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SOUTH AFRICA:
CAMPAIGN AND ELECTION REPORT
APRIL 26-29, 1994

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South Africa: Campaign and Election Report, April 26-29, 1994 marks the end of a political party training program in South Africa. The South Africa Election Support Project (SAESP) was undertaken in support of South Africa's first nonracial election and was made possible through funding from the U.S. Agency for International Development (USAID).

International Republican Institute (IRI) staff conducted interviews with South Africa's political parties, election officials, media and civic organizations both before and after the country's first nonracial election. During the April 26-29, 1994 election period, a seven-member election observation team (primarily IRI staff and experts) visited 25 voting stations and three counting stations through PWV and KwaZulu Natal provinces.

IRI thanks those staff of the Independent Electoral Commission (IEC) who shared information, experiences and insights that were helpful in the completion of this report. IRI also thanks IEC Chairperson Judge Johann Kriegler for his cooperation in providing information after the election. The six major parties -- the African National Congress, National Party, Inkatha Freedom Party, Freedom Front, Democratic Party and Pan Africanist Congress of Azania -- were given the opportunity to submit reports to IRI outlining their election experiences. Although promised, reports from the African National Congress and the Freedom Front never were received. African National Congress supporters in many communities, however, provided useful insights on the campaign environment. IRI used media reports extensively in its research and thanks all members of the South African media for their thorough work during the election period.

Although this report was undertaken in the closing months of the SAESP, it is important to note that the information and opinions herein do not represent the contribution or views of any political party trainers who participated in the SAESP. All trainers had confidential training relationships with their parties. IRI takes this opportunity, however, to acknowledge those trainers who offered their time and services pro bono to help South African political parties prepare their organizations during the pre-election period.

IRI expresses its gratitude to the U.S. Embassy and the USAID for their continuous support of its efforts. Finally and most importantly, IRI acknowledges and thanks the voters and future voters of South Africa. They are the ones for whom this effort was undertaken.

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This document represents only the views and opinions of the International Republican Institute and should not be considered the opinion of any single person or partner organization involved in the South Africa Election Support Project. IRI has made every attempt to represent the facts accurately and objectively. In so doing, IRI has crosschecked information with several sources wherever possible.

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GLOSSARY

ACDP	African Christian Democratic Party
<i>Amakhosi</i>	Traditional leaders or chiefs
ANC	African National Congress
APLA	Azanian People's Liberation Army
<i>Apartheid</i>	Afrikaans word for "apartness"
AVF	Afrikaner People's Front
AWB	Afrikaner Resistance Movement
AZAPO	Azanian People's Organization
CODESA	Convention for a Democratic South Africa
COSAG	Concerned South Africans Group
COSATU	Congress of South African Trade Unions
CP	Conservative Party
DP	Democratic Party
DPSA	Dikwankwetla Party of South Africa
EAD	Election Administration Directorate
FF	Freedom Front
GNU	Government of National Unity
IBA	Independent Broadcasting Authority
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IMC	Independent Media Commission
IRI	International Republican Institute
MK	Umkhonto we Sizwe
MPNF	Multiparty Negotiating Forum
NGO	Nongovernmental organization
NP	National Party
PAC	Pan Africanist Congress of Azania
PWV	Pretoria-Witwatersrand-Vereeniging
RDP	Reconstruction and Development Program
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SADF	South African Defence Force
SAIRR	South African Institute of Race Relations
SANDF	South African National Defence Force
SAP	South African Police
TEC	Transitional Executive Council
UDF	United Democratic Front
<i>Volkstaat</i>	Afrikaans for independent state

EXECUTIVE SUMMARY AND RECOMMENDATIONS

"In short, I could say there were shortages."

"I was afraid of bombings from the AWB."

"My greatest fear was confrontation between the IFP and ANC that could lead to civil war."

"I had election fever: Would it happen or not?"

"I was afraid that maybe the results would be cooked."

"In the future the IEC, or any such structure, must plan properly."

"I experienced a feeling of oneness among South Africans of all races."

"Seeing my 79-year-old mother crying, singing and dancing after she voted..."

Soon after South Africa's first nonracial election, a nonpartisan local organization asked 1,080 respondents from Johannesburg, Soweto and the East Rand their feelings about the campaign and the April 26-29, 1994 election. The above-noted observations from the survey in many ways reflect the independent findings of the International Republican Institute (IRI) in its five-month analysis of the campaign and election environment. In this election, 12,237,655 voters (62.65 percent) overwhelmingly selected Nelson Mandela and the African National Congress to lead the country forward -- and away from the racist and often brutal policies of the 1948-90 Apartheid era.

With 86 percent voter turnout, South Africans elected a 400-member National Assembly (200 at the national level, 200 at the provincial level) and nine provincial governments.

IRI's overall conclusion is that the election was politically masterful and administratively calamitous; however, despite daunting challenges and crises, the election results finally reflected the will of a majority of voters. Political violence -- the greatest fear of election planners -- was a non-issue on election days compared with the near-collapse of election administration in general. Unprecedented peace prevailed even in the midst of administrative chaos.

IRI's Campaign and Election Report provides a comprehensive analysis of the pre-election and election periods. Briefly summarized, IRI notes six areas of particular importance:

- **The election was a historic first step towards liberation and a nonracial society.** This success was due in large part to the incalculable sacrifices and commitment of many participants including civic associations, churches, political organizations, and election

officials. Ultimately, however, the true triumph must be attributed to the voters, the 19,533,498 citizens who cast ballots despite fear of intimidation, who waited patiently when administrative chaos ensued, and who, with their votes, formally established a new South Africa.

- **The Electoral Act and the Independent Electoral Commission Act contained some unusual provisions that could have influenced subsequent election difficulties.** These included: no compulsory voter registration list; insufficient detail about distribution and counting procedures; unprecedented authority for Independent Electoral Commission (IEC) commissioners to negotiate vote counts if necessary; and voting materials to be kept for only 30 days after the election, with no provision for post-election review by parties. Electoral legislation also had some unusual aspects, such as the establishment of a Monitoring Directorate within the IEC to monitor both the IEC and the election, and the requirement that within 10 days after the election the IEC itself must declare the extent to which the election was free and fair.
- **Pre-election political violence perpetrated by supporters of several parties did not allow for a free and fair campaign environment in which all political parties could communicate with voters.** No-go areas throughout the country made it impossible for some parties to campaign freely. Freedom of speech and peaceful assembly in these areas was dangerously lacking. Although all contesting parties signed an Electoral Code of Conduct prohibiting violent competition, political leaders did little to sanction supporters who engaged in violent campaign activities.
- **The IEC faced extreme challenges, particularly the lack of time to organize, the lack of a voter registration list, the lack of experienced election administrators, and the millions of inexperienced voters.** On the other hand, the IEC also had a R998 million (\$US280 million) budget (which eventually grew) and access to considerable international expertise and local administrative talent. To the surprise of most who had seen the IEC perform admirably to build voter confidence in the process during the run-up to the election, the election nearly collapsed as a result of administrative shortcomings, particularly in the areas of voting material distribution, ballot security, and ballot reconciliation. In short, election administration was seriously deficient.
- **Election and counting disputes were not resolved in a transparent manner.** Electoral legislation stipulated that all election complaints that could materially affect the outcome of the election must be resolved before the results could be announced. Dispute resolution was to be completed no later than 10 days after the election and before May 10, 1994, the scheduled day for inauguration. This time pressure, among other factors, led major political parties to negotiate solutions to election and counting disputes. Although this dispute-resolution method legally was permissible, and even stipulated, the negotiations were not conducted in a transparent manner.

