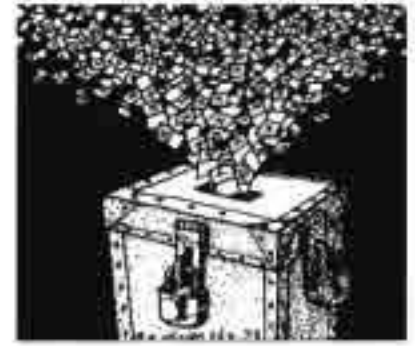


Free and fair ... and fast!



What do we have to do in South Africa to ensure that the forthcoming democratic election will be free and fair and its outcome accepted by all. SUE VALENTINE spoke to international election management specialist Ron Gould.

What should be the composition of an electoral commission?

There are several models. Some can be thrown out fairly quickly. For example, in some countries and in what is probably the least desirable model, a government department acts as the electoral body.

Another one which is probably not realistic for here, is an electoral commission formed of representatives of political parties. I think there are two things that mitigate against it: you don't want an extremely large body and you already have 26 political parties (in the negotiations forum). How you exclude parties becomes highly political. The other point is that you need top-notch people on the electoral commission and if you take top notch people out of the parties for full-time work on the commission, it will have a negative impact on the parties.

Setting those two aside leaves a couple of models which are very similar in type. One that is very popular and very successful (where the judiciary is considered to be impartial and non-partisan) is to have a member of the judiciary designated by all the players as chairperson, or to have a three-member panel as your election commission.

Sometimes you can have a member of the judiciary heading up a panel of respected members from elsewhere in the community – be it academia, the arts or whatever.

The third model is where the judiciary really doesn't play a role and you find some upstanding member of the community who is considered to be acceptable and non-partisan and around that build a group.

The chairperson should be all-powerful with the power to break a tie-hold or, where there can't be agreement, make a decision. It must obviously be a decisive person.

The smaller the commission the better. I've heard a number of concepts. One was that if you are going to have proportional representation both on a national and regional basis, and assuming there would be 10 regions (defined in some way or other), then you

might have an 11-person commission – a chairperson and 10. That's awfully large. The commission has to make very fast decisions in a number of areas and the larger the commission, the more difficult it is. If it were possible to have each member of the commission responsible for two regions, then you could have a six-person commission.

Would you see the National Peace Committee serving the purpose of the electoral commission?

I don't know the size of the peace commission. The critical thing is to get a body in there that has the trust and the confidence of everyone, even though they may at times rule against you and your group. You need that combined with the secrecy of the vote. You will never be able to convince people of the secrecy of the vote and how their views and their choice will never be found out unless they trust the people who are running the electoral commission. If the parties don't trust the body then the parties won't convince their people.

What would you do with a body such as the Department of Home Affairs? Could it execute the instructions drawn up by the electoral commission?

A double-barrelled answer: from what I understand, because the Department of Home Affairs is associated with the government and it is not totally trusted, it is not the kind of organisation everyone would have confidence in. On the other hand, it is your source of electoral operational expertise.

What I have seen work in other countries is that you remove the Department of Home Affairs from the government and place it under the electoral commission. They then become employees of the electoral commission, at least for the pre-election to post-election period. They are accountable to them and the election commission should have the power to fire them if necessary. In general terms, what I've found elsewhere and I don't know why it wouldn't follow here, these

people are professional bureaucrats. Whoever they work for they will follow what they're told to do, although obviously they will try to influence the process.

What if they're antagonistic to the process? If their jobs and salaries depend on them doing as they're told by the electoral commission, I should think you'd be very surprised at how co-operative they will be! And they have to look to the future too.

The reality is that there's a lot of talent there. What is more likely to happen is that there are changes in systems and approaches from what has always been done, that's where you'll have a lot of resistance. But in terms of trying to sabotage the electoral process, I think there's fairly little chance of that happening.

I understand that you recommend one polling station for every 500 people.

We're into terminology here. What I was saying was that 500 people is the largest number that can comfortably be handled in one day by one group of electoral administrators and one ballot box. If you anticipate 3 000 people at a polling station, then you would have six ballot boxes.

Besides one or two ushers at the door, you need three persons per ballot box so at a polling station with six ballot boxes you're looking at a minimum of 18 people.

All in all you'll need a massive number of people – at least 140 000 to serve as election officials. That's a lot of training.

