

# Election trail – and obstacle course

There are many obstacles still to be negotiated on the road to South Africa's first democratic general election. Exactly what we will be voting for still needs to be decided: a legitimate parliament to draft the constitution, or a new government to rule in terms of the new constitution. **PAUL GRAHAM** looks at some of the criteria to ensure free and fair elections.

**I**F WE assume that the purpose of the election has been resolved, at least five areas need to be managed to ensure that it is free and fair and will assist a successful transition to democracy.

The first is to deal with the violence in such a way that it can no longer play a decisively advantageous role for any party contesting the elections or seeking to stop the elections. While elections have taken place in situations of violence, the necessity for developing a climate of peace for its own sake remains.

Within an election context, managing the security of the citizens in a politically neutral way will be our first priority. Talk of a multi-party peace keeping force remains just that. At present we will have to work with what we have.

The second is the necessity of, in the words of the Commonwealth Mission to Kenya, 'the delinking of the institutions of state and government from the ruling party' in order to ensure no undue advantage to any of the contestants. In large measure, this is the role of the Transitional Executive Council.

Thirdly, there must be agreement on the constitutional framework within which the country will operate. In particular, there must be a set of rules for the here and now, an understanding of how authority will be transferred to a new government and under what conditions that will operate, and a method for getting to the final constitution under which democracy will be consolidated.

Then the election must be managed. The electoral process must be defined through the writing of an electoral act and the establishment of an independent authority which can carry out the election on behalf of the citizens rather than the parties. An independent electoral commission seems appropriate. Voters need to be identified and

the thorny questions of citizenship answered.

Following this, the official campaign will begin. For this a code of conduct for political parties – including aspects of the present Code of Conduct, but going beyond it – must be prepared. The present code states (among other things) that parties should actively contribute to the creation of a climate of political tolerance by:

- publicly and repeatedly condemning political violence and encouraging among their followers an understanding of the importance of political pluralism and a culture of political tolerance; and
- acting positively to support the right of all political parties and organisations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.

This code was signed in September 1991. The difficulties of implementation already experienced will no doubt continue into the campaign period.

The election itself will require a large number of temporary officials – estimated variously between 70 000 and 100 000 – to administer the ballot and conduct the count.

Finally, the election must be verified and the results adopted by all competing parties.

This, in turn, will place a number of demands upon the country.

Until March, it seemed that the major difficulty facing the negotiating partners would be to sort out the questions around regionalism. Everything pointed to the creation of an assembly comprising national and regional representatives – which means that there have to be decisions, even if interim ones, on the boundaries of regions.

This in itself is a large problem, particularly in South Africa where interim solutions have the propensity to become calcified rather rapidly, and the drafters of a new con-

stitution might find themselves with a country in which electoral regions have become constitutional regions.

There also appear to be very sharp differences between parties as to the type of electoral system. No longer are we merely confronting the technical task of choosing the best system of proportional representation (PR). Now it appears that we must make political decisions about whether to adopt a PR system or a constituency based system. There are options for compromise but they will require new degrees of flexibility and could extend the negotiations period.

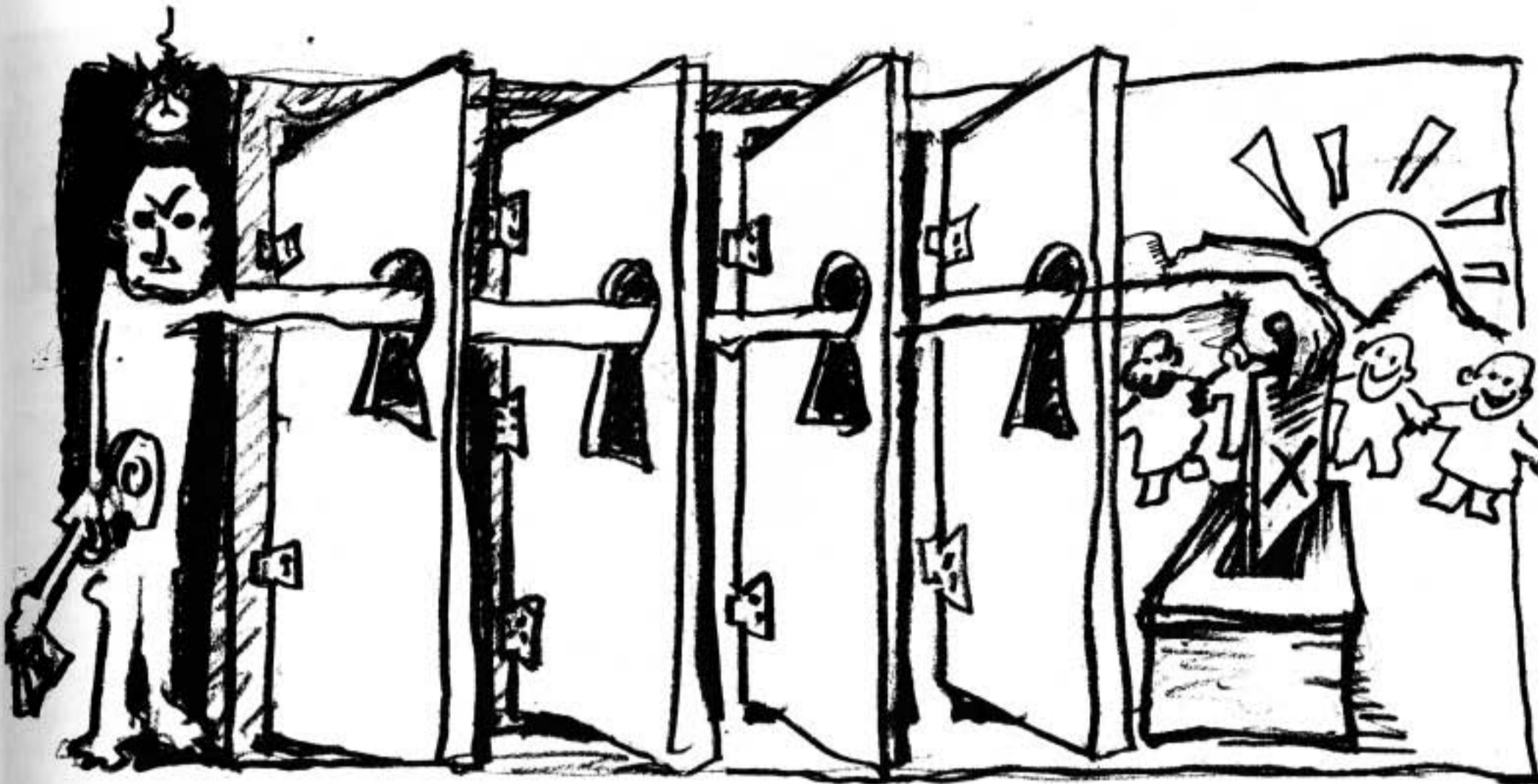
Then there must be decisions on the method of selection and the degree of power which the Independent Electoral Commission (IEC) will have. Suggestions have been made that the appointment of the SABC board will give some pointers to a public selection process. As a model of timing, it leaves a lot to be desired. Indeed the composition and power of the IEC is a central matter in the election process.