- **Although reflecting the will of the majority of South Africans, the final numerical results of the election did not, in IRI's opinion, accurately represent the precise number of votes cast for each party. A precise count was made impossible by administrative chaos combined with electoral fraud perpetrated by a few parties (allegedly the African National Congress and Inkatha Freedom Party in particular) and corruption of the computer system by hackers.**

In IRI's opinion, this election tested all typical transitional political and administrative challenges to the limit, and was ultimately an historic achievement. This report discusses these issues in greater detail. Chapter I gives a brief background to the political negotiations that took place between the parties from mid-1990 to April 26-29, 1994. Chapter II describes each of the parties participating in the election and other parties of historical importance. Chapter III offers perspectives on the endemic political violence. Chapter IV views the electoral framework crafted by the Multiparty Negotiating Forum. Chapter V assesses the campaign environment in the run-up to the election. Chapter VI provides a comprehensive review of the election days and counting period. Chapter VII discusses election results. The Appendices include copies of campaign and election complaints submitted to the IEC by several parties.

The closing section of the Executive Summary offers IRI's recommendations for future elections. Although this election ultimately was a remarkable success, certain critical aspects should not be repeated. In crafting the recommendations, IRI has taken into account its institutional experience with more than 50 elections worldwide, while at the same time realizing that each country has distinctive differences that require unique approaches to election administration.

*April 27th was a historic day to me
A historic day to my people
A historic day to the whole world.*

*It was the end of the road.
And the beginning of another journey.
The end of Apartheid.
And the journey to Freedom.*

*Mzwakhe Mbuli
"South Africa, April 1994"
(compiled by Andre Brink)*

RECOMMENDATIONS

Electoral Framework

Voter Registration. Time constraints, security concerns and other factors made it impossible to conduct voter registration prior to the election. IRI believes, however, that it is an absolute necessity that a voter registration list be compiled before the next election. This will considerably ease the burden on election administrators and help to preclude possible fraud.

Voting Material Distribution. Electoral legislation provides little information about responsibilities, methods or security for voting material distribution. These elements should be addressed in much greater detail in the revised electoral law.

Ballot Security. Electoral legislation provides little specificity regarding ballot security measures, including the role of party agents and monitors. Ballot security was largely nonexistent in this election. Specific procedures for ballot security before, during and after the election must be considered as part of the Electoral Act and then implemented diligently by election officials.

Section 47 of the Electoral Act. In the event of serious irregularity, Section 47 of the Electoral Act enables IEC commissioners to order "that the votes cast at a particular voting station shall not count in whole or in part; or that any such deduction as it may determine shall be effected in whole or in part to the votes counted in favor of any registered party or parties concerned in respect of any particular voting station." The advantages and disadvantages of placing in the hands of IEC commissioners broad powers that affect the vote counts should seriously be reconsidered before the next election. IRI urges that, if current provisions are retained, IEC authority in this regard be subject to review or appeal, or at the very least have more than 10 days to make this determination.

Section 68 of the Electoral Act. Electoral legislation stipulated that the IEC was responsible for destroying all voting materials "as soon as possible after 30 days of the certification of the results of the election." (Used ballots have been destroyed already but tally sheets were not included in the definition of voting materials so are retained at the IEC). In IRI's opinion, voting materials should be kept for more than 30 days; six to 12 months is the average. The Electoral Act should ensure that parties and voters have the right to review all materials in a timely manner after the election.

Declaring Freeness and Fairness. Electoral legislation gave IEC commissioners the power to decide and certify whether, or to what extent, the election was fair and free. This certification was to be announced no later than 10 days after the election. IRI believes it is very awkward to place the IEC in the position of declaring its own election "free and fair." Resources should be devoted to developing the ability of independent local civic organizations to observe and monitor elections and to make assessments accordingly. Legislation in this regard should be reconsidered.

The Independent Electoral Commission

General Organizational Structure of IEC. In accordance with electoral legislation, the IEC was organized into three Directorates: Administration, Monitoring and Adjudication. Having three nearly autonomous directorates under the umbrella of the IEC commissioners created an inefficient structure, which led to internal competition and lack of communication and cooperation. A more streamlined effort with well defined line functions would have precluded many administrative problems. A new structure should be considered for future national elections.

Executive Management. The IEC commissioners were a broadly representative group of professionals of integrity and relative impartiality. In general, however, they lacked management and election experience. If the three-directorate structure of the IEC is retained, (which IRI urges it is not), IEC commissioners should perform a more hands-on role to ensure continuity, communication, and accountability within the IEC management. One possibility would be to establish a "coordinating" body (exclusive of the IEC commissioners themselves) to facilitate intraregional, intradepartmental and intradirectorate communications. This body could be made of project management professionals, international consultants with election experience, and regional representatives.

Administration Directorate. Specific functions and duties of the Administration Directorate were not well outlined in the IEC Act. The Administration Directorate was also notably weak in management skills and relevant experience. IRI believes that more detail in electoral legislation, more hands-on management by IEC commissioners, more careful selection of staff, and the assignment of specific line responsibilities, would improve election administration in the future.

Monitoring Directorate. Unlike the Administration Directorate, specific functions and duties were specifically itemized in the IEC Act. Charged with a broad mandate of monitoring the IEC, the campaign and the election, the Monitoring Directorate performed extraordinarily well. Strong management skills and comprehensive forward planning were evident at the national and regional levels. Nevertheless, IRI believes that monitoring should be conducted by independent groups external to the official election administration apparatus in order to ensure objectivity. IRI believes it is difficult both managerially and otherwise for an internal directorate of an official election commission to participate in the certification of the freeness and fairness of an election it has co-administered.

Adjudication Directorate. The IEC Act created a comprehensive decentralized system to ensure that campaign complaints were properly adjudicated. The adjudication process, however, was overly complicated and should be reconsidered before the next national election. Most cases were eventually resolved by mediation or dropped. The Adjudication Directorate played an important role in adjudicating campaign complaints in this election, but if a similar directorate is contemplated for the future, it also should have jurisdiction over election and counting disputes.

IEC Administration and Staff. As stipulated in electoral legislation, four of the top managers in the IEC's Administration and Adjudication Directorates were recommended by the Transitional Executive Council, rather than selected by IEC commissioners. The head of the Monitoring Directorate was recommended by an IEC commissioner. IEC commissioners did have the right to accept or reject TEC nominations.

IRI believes that IEC staff in top management positions must have either election administration experience or deputies with this experience. Legal professionals should be balanced with experienced project managers and technologists. Appointments resulting from political considerations should not be allowed to cripple administrative efficiency. Line functions and specific scopes of work should be clearly defined.

For all major procedures such as voting material distribution, counting and tabulation, contingency plans must not only be devised but also acted upon. When necessary, alternate plans should be communicated to appropriate staff for follow-through in a timely fashion.

Training of IEC Staff. Staff training is essential to the efficient administration of the election process. Considering the daunting responsibility of training 250,000-300,000 staff on short notice, the IEC accomplished this task reasonably well. The Monitoring Directorate held a trial run a few weeks before the election. The thorough training of IEC monitors was evident during the election days. Similar training sessions and "mock" elections and counts should also have been held by the Administration Directorate. In future elections, mock election trainings should be held with adequate time to address any areas of confusion.

Campaign Environment

Electoral Code of Conduct. The Electoral Code of Conduct for political parties was signed by each party participating in the election. Many sections dealt with discouraging violent competition among parties. In many cases, however, party supporters appeared not to have been aware of this code. The campaign was very violent and many transgressions of the Electoral Code of Conduct resulted in injuries and loss of life. Initially, candidates were each to sign the code, but this requirement was dropped by the IEC. IRI believes it should be reinstated because it is, first and foremost, the responsibility of political parties to educate their supporters about appropriate ways to participate in a pluralist political competition. The IEC and media can also play important roles.

The Role of Political Parties. Political leaders must play a highly proactive role in imparting to their supporters the significance of a peaceful and open campaign environment. In IRI's opinion, many of the parties, particularly the African National Congress and the Inkatha Freedom Party, could have played a stronger role in condemning, and perhaps even controlling, violence perpetrated by their supporters. Although public warnings were made by leaders of a few parties, there were no apparent punitive measures taken to hold accountable those supporters who ignored their party leaders' stated policies of non-violence.