Who would you see as the best possible agencies for voter education?

Very definitely non-government organisations (NGOs) – hopefully under some sort of co-ordinated umbrella so there is no rivalry and diffusing of resources rather than consolidating and using them to their greatest extent.

The parties also have an important role. Once you have your party registration process completed, you should then have a ballot design which is publicised with all the

parties' names and emblems in whatever order they're going to appear on the actual ballot. Then the parties can take that ballot and go to the people and say, 'this is us, this is our logo, here's how you mark the ballot'. They can do a great deal of civic education on that basis.

I gather that you favour the idea of a day-long election?

The ideal is that everything happens on one day because overnight leads to accusations of opportunity for fraud, ballot stuffing, switching boxes and so on.

If a one-day voting period does not permit that, then you may have to allow two days. Then there are variations on that theme because you can have no more than one day's voting in any one location, but you can have the process running over two days and have mobile polls and voting teams. If it does have to run over two days, then what you have to do is set up a roster with observers and international observers to ensure that election staff stay with the boxes at all times.

What role would you see for the security forces?

Ideally on polling day, if not during the election period, the security forces should be under the control of the electoral commission. That will take a lot of negotiation, education and training.

Generally they are not allowed to vote in uniform. In Central America they vote in their military bases, but that's not desirable because of pressure and intimidation to all vote the same way. Also when you start counting the polls you can identify which way the military voted, which isn't fair to them either.

The normal restriction is that the security forces are not allowed into the poll under any circumstances, except when invited by the presiding officer to quell any problems that arise. They should be schooled in what the electoral law says - how far they should be from the polls and so on.

But you have to have police and security forces of some sort, especially in instances such as this country where there is always the possibility of violence.



Ron Gould ... a challenge, but it can be done within a year.

With regard to ensuring that people accept the results of an election, what should be done beforehand and afterwards?

I guess whoever loses has great difficulty in accepting the results, no matter what you do. The bottom line is to be able to offset the accusations and the rumours by having as airtight an electoral system as possible.

An intensive education programme is needed, so that there's an understanding of the electoral process and the kinds of safeguards that are in there and the very important involvement of the parties as monitors of the elections.

The parties need to educate people, to create an understanding that there is not going to be more of the same when it's all over. Even if a party is in a minority, but represented, it means those people will have a voice and be playing an active and involved role. It's not loser loses all and winner takes all.

It is the responsibility of the parties to watch the election administrator's every move from the time the poll is set up and even before it opens, until the count is finished. Those kinds of things make it difficult for a party which has had monitors at the poll to say there was this abuse or that abuse, especially if they've been in view of

Voters' friend

Ron Gould is the assistant chief electoral officer in Canada and was involved in managing the 1984 and 1988 elections in that country, as well as the 1992 referendum.

He has represented Canada on electoral commissions in Central and South America, with members of parliament in Albania, with the Organisation of American States in El Salvador and the Commonwealth in Kenya. He also headed the United Nations mission to design the electoral framework, organisation and timing of all aspects of the Cambodian election.

the ballot box at all times.

But you also have all the things that happen down the line in terms of intimidation, interfering with party rallies and access to the media. In a lot of these areas, such as access to media and public information, the situation will not be equal, there is no way it can be, but there are certain things that can be levelled off.

To Page 31

Free, fair ... and fast

From Page 9

Regarding the media, especially the electronic media which have been state-controlled for so long, do you have any 'recipes' for how to ensure fair play?

I think given the situation, and the complexity and difficulty in drawing up party financing laws, it's hard to envisage all those details. But there is a way in which the playing field can be levelled and some kind of a financial subsidy given (indirectly) to all parties.

If the election commission was given the power to decree that, for example, there be 10 hours of free time on every network - radio and television - which would be divided up by the parties according to a formula on which the commission would decide, that way everyone would have a balanced crack at the thing.

All the parties could get their time in whichever format they wanted - 15 one-minute spots or 30 30-second spots. You might even prohibit private advertising so that the richer parties don't get a supplementary edge - that will help level the playing field.

In Canada it's written into the election act, that parties get both paid time and free time on the air. The only thing then that you need is an arbitrator, and you can use someone from the electoral commission, who arbitrates between the party and the broadcasting station. In our law, the free time must be in primetime.

Normally you won't divide the time equally between all parties, the larger parties with more representation and more candidates in every region obviously should have more time. It'll be a challenge for the election commission.

