):	2.7 Stigtingsdatum:
---	------------------------------

2.8 Aantal persone wat as waarnemers aangestel gaan word:	2.9 Persoon wat in beheer van die koördinerende van die aansoeker se waarnemers is:
--	---

2.10 Merk of simbool van aansoeker:	
-------------------------------------	--

Sertifikaat van Akkreditering As 'n Waarnemer

Nommer: _____

Hiermee word gesertifiseer dat

.....

in terme van artikel 84 van die Kieswet, 1998, vir 'n tydperk van
een jaar geakkrediteer is om 'n verkiesing waar te neem op
voorwaarde dat die Gedragskode vir Geakkrediteerde
Waarnemers te alle tye nagekom word.

Geteken:

Datum uitgereik:

.....
Hoofverkiesingsbeampte

VERKIESINGSKOMMISSIE

BYLAE B**Gedragkode vir Geakkrediteerde Waarnemers****1. Elke geakkrediteerde waarnemer en persoon aangestel deur daardie waarnemer moet-**

- 1.1 Die verkiesing onpartydig en onafhanklik van enige geregistreerde party of kandidaat wat aan die verkiesing deelneem, waarneem.
- 1.2 Onpartydig en neutraal bly.
- 1.3 Op 'n bevoegde en professionele wyse die verkiesing waarneem.
- 1.4 Die Kommissie van 'n omvattende oorsig van die verkiesings voorsien waarin alle relevante omstandighede in ag geneem is, insluitende -
 - (a) die mate van onpartydigheid wat deur die Kommissie getoon is;
 - (b) die mate van vryheid van politieke partye om te organiseer, rond te beweeg, te vergader en om hul menings in die openbaar te stel;
 - (c) die geleentheid wat politieke partye het om hul agente alle aspekte van die verkiesingsproses te laat waar neem;
 - (d) die billikheid van toegang van politieke partye tot die nasionale media en ander hulpbronne van die staat;
 - (e) die behoorlike bedryf van stemmery en tel van stemme; en
 - (f) enige ander aangeleentheid wat die basiese vryheid en billikheid van die verkiesing raak.
- 1.5 Aan alle opdragte en verpligtinge voldoen wat opgelê word deur-
 - (a) die Kommissie;
 - (b) enige verkiesingsbeampte; of
 - (c) enige werknemer of beampte van die Kommissie; of
 - (d) 'n lid van die veiligheidsdienste wat in opdrag van 'n beampte optree.

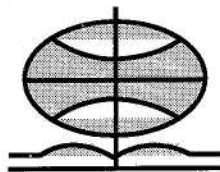
2. Die geakkrediteerde waarnemers en enige persoon deur daardie waarnemer aangestel, behoort -

- 2.1 Optrede te vermy wat daarop dui of gesien kan word as 'n aanduiding van partydige ondersteuning vir 'n kandidaat of geregistreerde party.
- 2.2 Streng neutraal en onbevooroordeeld op te tree.
- 2.3 Enige verbintenis wat tot 'n botsing van belange kan lei rakende die uitvoering van hul pligte as waarnemers of met die observasieproses of evaluering van die verkiesing, aan die Kommissie te openbaar.
- 2.4 Nie enige geskenke of gunste van 'n politieke party, organisasie of persoon wat by die verkiesingsproses betrokke is, te aanvaar nie.
- 2.5 Nie aan enige funksie of aktiwiteit deel te neem wat aanleiding kan gee tot 'n persepsie van simpatie vir 'n besondere kandidaat of politieke party nie.
- 2.6 Nie 'n mening of opinie uit te spreek aangaande enige aangeleentheid wat die onderwerp van verkiesingsveldtogte is nie.
- 2.7 Nie die keuse van 'n kieser rakende enige geregistreerde party of kandidaat in 'n verkiesing te beïnvloed of probeer om te beïnvloed nie.
- 2.8 Nie enige geregistreerde party se simbole of kleure dra of vertoon nie.

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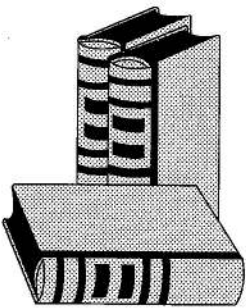
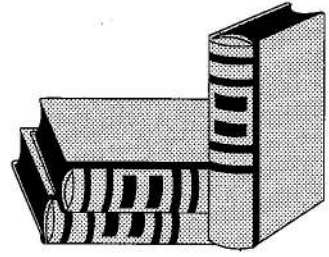