No-go Areas. A free and fair election cannot be held if there are areas of the country where political parties are prevented from providing information to voters. In future elections, it should be the responsibility of all political parties to ensure that no-go areas do not exist. No political party or individual has the right to prevent voters from learning about all competing political parties. Freedom of speech and peaceful assembly are imperative. All political parties, future IEC administrators, and local/provincial and national leaders must work together toward this end. Appropriate punitive measures should be prescribed to enforce these basic freedoms.

Election and Counting

Voter Identification Cards. Approximately 1.8 million eligible voters received temporary voter cards prior to the elections. Thousands more received temporary voter cards during the four-day election period due to the inability of the Ministry of Home Affairs to efficiently administer this task prior to the election. National identification documents should be made available on a routine basis, and there should be no reason for this to be a problem in future elections. Unless absolutely necessary, temporary voter cards should not be distributed during election days as this increases the potential for fraud.

Ballot Paper Serial Numbers. All ballot papers must have serial numbers to ensure ballot security. These serial numbers should appear only on the counterfoils, not the ballots themselves. The original 80 million ballots were printed with serial numbers on counterfoils. The 9.3 million emergency ballots printed locally on April 27 did not have serial numbers. In future elections, all ballots should have serial numbers on the counterfoils.

Ballot Security. Ballot security is essential from the moment ballots are printed until they are returned to the IEC after the election. In the case of South Africa, ballot security efforts should be coordinated among security forces, political parties, NGO monitoring groups and the IEC. The responsibilities of each should be prescribed well in advance and included in electoral legislation as relevant. Monitors, observers and party agents should be encouraged to be present at all stages where ballot security might be at risk.

Distribution of Materials. One of the major problems of the election was voting material distribution. Many Presiding Officers were unclear as to procedures to collect materials prior to the election. Voting materials should be distributed in a timely and secure manner, and distribution procedures should be communicated to all relevant voting station officials. IEC managers should formulate distribution plans well in advance. Contingency plans also should be developed and acted upon if necessary. Party agents should ensure that the proper number of ballots and other materials is distributed by the warehouse managers. All officials responsible for voting material distribution should be carefully trained.

Transportation of Voting Materials. Transportation of voting materials, particularly after the election, was another area of major weakness. A plan for the secure transport of voting materials must be developed, as well as contingency plans. Electoral legislation should make clear what type of transportation is allowable and who must accompany ballots to protect against fraud. In future elections, if counting remains centralized, an organized plan for transportation of voting

materials from voting stations to counting stations must be formulated. Party agents should be present during the transportation, and ballot boxes and other materials should never be abandoned or left unattended.

Ballot Reconciliation. Ballot reconciliation is a procedure whereby the number of ballots distributed to election officials prior to the election is matched with the number of ballots returned after voting is completed. This is generally done by the Presiding Officer at the voting station before or after counting is completed. In this case, reconciliation had to take place before the counting because ballot boxes were moved to centralized counting locations for security reasons. A reconciliation form was to accompany voting materials to the counting stations. In many cases, however, counting officials discovered this form was either missing or improperly completed. Ballot reconciliation, therefore, was ultimately abandoned due to these and other problems.

IRI believes it is critical to the integrity of the process to reconcile the number of ballots distributed with the number returned to the counting centers and the IEC, even if in a proportional representation election where slight discrepancies do not materially affect the outcome. While it is time consuming, and small deviations are inevitable, this procedure is essential to ensure ballot security.

Transmission of Results. Election results were communicated to the IEC's national headquarters by fax on tally sheets sent from counting stations located nationwide. IRI urges election administrators to consider a more secure means (perhaps electronic mail) to transmit counting station vote totals. If fax machines are used in future elections, a method must be developed that prevents duplicate (conflicting) tally sheets from being faxed into the main tabulation center. If conflicting tallies reach the center, there should be a means by which to avoid duplication when tallies are entered into the computer. The Electoral Act should address what action should be taken with respect to duplicate tally sheets. Decisions should not be left to the discretion of IEC computer staff.

Computer Security. A serious breach of computer security perpetrated by someone at the IEC resulted in the Freedom Front, Inkatha Freedom Party and National Party receiving additional provincial votes. This situation was discovered during the middle of the counting process and rectified by the introduction of a back up system. This crisis caused many delays and threw the IEC into further chaos. In future elections, a computer program should be installed that makes tampering with election results virtually impossible. Data capturers should be screened carefully, and supervisors should log each shift of data capturers onto specific computers so that the inputs can be traced and reviewed if necessary.

Transparency. The campaign and election was administered by the IEC with a notable degree of transparency until the counting and certification process began. When serious irregularities emerged and it became necessary for the political leaders of the major parties to mediate election disputes, the level of transparency fell dramatically. IRI hopes that in future elections, conditions will not require similar crisis management, but if such deliberations and decisions are necessary, that they be conducted in a more transparent manner.

CHAPTER I: POLITICAL BACKGROUND

*One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.*

Tennyson, Ulysses

Overview: February 2, 1990 – April 26-29, 1994

President F.W. de Klerk acknowledged the beginning of the end of Apartheid in a landmark speech to Parliament on February 2, 1990. Nelson Mandela, the de facto leader of the African National Congress (ANC), would be released from 27 years in prison, and the longstanding ban on the ANC, South African Communist Party (SACP), Pan Africanist Congress of Azania (PAC), Azanian People's Organization (AZAPO) and other anti-Apartheid groups would be lifted. President De Klerk said his government would begin to negotiate a new political order acceptable to all South Africans.

The President made his speech against the backdrop of two opposing scenarios. On the one hand, the ruling National Party (NP) had supervised a successful political transition in neighboring Namibia; communism had been defeated in Eastern Europe and the Soviet Union; and Cuba had agreed to withdraw its troops from Angola. An era of regional conflict and ideological threat had come to an end.

At home, however, South Africa had been in political upheaval since 1983, and the government lacked the moral legitimacy to restore law and order. International sanctions, in place since 1986, also had undermined the economy more than the government would admit. The only apparent way forward was to investigate further an initiative made by Mr. Mandela in 1986. In secret talks with NP member Kobie Coetsee and then-President P.W. Botha, Mr. Mandela had indicated that the ANC was prepared to negotiate a peaceful transition to a nonracial democracy.

President De Klerk's historic speech marked the beginning of yet two more opposing scenarios. His acknowledgement that Apartheid had failed opened protracted multiparty negotiations that eventually led to a transfer of power from the white minority to the black majority. At the same time, the multiparty negotiations unleashed forces of violence on an unprecedented scale, particularly between supporters of the ANC and the Inkatha Freedom Party (IFP), and resulted in a minority of Afrikaners calling for a *volkstaat*.¹

¹ Afrikaans for an independent state.

At the time of this writing, South Africa stands at yet another crossroads in its troubled history. The question now is not whether Apartheid can be defeated, but whether the country's political leaders will honor their stated commitment to democracy and allow it full expression in the daily lives of the ordinary men and women who elected them to public office. The Government of National Unity (GNU) has an extraordinary opportunity to create a democratic political system that will transform South Africa into a country that could lead the continent forward into a new era of freedom, prosperity and stability.

1990-1991

"Talks About Talks"

Immediately following Mr. Mandela's release on February 11, 1990, the government and the ANC began "talks about talks." Major issues included the abandonment of the armed struggle by the ANC, the return of exiled members of its military wing, Umkhonto we Sizwe (MK), and amnesty for those guerrillas and members of the South African Defence Force (SADF) who had been involved in "political crimes" during the Apartheid years.

The "talks about talks" led to five historic documents: the Groote Schuur Minute, May 2, 1990; the Pretoria Minute, August 6, 1990; the ANC/IFP Agreement, January 29, 1991; the D.F. Malan Accord, February 12, 1991; and the National Peace Accord, September 21, 1991. All of the documents dealt with ending violence and the armed struggle and allowing free political activity. They also outlined the mechanisms to be used for the release of political prisoners, the return of exiles and indemnity for guerrillas and soldiers.