The official campaign follows. Our track record in creating a culture of tolerance, allowing freedom of movement and association, educating citizens as to their rights and protecting these, and reducing violence and intimidation suggest that our labours, like those of Sisyphus, are not yet over. Already there are groups and individuals working hard in this area. A combined and much more massive approach will be required.

As parties will be seeking every possible advantage to ensure they win the elections, it is to be expected that they will attempt to make use of educational opportunities, structures and institutions, including those established through the negotiation process, to assist them in this. It is in every party's interest to allow independent and impartial programmes which ensure that potential voters come to the polls informed and of their own free will.

Despite the insinuations of some, electoral education is essential and should be made available to all potential voters – some 21





million of them. Education should deal not only with the mechanics of elections but with the context for elections, their purpose, how to assess party positions, and the necessity for political tolerance and maintaining the Electoral Code of Conduct.

The administration of the elections could be done, as has been done before, by the Department of Home Affairs. This does not fulfil the principle of impartiality and independence. So it will fall onto the Electoral Commission to find the many thousands of officials to staff the 9 000 to 10 000 polling stations and to site these stations.

In addition to the many who will treat the elections as a spectator sport similar to the Comrades Marathon, there will be those who have the specific tasks of verifying the elections by observing a representative section of the electoral process.

The number of local and international monitors required for this task still has to be established. At a ratio similar to that used in the Angolan elections, we would need 3 000 such monitors. At the ratio established in Namibia we would need 123 000.

This number does not include those playing the important conciliation roles necessary to reduce violence and those ensuring that the security forces act in accordance with agreements on the electoral process.

Finally, parties will want to establish agents to observe the conduct of the elections on their own behalf.

All in all, a massive undertaking in which

South Africans will have to play the leading roles.

After experiences with elections in Angola, Kenya and Zambia, it is clear that it is the development of a culture of democracy, the solving of the peace issues – in particular the demobilisation of soldiers and the reduction of arms – and the establishment of a climate within which elections are not merely another strategy of battle which will ensure that we move into the next stage of our struggle for democracy rather than simply the holding of elections.

The Commonwealth report on the Kenyan elections describes some of the things which could go wrong if we do not attend to them here in South Africa. It reminds us that whatever happens, it is the commitment and political power of the voter which could carry us through.

Given all the serious and numerous shortcomings in the Kenyan elections – the disorganisation and confusion that reigned in most polling stations which marred the opening of the polls, the poor communication between the Electoral Commission and Returning Officers and between Returning Officers and Presiding Officers, the lack of co-ordination and inconsistencies in dealing with clear-cut problems – we can only conclude that neither the polling day arrangements nor the polling and counting processes were ade-

quately designed or executed to meet the specific needs of the Kenyan electoral environment.

This, coupled with a serious lack of comprehensive training and civic education, led inevitably to delays and confusion at the polls.

If it were not for the laudable commitment, dedication and patience of some poll officials, party agents and, in particular, the voters, the whole process could easily have become a fiasco.

Special mention must be made of the thousands of local monitors who tirelessly and vigilantly kept watch at all polling stations and counting centres. As it was, polling day and the many hours afterwards, were probably the most positive aspect of the whole electoral process.

This serves as a sober reminder of all the issues with which we will have to contend between now and polling day. But, as in Angola, and to a lesser extent in Kenya and Zambia, we should not delude ourselves that running a slick election will put us on the road to democracy.

In fact, the election could distract us from the more pressing tasks.

It is up to all South Africans whether we will be able to conduct our electoral process in such a way that it also ensures progress in our transition to democracy.

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