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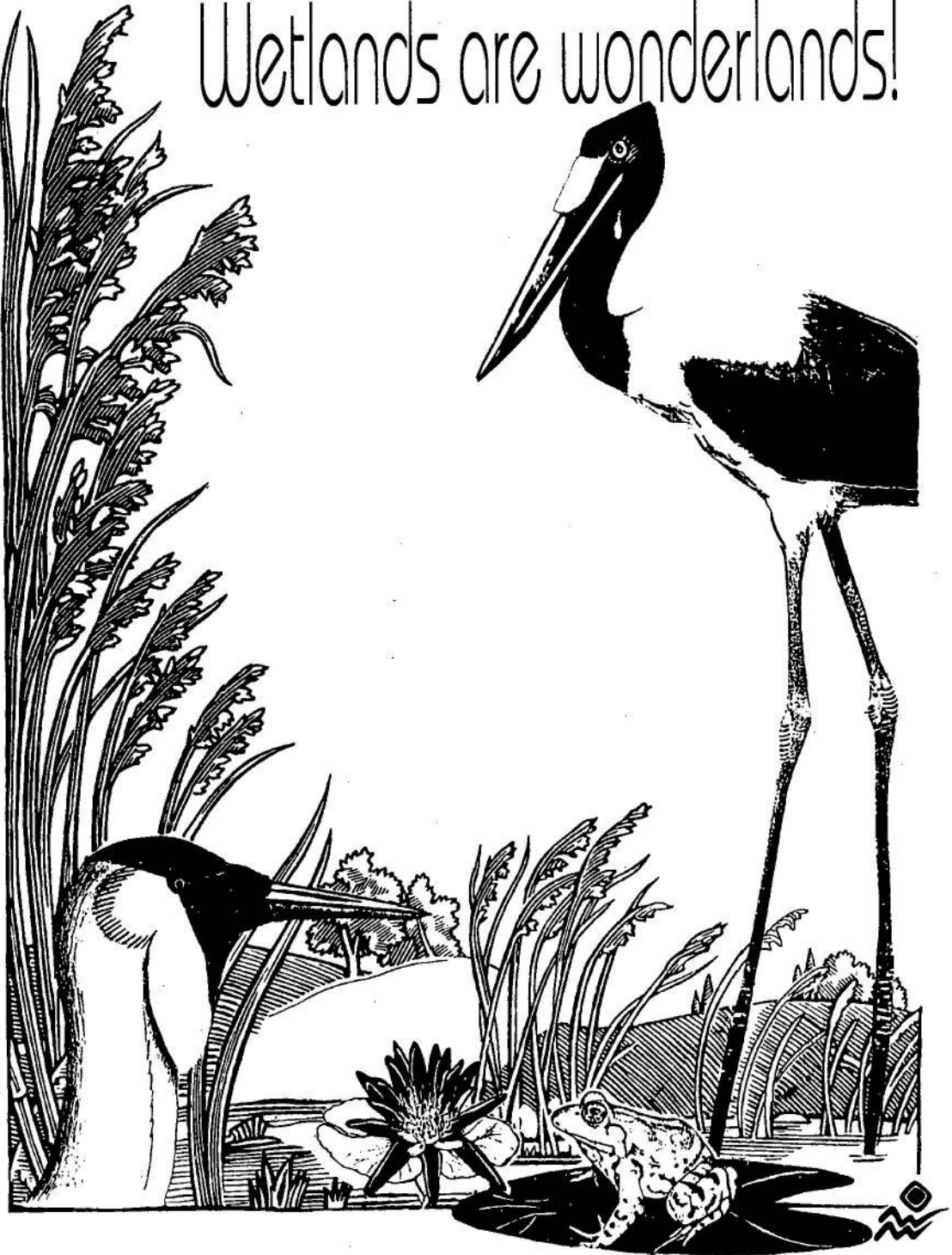
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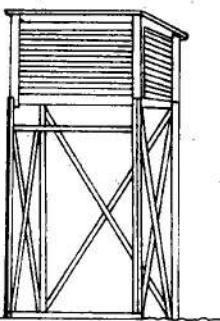
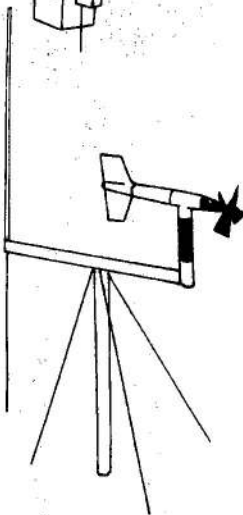
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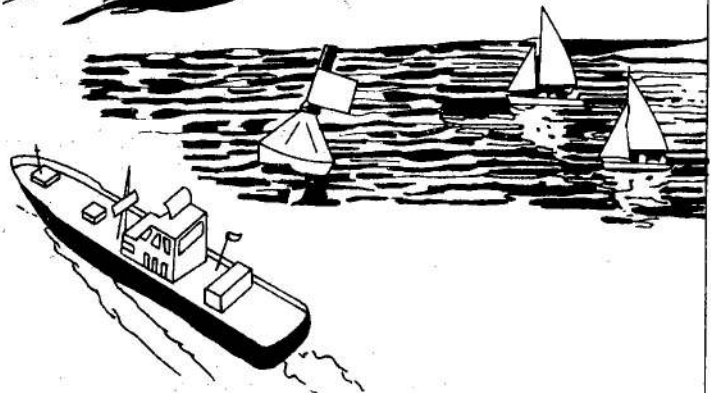
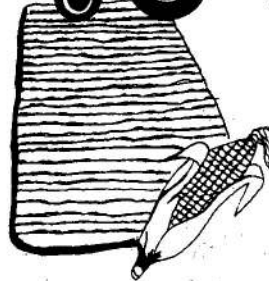
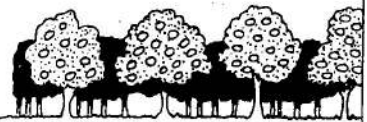
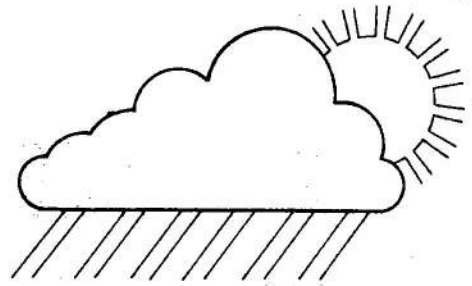


Department of Environmental Affairs and Tourism

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001
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