The "talks about talks" between the government and ANC lasted almost two years (1990-1991) and set the scene for the multiparty talks that followed over the next two years (1991-1993). An orderly and constitutional transfer of power from the white minority to the majority population was at the heart of the lengthy negotiations. When multiparty negotiations ended in November 1993, South Africa had a new Interim Constitution that stipulated a five-year power-sharing arrangement between the winners of the country's first nonracial election. The election would be held along proportional representation lines to ensure that they were as inclusive as possible.

CODESA I, Whites-Only Referendum, CODESA II

The five documents opened the way for formal negotiations to begin in a forum called the Convention for a Democratic South Africa (CODESA I). Eighteen political parties and liberation movements, including the NP, ANC, IFP, SACP, the Democratic Party (DP), the Natal and Transvaal Indian congresses and leaders from various homeland administrations, were present at CODESA's first meeting on December 20-21, 1991. Parties that refused to participate included the Conservative Party (CP), Herstigte Nasionale Party, AZAPO and the PAC. KwaZulu Chief Minister and IFP leader Mangosuthu Buthelezi refused to attend because CODESA had not invited Zulu King Goodwill Zwelithini.

CODESA I ended with a Declaration of Intent. The Declaration committed the parties to an undivided South Africa, a constitution as the supreme law of the land, an independent judiciary, an entrenched bill of rights, an equitable legal system, a common voters' roll, an electoral system based on proportional representation, and separation between the executive, legislative and judicial branches of government. The Government of Bophuthatswana refused to sign, stating that the declaration might impinge on its independence. Chief Minister Buthelezi expressed the opinion that an undivided South Africa with one nation could undermine the federal option. CODESA I was instructed to set up five working groups to prepare for another meeting in March 1992.

1992

The CP and the Herstigte Nasionale Party called for a whites-only election immediately after CODESA I closed. The two parties claimed that President De Klerk did not have a political mandate to conduct multiparty negotiations on the future of South Africa. President De Klerk responded by calling for a whites-only referendum on March 17. The white electorate voted 68.7 percent in favor of continuing the multiparty negotiations and the political reform process.

CODESA II reconvened in May, but quickly fell apart when the NP and the ANC disagreed over the percentages required to approve a new constitution and the timing of its implementation. The negotiations deadlocked, and the ANC called for nationwide strikes and work stayaways, or rolling mass action, as a means of bringing pressure to bear on the government.

Boipatong Massacre

The negotiating process underwent an even more serious setback on June 17, when hostel² dwellers raided the township of Boipatong and killed 43 people. Mr. Mandela accused President De Klerk of allying with an alleged Third Force of clandestine operatives from renegade elements of the South African Police (SAP) and the SADF's Special Forces. Mr. Mandela had claimed the existence of a Third Force on several earlier occasions, stating that it was bent on fomenting violence at the cost of thousands of black lives.

Leaders of the ANC and other politicians traveled to New York to request assistance from the United Nations. U.N. Secretary General Boutros-Ghali agreed to send a representative to explore the origins of the violence and to seek ways to bring the warring parties back to the negotiating table. Former U.S. Secretary of State Cyrus Vance was appointed Special Representative and visited in July. His mediation resulted in an agreement to restart the talks.

² South African mining companies historically have housed black miners in single-sex complexes called "hostels" or "compounds."

Rolling Mass Action and Bisho

The ANC continued its program of rolling mass action during August. On September 7, the SACP's Ronnie Kasrils led a march on Bisho, the capital of Ciskei. The march was an integral part of the ANC/SACP's "Leipzig Option." Communists and radicals within the ANC/SACP believed the alliance should implement a two-part strategy in respect to the government: participate in the negotiations to achieve a peaceful transfer of power from the minority to the majority population or take power by force if the negotiations failed.

Bisho was chosen for several reasons: the chairman of the Military Council and head of Ciskei, General "Oupa" Gqozo, was an ally of the government; Ciskei was thought to be an easy political target; and, a successful ANC/SACP confrontation with Chairman Gqozo would send a message to Chief Minister Buthelezi of KwaZulu and President Lucas Mangope of Bophuthatswana. The ANC/SACP had threatened to march on Ulundi and Mmabatho, the respective capitals of the two homelands, claiming that their supporters were prevented from organizing politically in KwaZulu and Bophuthatswana. When Ronnie Kasrils diverted some of the marchers from an agreed route, the Ciskei Defence Force opened fire, killing 29 and wounding 200.

The September 1992 Record of Understanding

The bloodshed at Bisho refocused the politicians on the negotiation process. President De Klerk and Mr. Mandela met on September 26 and signed a strategic Record of Understanding. The Record of Understanding made provision for an elected constitution-making body sitting as a single chamber to draft and adopt a new constitution. The constitution-making body would be bound by constitutional principles agreed to at CODESA I and other negotiating forums and would operate within a fixed time frame. The Record of Understanding also outlawed the display of weapons in public places, including the traditional weapons carried by Zulus, and called for the fencing of all hostels. The ANC wanted the hostels contained because their inhabitants were thought to be supporters of the IFP, who, the ANC claimed, launched attacks on township dwellers.

Chief Minister Buthelezi rejected the Record of Understanding and claimed that the government had sided with the ANC against all the other political parties in the negotiation process. He said the IFP would not participate in the election for a constituent assembly or be held to any agreements that excluded his party. The IFP was willing, however, to participate fully if a council of leaders was appointed to write the new constitution.

Concerned South Africans Group

In October, Chief Minister Buthelezi formed the Concerned South Africans Group (COSAG) in conjunction with the CP and the governments of KwaZulu, Bophuthatswana and Ciskei. COSAG, with the exception of the CP, called for a federal South Africa with strong powers at the provincial level of government. The CP called for self-determination for the

Afrikaner nation within a South African confederation. The formation of COSAG placed the outstanding debate on "federalism versus a unitary state" squarely in the center of the multiparty negotiations. The ANC favored a unitary state with a strong central government. COSAG members favored a federal or confederal arrangement. The NP favored a weak central government, strong regions and constitutional protection for minority groups.

ANC Advocates Power-Sharing

In November, the ANC released a paper advocating power-sharing for a five-year period. The document was based on an earlier call for power-sharing by SACP Chairman Joe Slovo. Mr. Slovo's so-called sunset clauses recognized that although the ANC might win an election, it would have to work with the existing civil service, military and police. According to Mr. Slovo, those three forces would be largely responsible for implementing ANC policies in the interim period. Against that background, the ANC might win power, but it would not be assured of its ability to govern.

President De Klerk responded to the ANC's paper by announcing that an election for a GNU might be held as early as March or April 1994. The KwaZulu Legislative Assembly responded by adopting a new constitution that protected KwaZulu Natal from domination by a strong central government. Chief Minister Buthelezi said the new constitution was not aimed at secession but was a way to guarantee sovereignty at the provincial level.

APLA Initiates Attacks on Whites

In December, the PAC's military wing, the Azanian People's Liberation Army (APLA), initiated a series of so-called black-on-white attacks. The PAC denied any involvement in the attacks, stating that, while APLA was an integral part of the PAC, APLA had its own leadership.

1993

Government of National Unity

The government and the ANC approved the concept of a five-year Government of National Unity in February 1993. The GNU would consist of a multiparty cabinet, and all parties winning more than 5 percent of the vote would be assured seats in the cabinet. The government and the ANC also agreed that a multiparty transitional executive council would co-govern South Africa in the run-up to the election and that an elected constituent assembly would draft and approve a final constitution.

Multiparty Negotiating Forum (MPNF)

The MPNF was established on April 1 as the next step in the negotiation process after the breakup of CODESA II. Twenty-six parties, including the government, NP, ANC, IFP, DP, PAC

and the CP, convened to draft and approve an interim constitution.³ They also were to decide the percentages required to approve a final constitution, the powers, functions and boundaries of the proposed new provincial governments, an election date, and the future role of the SADF and the SAP.

Chris Hani Assassinated

The April assassination of nationally popular SACP leader and former MK commander Chris Hani by Janus Walusz, a Polish immigrant aligned with the CP, posed yet another potentially serious threat to the negotiation process. For the first time ever, the government asked Mr. Mandela to make a televised appeal for peace in the wake of protests, demonstrations and looting. Mr. Mandela's appeal was largely successful and multiparty talks continued.