Are there precedents for obliging the public service broadcaster to actually make voter education programmes?

You mean public service announcement type things? There's nothing in our Act, but it's a very good idea to look at. In Canada we have legislated partisan advertising, but no legislated public service advertising - adding that element would be very useful. Perhaps you could put together legislation to allocate a block of time for non-partisan, political, civic information.

In Canada we have one advantage over most countries, and it's just by the luck of the draw - we have a parliamentary channel. When there's an election, there is no parliament, so we have a television network

all to ourselves, 24 hours a day, for civic education. It doesn't necessarily have to be a high-powered affair. In our referendum, we had all sorts of small, weird and wonderful groups and some individuals made some very impressive stuff with a home video camera.

The issue here is how to convince our national broadcaster?

Well, once you put them under the control of the electoral commission, they're out of it. They are subject to following the rules - and in our law the penalties are incredible if you don't follow the rules. One of the most important elements in the election is public information.

What about the registration of voters?

This is a real challenge, especially because, as I understand it, you have no real handle on your total population. There is an estimate of 21 or 22 million voters, but I really haven't heard anybody say: a voter is or would be an 18-year-old, citizen and resident.

Some people were asking why 18 years old, and what was the norm around the world. It is 18. That's the age of legal responsibility under many laws and that's the law here. It's a rationale that stands up fairly well in court.

So you have 21 or 22 million voters, of which maybe four or five million have no voter identity or registration cards. Then the question arises, what will you use to identify a voter at the poll? The easy route is to use the existing cards and put

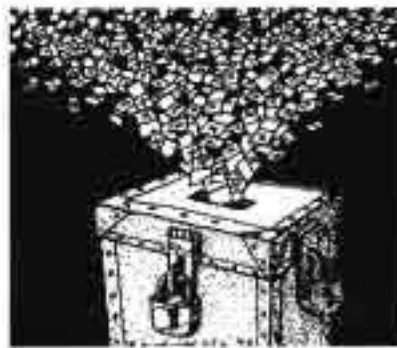
on a major effort to issue another 3 to 5 million, whatever is needed to cover the rest of the population.

The alternatives, in my view, are much more complex. If the time was there, you could abandon all the registration cards which have apartheid connotations and issue 21 or 25 million voter cards, but I don't think that's reality.

If it's impossible to issue 3 to 5 million voter cards, then the only other option is for the election commission to identify criteria which must be followed for a person to vote who doesn't have a registration card. It could be a driver's licence, a birth certificate vouched for by a chief or whatever.

Ideally if there can be one document used by everybody then they can use them for other purposes afterwards, that would be much more cost-effective.

After the various meetings you've had with different groups in South Africa, are you



optimistic about the prospects for peaceful, democratic elections?

Everything points to a high motivation to do this thing right, not to be another Angola. I've heard comparisons with Angola and the

trauma it's caused and I think that maybe Angola is perhaps one of the best things that ever happened to South Africa.

Nobody I've talked to yet wants that result from elections here. They want to set up a system that will guarantee that when the thing is over the country will continue in a peaceful vein.

And given what you've seen here compared to countries you've monitored such as El Salvador and Nicaragua?

In my estimation I think that the setting is much more positive than many countries at this stage of the game because you have parties talking together and negotiating around a table. Everyone is around the table but one, and the last one is softening. There are things being done outside of those negotiations, such as with your organisation, that are bringing diverse elements together to start getting things ready. I think it's very impressive.

There is so much momentum right now, the only frustration is that there is no focus for the release of that momentum because the fundamental decision hasn't been made. But I think the potential is all there.

Can it all be done within a year?

If the fundamental decisions on representation and voting (including proportional or national systems and defining regions if need be) can be done early enough, then the rest can fall into place with one caveat: that there is a logistical determination of what the registration process is going to be, what the registration document will be and how long that is going to take. If those two key things are determined early enough, it should be able to be completed within a year.

The rest of it - the training and system and so on - is relatively straightforward. It will be a challenge, but it can be done within a year. Less time is doubtful. Obviously the longer the better from the point of view of the electoral bureaucracy, but on the other hand, the longer you stretch it out the more chance there is that things will fall apart. So once that momentum starts you want to just keep rolling.

There appears to be an acceptance level for April '94 and even May/June '94, but there is the realisation that there is a lot of work to do.

Sue Valentine is Idasa's media director.