Election Date Announced, IFP and CP Walk Out

In July, President De Klerk announced that South Africa's first nonracial election would be held on April 27, 1994. The IFP walked out of the talks in protest of the decision adopted by the MPNF participants through the agreed-upon process of "sufficient consensus."⁴ The IFP was followed by the CP.

The Freedom Alliance

COSAG became the Freedom Alliance in September. A sixth member, the newly established Afrikaner People's Front (AVF), joined its ranks. The AVF, an umbrella organization of white rightwing groups, included retired General Constand Viljoen, who had led South Africa's troops in Angola and was widely respected in military ranks and by conservative Afrikaners.

The Freedom Alliance reiterated COSAG's call for a federal South Africa with autonomy or self-determination for the Zulu and Tswana nations and a *volkstaat* for the Afrikaner nation. The government and the ANC held several rounds of bilateral and trilateral meetings with the Freedom Alliance in an attempt to accommodate some of its demands, but the meetings failed to resolve outstanding issues.

³ South Africa's new Interim Constitution will be in force from April 1994 to April 1999. A Constituent Assembly, with members drawn from the ranks of the elected National Assembly and Senate, has been tasked with drafting and approving a new, and presumably final, constitution between April 1994 and April 1996.

⁴ "Sufficient consensus" was defined by the MPNF as approval by the NP, the ANC and a majority of the other parties participating in the forum. In effect, the NP and ANC constituted a "majority" by themselves.

Interim Constitution Approved

After eight months of negotiations, the MPNF approved an interim constitution on November 17. The interim constitution included the following provisions: a five-year GNU; a 400-member national assembly elected by proportional representation; a 90-member senate comprising provincial representatives; an elected constituent assembly to draft a final constitution; an executive president and two deputy presidents; a bill of rights; the reincorporation of the homelands; the establishment of nine new provinces with multiparty governments elected by proportional representation; a one-ballot election⁴; representation for traditional leaders; an independent judiciary; a constitutional court; the repeal of existing Apartheid legislation; and provisions for integrating the military wings of the various liberation movements into a new defense force, the South African National Defence Force (SANDF).

The MPNF also formalized the earlier agreement to establish a multiparty Transitional Executive Council (TEC) to co-govern alongside the NP government from December 7 until shortly after April 27, 1994, when the new interim constitution would take effect. The TEC also was tasked with "leveling the political playing field" in the run-up to the April 1994 election.

Transitional Executive Council Convenes, Parliament Passes Constitution

The Transitional Executive Council convened on December 7, and its seven subcouncils were tasked with ensuring a free and fair election by overseeing government policy on defense, finance, foreign affairs, intelligence, law and order, regional and local government and traditional authorities, and the status of women.

The Tricameral Parliament (separate white, Colored and Indian Houses) convened on December 22 and passed the interim constitution by a vote of 237 to 45. Parliament also approved the establishment of two new authorities to oversee the election: the Independent Electoral Commission and the Independent Media Commission.

On December 23, the IFP and the CP announced that they would not participate in the April 1994 election unless their constitutional requests were accommodated. In Ciskei, Chairman Gqozo announced that he "must join the TEC" or his defense force would not be integrated into the new SANDF. The Ciskei Defence Force had threatened a rebellion if Chairman Gqozo did not secure their jobs for the long term. Chairman Gqozo's decision to join the TEC effectively neutralized the role of the Government of Ciskei in the Freedom Alliance, in which it remained a nominal member. In Bophuthatswana, President Mangope said he would join the electoral

⁴ There had been talk of a two-ballot election (one ballot at the national level, the other at the provincial level). The IFP, PAC and the DP favored two ballots, but the ANC's push for a one-ballot election finally prevailed at the MPNF.

process and agree to reincorporation only if the "new" South Africa offered economic advantages "over and beyond those currently enjoyed by Bophuthatswana."⁵

1994

The Election Campaign

The political parties, with the exception of the members of the Freedom Alliance, began their official election campaigns in January 1994. The government, ANC and the Freedom Alliance continued to hold talks, but the meetings failed to resolve the outstanding differences between them.

With the official start of the ANC's campaign, violence among its supporters and those of the IFP increased notably, particularly in KwaZulu Natal and the East Rand townships of the PWV (Pretoria, Witwatersrand, Vereeniging)⁶. It also was clear that supporters of the ANC would not allow the NP or the DP to campaign freely in major black townships under the ANC's control.

PAC Renounces Armed Struggle

In January, the PAC renounced the armed struggle in the run-up to the April elections. APLA attacks on whites also came to a halt at this time.

⁵ The homeland of Bophuthatswana supplemented the budget it received from the South African government with revenues from its citizens, mines, casinos, luxury hotels and entertainment centers. It was, therefore, more economically viable than the nine other homelands.

⁶ Historically, the cities of Pretoria, Witwatersrand and Vereeniging, the industrial center of the former Transvaal province, were known as "the PWV" for easy references purposes. Following the April 26-29, 1994 election, the PWV became a province in its own right. Pre-election South Africa consisted of four provinces (Cape, Natal, Orange Free State, Transvaal) and ten "independent" or self-governing homelands (Transkei, Ciskei, Venda, Bophuthatswana, KwaZulu, Qwa Qwa, Lebowa, Gazankulu, KaNgwane, Ndebele). Post-election South Africa consists of nine provinces: Western Cape, Northern Cape, Eastern Cape, Orange Free State, KwaZulu Natal, PWV, North West, Northern Transvaal, Eastern Transvaal.

Constitutional Amendments; Two-ballot Election Conceded

In February, in another attempt to bring the Freedom Alliance back into the electoral process, the government and ANC proposed several amendments to the interim constitution. The most important of the constitutional amendments stated that provincial powers would not be "substantially inferior" to national powers and the right to self-determination in a "territorial entity" would be recognized. The government and ANC also conceded on the question of two ballots. The concession was important in that it allowed the more regional-based parties of the Freedom Alliance to participate in the election on a provincial-only basis if they so chose. A two-ballot election also allowed a split vote.

The Freedom Alliance said the constitutional amendments and two ballot concession did not meet its overriding demands, but the IFP announced that it would provisionally register to participate in the April 1994 election. The IFP added that its final decision to participate in the election would depend on whether its constitutional demands were met.

Zulu King Demands Sovereignty

In late February, King Zwelithini stepped into the national arena and demanded sovereignty for the Zulu nation. KwaZulu Chief Minister Buthelezi stated that the King had been forced to take the action because the multiparty negotiations had failed to secure a federal constitution. In an attempt to defuse the growing crisis between the government, the ANC and the IFP, Chief Minister Buthelezi and Mr. Mandela met for the first time in two years on March 1. The meeting ended with an agreement to submit constitutional differences to international mediation. Mr. Mandela also agreed to consider seriously the King's demand for Zulu sovereignty.

Bophuthatswana's Mangope is Removed, Ciskei's Gqozo Resigns

Civil servants concerned about the long-term security of their jobs and pensions went on strike in Bophuthatswana in March. They also were worried that President Mangope would not allow them to vote. The strike quickly led to a widespread uprising in the homeland, and President Mangope temporarily fled the capital, Mmabatho, following a rebellion within his defense forces. Despite intervention on behalf of President Mangope by members of the neo-Nazi Afrikaner Resistance Movement (AWB) -- and deaths on both sides -- the uprising was quelled by the Bophuthatswana Defence Force with assistance from the SADF. The South African government quickly removed President Mangope from power, and the TEC appointed two government administrators to run Bophuthatswana until after the election.

Days later, strikes by civil servants in Ciskei led to the resignation of Chairman Gqozo. His resignation was followed by appeals for administrative assistance from the homeland governments of Qwa, Lebowa and Venda when their civil servants went on strike or threatened to strike.

Zulu March in Support of King Zwelithini

With the future status of the Zulu King still unresolved and the political situation between the ANC and the IFP continuing to deteriorate, supporters of King Zwelithini rallied in the Library Gardens, Johannesburg, on March 28. The rally turned violent when snipers opened fire on the demonstrators. Other supporters then marched on the ANC's national headquarters at Shell House, where they were met by ANC security guards who also opened fire. By the end of the demonstration, there were 19 Zulu dead, 21 non-Zulu dead, and 267 wounded.

Summit Meetings; State of Emergency in KwaZulu Natal

The violence in KwaZulu Natal and Chief Minister Buthelezi's refusal to participate in the election resulted in two summit meetings between President De Klerk, Mr. Mandela, Chief Buthelezi and King Zwelethini in March and April. Neither meeting appeared to result in a significant breakthrough⁷ despite an offer by the ANC to recognize the King's call for a constitutional monarchy in KwaZulu Natal and a readiness to talk about sovereignty.

The IFP reiterated its earlier call to postpone the April 1994 election, and the ANC, TEC and the IEC called for the government to declare a state of emergency in KwaZulu Natal. The ANC, TEC and IEC claimed that a "free and fair" election could not be held in KwaZulu Natal unless a state of emergency were declared to bring the violence under control. President De Klerk declared a state of emergency on April 1 amid rumors of impending civil war there and, possibly, in the mining areas of the Transvaal.

International Mediation

The international mediation effort was led by former U.S. Secretary of State Henry Kissinger and former British Foreign Secretary Lord Carrington. It began on April 12, but was called off on April 14 when the government, the ANC and the IFP were unable to agree on the terms of reference for discussion. A member of the delegation, Professor Washington Okumu, of Kenya, remained in South Africa and was asked to mediate between Chief Minister Buthelezi, President De Klerk and Mr. Mandela.

⁷ The following information was made public following the election: The KwaZulu Legislative Assembly assigned trusteeship of 1.2 million hectares of land to Zulu King Goodwill Zwelithini one week before the election. President De Klerk approved the transfer on April 25, 1994. The newly elected GNU immediately established a committee to investigate the matter. The committee handed in its report in late June, 1994. The report confirmed the King's trusteeship of the land, with the exception of minerals, state buildings and other property thereon.

Concurrent with Prof. Okumu's mediation effort, the IFP's Youth Brigade called for a weeklong stayaway from work and daily rallies in support of the King's demands. There also were widespread reports in KwaZulu Natal that the *amakhosi* -- traditional chiefs -- were calling home their rural constituents and were collecting ID cards in an effort to prevent IFP supporters from voting. As Prof. Okumu negotiated with Chief Minister Buthelezi, President De Klerk and Mr. Mandela, the Consultative Business Council negotiated with the IFP's Youth Brigade. The latter withdrew its call for a stayaway and daily rallies.

IFP Enters Election

On April 19, Chief Minister Buthelezi, President De Klerk and Mr. Mandela announced that they had reached agreement on the future role of the Zulu King and that constitutional differences between the three parties would be resubmitted to international mediation after the election. (See Appendix 1.) Chief Minister Buthelezi announced that the IFP would participate in the April 1994 election at the national and provincial levels.

CHAPTER II: THE POLITICAL PARTIES

In the run-up to the election, political organizations made a remarkable evolution in their institutional priorities and their relationships with each other. Former liberation movements, many of which had relied on violence to draw attention to their struggle, now debated their opponents on television. Protest politics shifted to participation as party leaders served as commentators on radio shows, commissioned polls to measure public support and attended endless rounds of conferences, meetings and negotiations to bring about the new South Africa. Party officials of the Apartheid era negotiated with individuals they had imprisoned and reached compromises with parties they had banned for decades. Established parties waged sophisticated campaigns while new parties with few resources made innovative efforts to have their messages heard. Despite a violent campaign period, newly enfranchised parties with different constituencies and platforms remained united in a shared message of peace and prosperity for the oppressed.

For the international community involved for many years in South Africa, one of the most telling moments of change and achievement was to witness Nelson Mandela and President De Klerk in debate on CNN television on April 14, just thirteen days before election day.

This chapter provides a brief history of the major parties that participated in the election and outlines their election platforms.

Overview

Twenty-seven parties registered to participate in the April 26-29, 1994 election. (See [Appendix 2](#).) Nineteen competed at the national level and in all nine or selected provinces; the remaining eight parties ran only at the provincial level.

Two parties, the Azanian People's Liberation Organization (AZAPO) and the Conservative Party (CP), chose not to participate in the election. AZAPO stated that the election would not mark the true liberation of black South Africans, while the CP said its supporters wanted an Afrikaner *volkstaat* because they did not want to live under black rule. The South African Communist Party (SACP) ran under the banner of the African National Congress (ANC).

The Participants

The Major Parties

African National Congress (ANC)

The ANC was founded as the South African Native National Congress in 1912, two years before the National Party was established. Its original aim was to unite blacks across the tribal spectrum, and it was not until the late 1940s when Youth League members Nelson Mandela, Oliver Tambo, Walter Sisulu and Anton Lambede rose to prominence that the ANC seriously engaged itself in protests, boycotts, strikes and civil disobedience. The ANC adopted the more militant political campaign because successive South African governments had refused to negotiate with the organization or with any black South African. The decision to become more proactive was also in direct response to the NP's introduction of its policy of Apartheid in 1948.

In the 1950s, the ANC allied with Indian, Colored and white organizations and the South African Communist Party. The alliance with communists and a subsequent policy of nonracialism led to the 1955 Freedom Charter and a split in the ANC's ranks when Robert Sobukwe, an ANC member, founded the Pan Africanist Congress in 1959.

In 1956, 156 organizers of the ANC-led Defiance Campaign were arrested and put on trial for treason but were found not guilty when the trial ended in 1961. In the interim, on April 18, 1960, the ANC and all other anti-Apartheid movements had been banned. On December 16, 1961, the ANC founded a military wing, Umkhonto we Sizwe (MK). The decision to turn to armed struggle resulted from the party's realization that negotiations with the white government and years of civil disobedience had been futile. Nelson Mandela was put in charge of MK and traveled to Algeria to undertake military training. Following his return to South Africa, he was arrested in Howick in 1962 and charged with treason.

In July 1963, several members of the ANC and SACP were arrested while attending a meeting in the white suburb of Rivonia, and another lengthy treason trial ensued. Leading members of the ANC, including Mr. Mandela, were sentenced to life imprisonment or fled into exile. The remainder of the 1960s witnessed very little resistance on the part of the ANC, since its leading members were either in prison or exile, and security legislation introduced by the Apartheid government had taken its toll on civil disobedience and other forms of protest. The ANC returned to political prominence in 1976, when the schoolchildren of Soweto rose against "Bantu"⁸ education and were violently suppressed by the South African Police (SAP) and the government. Many activists fled the country and joined MK.

⁸ The government had ruled that black schoolchildren had to be taught in Afrikaans as well as English.

The United Democratic Front (UDF) was founded as an ANC-aligned umbrella organization in 1983 following the establishment of a Tricameral Parliament, which added a Colored House of Representatives and an Indian House of Delegates to the existing white House of Assembly. Most Indians and Coloreds rejected participation in the Tricameral Parliament, and voter turnout was very low.

The UDF introduced a program to make South Africa "ungovernable." Township residents, refusing to pay rent on their "matchbox" houses or for municipal services, began to take strong action against pseudo-democratically elected black town councillors. The UDF/ANC program of ungovernability included the burning of councillors' homes and the "necklacing" -- a gas-filled tire was put around the neck of a victim and ignited -- of councillors, perceived Apartheid collaborators and black policemen. The government responded by sending troops into the major townships, declaring various states of emergency, censoring the press and detaining a record number of citizens, including youth under the age of 18. The UDF/ANC program of ungovernability and violence lasted from 1983 to 1989.

Concurrent with this political violence, the UDF/ANC and Inkatha began a quasi-civil war in 1983 in KwaZulu Natal for territory, economic resources and political dominance. The fighting followed earlier clashes between MK and the KwaZulu police. The war spread in 1990 to hostels and townships located in the East Rand areas around Johannesburg and continued there and in KwaZulu Natal up to and during the election campaign period.

The ANC had become an internationally recognized liberation organization and the leading political movement in South Africa by the time Nelson Mandela and other leaders were released from prison in February 1990. From then until the 1994 election, the ANC played a pivotal role in the myriad negotiations laying the groundwork for a constitutional transition to nonracial democracy.

Election Campaign Platform: A Reconstruction and Development Program (RDP), drafted with the participation of labor, business and civic groups, formed the backbone of the ANC's campaign platform. The program's major provisions included job creation, the construction of one million houses during the first five years in office, better education, affirmative action, land reform, and special programs for women, the rural areas and the disabled. The platform also committed the ANC to a nonracist, nonsexist, united South Africa.

The ANC participated in the election under an ANC Alliance banner, which included the SACP, the Congress of South African Trade Unions (COSATU), the Natal and Transvaal Indian Congresses and some of the smaller homeland parties. The ANC ran nationally and in all nine regions. *Leader: Nelson Rolihlala Mandela.*

National Party (NP)

General J.B.M. Hertzog founded the NP in 1914 to unify Afrikaners in the aftermath of the Anglo-Boer War. The party's other major aims were to resist British imperialism, to develop

the country and to keep whites separate from blacks, Coloreds and Indians. The NP came to power for the first time in 1924 when it won the vote against the South African Party under General Jan Smuts. A later alliance between the NP and South African Party led to a breakaway by Dr. D.F. Malan in 1934 and the formation of a "purified" NP.

The NP under Dr. Malan came to power in 1948 and immediately implemented its policy of Apartheid. In the 1960s, the government began to implement Separate Development, a geographical extension of Apartheid. South Africa was divided into 11 "homelands": a white state comprising 87 percent of the total landmass and 10 black homelands comprising the remaining 13 percent.⁹ Under Separate Development, the tribal-based homelands would provide citizenship and all other legal and human rights to their populations. The continuing need for black labor in white South Africa would be accommodated by creating industrial zones around the various borders and by the pass, influx control and other laws that restricted the movement of all blacks.

Few of the homelands were contiguous. KwaZulu, for example, initially consisted of 29 separate parcels of land. As the homelands were consolidated around their respective populations, other blacks were forced to move into the areas or were removed to others so that "white" South Africa would contain as few "black spots" as possible.

The 10 black homelands were Transkei, Bophuthatswana, Venda, Ciskei, Qwa, KwaZulu, Lebowa, Gazankulu, KaNgwane and KwaNdebele. Four of these -- Transkei, Bophuthatswana, Venda and Ciskei -- requested "independence" from South Africa, although significant portions of their budgets continued to come from the central government in Pretoria. The other six -- KwaZulu, Qwa, Lebowa, Gazankulu, KaNgwane and KwaNdebele -- refused "independence" and were given the status of "self-governing." Portions of their budgets also came from the central government.

When P.W. Botha, a former Defense Minister, came to power in 1978, South Africa was facing increasing international isolation in the cultural and sports arenas. To compensate for Apartheid's inability to secure white power against growing black resistance and international opposition, Botha instituted a three-part program in the early 1980s:

- "total strategy," under which black "communist" governments in Southern Africa were to be kept on the defensive, as were black nationalists and communists in South Africa;
- incorporation of the military into the decision-making process; and

⁹ The Land Acts of 1913 gave whites 87 percent and blacks 13 percent of South Africa. The division was based on the claim by whites that South Africa's ten black "tribes" had migrated there from regions in Central Africa and historically had "settled" only 13 percent of the total landmass.

- reform at home through the creation of a Tricameral Parliament, incorporating Coloreds and Indians into the parliamentary power structure and the relaxation of some Apartheid laws, such as the pass and influx control laws and the Immorality Act.

Botha stopped short of total reform, however. The leader of the NP in the Transvaal, F.W. de Klerk, was elected to replace Botha in September 1989. De Klerk, long considered one of the more conservative members of the NP, boldly began to implement the NP's new political strategy of bringing blacks into the political decision-making process while attempting to ensure the long-term security of minority groups. The NP played a key role in almost all negotiations before the election. President De Klerk jointly won the Nobel Peace Prize with Nelson Mandela in 1993 for his role in bringing about a peaceful transition to a nonracial democracy.

Election Campaign Platform: The NP's election strategy centered on economic growth, the provision of houses, national reconciliation, autonomous local and regional governments, a free-market economy based on the right to private property, and full political and civil rights for all South Africans. NP campaign advertising also stressed that it was the only party that could prevent an ANC/communist alliance from coming to power. The NP ran nationally and in all nine regions. *Leader: F.W. de Klerk.*

Inkatha Freedom Party (IFP)

Dr. Mangosuthu Buthelezi, a contemporary in the ANC of leaders such as Nelson Mandela and Oliver Tambo, in 1975 formed Inkatha Yenkululeku Yesizwe ("Inkatha")¹⁰ as a Zulu cultural liberation movement. Dr. Buthelezi was encouraged in this initiative by the ANC.

The leaders of Inkatha and the banned ANC conceptualized Inkatha as a legal vehicle by which to mobilize black South Africans in KwaZulu against the Apartheid system. However, differing strategic perspectives between the Inkatha leadership and the ANC in exile, principally over the question of armed struggle and sanctions, led to acrimony between the former allies. These differences came to a head at a meeting between the two organizations in London in 1979.

The disagreements put the organizations on a collision course. The ANC was a revolutionary movement with an armed wing committed to the destruction of all organs of government in South Africa and to making the country ungovernable. Inkatha was committed to participatory opposition within the KwaZulu homeland structures and to stability and development within the framework of peaceful political protest. This interpretation was disputed by critics who viewed Buthelezi and the Inkatha movement as "collaborators" with the Apartheid regime.

During the Apartheid years, Chief Minister Buthelezi advocated democracy and a free-market system and rejected economic sanctions and violence as a way of bringing about the downfall of the minority government. His consistent refusal to accept "independence" for

¹⁰ Inkatha registered as a political party under the name of Inkatha Freedom Party in 1990.

KwaZulu was a serious impediment to the NP government's policy of separate development. He also frequently called for the release of Nelson Mandela.

In 1983, a quasi-civil war broke out in KwaZulu Natal between supporters of the UDF/ANC and Inkatha. The fighting spread in 1990 to hostels and townships located in the East Rand and continued up to the April 1994 election. The conflict between the ANC and Inkatha cost thousands of lives -- many more, in fact, than had the ANC's confrontations with the white-controlled Apartheid state.

In 1985, negotiations between Chief Minister Buthelezi, political parties such as the Democratic Party, business leaders and others in KwaZulu Natal resulted in the KwaNatal Indaba agreement. The agreement called for power-sharing among the different racial groups. The government immediately dismissed the agreement and it was never implemented.

In 1991, Chief Minister Buthelezi's stature in South Africa and abroad came under strong attack by the ANC and the Anti-Apartheid Movement when it was revealed that elements in the IFP had received financial and other support from the government's security police and military intelligence.

As the ANC and NP moved forward to plan for the transition from minority to majority rule, the IFP believed that it was excluded at many important junctures, specifically the Record of Understanding signed in September 1992. The IFP did not agree with the process to draft the interim constitution, preferring instead a "single-stage" process. The IFP believed that all parties to the talks should draw up the constitution and then have an election to confirm it. (The counterargument by the ANC and the NP was that some of the participating parties had a dubious measure of support and, under an interim constitution, support should be tested before the constituent assembly drew up a final constitution.)¹¹

What the IFP most opposed was what it perceived as an overt attempt by the ANC and the NP to control the negotiating process and essentially to relegate the other parties to a rubber-stamp role, thus its opposition to the concept of "sufficient consensus," which was used to approve most MPNF decisions. The IFP participated in the founding of the Concerned South Africans Group (COSAG) specifically to protest the bilateral agreements between the NP and the ANC.¹²

The IFP's national popularity among whites increased as a result of its participation in COSAG and the Freedom Alliance. However, the IFP's membership in these alliances alienated and confused many of the party's traditional supporters. After lengthy and exhaustive negotiations

¹¹ Georgina Hamilton and Gerhard Mare, *Election '94, South Africa: The Campaigns, Results and Future Prospects*, edited by Andrew Reynolds. St. Martin's Press, 1994, p. 80.

¹² Hamilton, Mare, *op. cit.*, p. 81.

throughout the years and months prior to the election, the IFP finally agreed on April 19, 1994, to participate in the election.

In the final analysis, Chief Minister Buthelezi was successful in getting important concessions from outside the MPNF negotiating process. These included acceptance of a monarchy (the kingdom of KwaZulu Natal) and the principle of "asymmetry," which would allow each province to draft a different constitution according to its own needs as long as it met the over-riding 34 Principles outlined in the national constitution.

Election Campaign Platform: The IFP's election platform advocated a federal South Africa with strong political and economic powers at the provincial level; a free-market system; state intervention to redress social inequalities; and preservation of traditional institutions such as the Zulu monarchy. The IFP ran nationally and in all nine regions. *Leader: Mangosuthu Buthelezi.*

Freedom Front (FF)

The Freedom Front was formed by General Constand Viljoen in March 1994 from elements of the Afrikaner People's Front and the Conservative Party. The Freedom Front was established to gauge the extent of Afrikaner support for a *volkstaat*. Under the terms of an agreement with the government and ANC, each vote cast for the Freedom Front would be counted to determine the extent of that support. The interim constitution also stipulated that the Freedom Front would be allowed to establish a *Volkstaat* Council, whose members would negotiate the possibility of a *volkstaat* with the newly elected GNU. The Freedom Front ran nationally and in all nine regions. *Leader: Gen. Constand Viljoen.*

Democratic Party (DP)

The Democratic Party was formed on April 8, 1989, when the Progressive Federal Party,¹³ Independent Party and National Democratic Movement merged. Under the combined leadership of Zach de Beer, Dennis Worrall and Wynand Malan, the DP won an unprecedented 36 seats in Parliament in the September 1989 election. Although formally created in 1989, the DP's political history dates back to 1948, when the NP defeated the United Party and introduced Apartheid.

¹³ Helen Suzman, an IEC commissioner, was a leading member of the Progressive Federal Party and the earlier Progressive Party. She was the Progressive Party's only MP for 13 years and consistently fought against racial discrimination, detention without trial, pass laws, influx control, job reservation on grounds of color, racially separate amenities, Group Areas and forced removals. She also demanded trade union rights for blacks and fought for better wages and working conditions.

Throughout many subsequent political transformations, the Democratic Party's leadership consistently called for a democratic constitution that would incorporate a Bill of Rights, an independent judiciary, strong powers at the provincial level, and an economy based on free enterprise. The Progressive Federal Party also strongly opposed the establishment of a Tricameral Parliament in 1984, stating that it excluded black South Africans and gave too much power to the state president.

Throughout the 1990-94 multiparty negotiations, the Democratic Party played a vital public and behind-the-scenes role. It provided workers and motivation for the resounding "Yes" vote in March 1992 in support of a negotiated future, and its leadership worked actively to bring the political parties back to the negotiating table following the breakdown of CODESA II, the Boipatong massacre and the ANC/SACP march on Bisho. The Democratic Party had one of the election's most organized campaigns, with posters appearing long before those of other parties.

Election Campaign Platform: The Democratic Party's platform advocated respect for human rights, social responsibility, an open and free economy, clean government, deregulation, privatization, education, law and order, independence of the courts, a federal constitution, and empowerment rather than entitlement programs. The Democratic Party ran nationally and in all nine regions. *Acting Leader: Tony Leon.*

Pan Africanist Congress of Azania (PAC)

The PAC was founded in 1959 by Robert Sobukwe as a result of the ANC's alliance with the South African Communist Party, differences over the Freedom Charter, and the belief that only blacks could liberate black South Africans. The PAC led the 1960 anti-pass campaign which resulted in the Sharpeville¹⁴ massacre --the "shot heard around the world." Blacks marched on the Sharpeville police station to burn their pass books as an act of defiance. The police ordered the crowd to disperse and panicked when they refused. As demonstrators attempted to flee, 69 were killed and 180 wounded.

The Sharpeville incident was followed by a state of emergency and the banning of the PAC and the ANC. The PAC formed an underground military wing, Poqo (Pure), in the Cape Province, but was only minimally effective in its attacks on state institutions, white civilians and blacks thought to be Apartheid collaborators.

The PAC was not as well known in exile as the ANC. At home, its Africanist philosophy that only blacks could liberate blacks was revived as Black Consciousness swept the urban

¹⁴ The Sharpeville massacre was a decisive turning point in black South African politics. The government moved quickly after Sharpeville to ban all black liberation movements. In turn, these liberation movements, realizing that peaceful negotiation would not lead to their political freedom, formed guerrilla wings.

townships during the 1970s. The 1988 takeover of the National Council of Trade Unions by Africanists provided another opportunity for the PAC to regain some of its former political prominence, particularly within the black middle class and intelligentsia. Its call to return the land to its rightful owners and its slogan "One Settler, One Bullet" was particularly popular among the ranks of disillusioned black youth.

The PAC did not join CODESA I and II because the NP and the ANC rejected its call for an elected constituent assembly to write a new constitution. When the concept later was accepted, the PAC joined the MPNF in December 1992. Later that month, its military wing, the Azanian People's Liberation Army (APLA), initiated a series of so-called black-on-white attacks, and pro-PAC sentiment surged.

In August 1993, members of the PAC's student wing, the Pan Africanist Students Organization, allegedly attacked and killed American Fulbright scholar Amy Biehl. Ms. Biehl had been working in South Africa and was a popular anti-Apartheid activist. In January 1994, the PAC announced that it would place a moratorium on the armed struggle. Factions within the PAC who wanted to participate in the election had prevailed, and in February the PAC began its election campaign.

Election Campaign Platform: The PAC's campaign platform called for a redistribution of land and wealth, better education, affirmative action, quota systems, labor tribunals, "socialization" of business and mass management of the economy, industry and state services. The PAC ran nationally and in all nine regions. *Leader: Clarence Makwethu.*

South African Communist Party (SACP)

The Communist Party of South Africa (CPSA)¹⁵ was founded in July 1921 when, at the urging of the Communist International, a number of socialist organizations merged. The most important was the International Socialist League, which was formed in 1915 when the South African Labour Party split over a decision to support or oppose World War I. When the antiwar camp lost the debate, many Labour Party members left to build a radical socialist workers' movement. Although the International Socialist League was not strictly communist in nature, its leadership was dominated by communists who established ties with the labor movement and the ANC and laid the foundation for the a communist party in South Africa.

The first problem to face the CPSA was its notable lack of a black membership base. Although the party claimed that its ranks were open to all races, its message did not appear to reach the urban black community. The party's first political test came in 1922, when the Chamber

¹⁵ The party's founding name, the Communist Party of South Africa, was changed in 1953 to the South African Communist Party. The change of name followed a falling out in white ranks as the party placed more emphasis on strengthening its political alliance with the black-led ANC and recruiting more black members.

of Mines proposed the transfer of some semi-skilled jobs, reserved for whites, to blacks working for lower wages. A strike of white miners ensued, and it took three months and 153 lives to resolve the issue. The CPSA has since denied there were racial overtones in its participation in the strike or in its slogan "Workers of the World Unite for a White South Africa."

At its conference in 1924, the CPSA's leadership decided it would have to undergo a process of "Africanization" if it wanted to increase its black membership. A decision was made to permanently identify the CPSA with black liberation, despite fears by some members that this would alienate white workers. By all accounts, the "Africanization" process was highly successful and, by 1928, 1,600 of the party's 1,750 members were black.

From 1928 until the CPSA was banned in 1950 under the Suppression of Communism Act, the party attempted to realize its "Black Republic" ideal. Through the use of strikes and militant action, the CPSA hoped to force the government to adopt its policy of one man, one vote. With the help of the ANC, the SACP was confident it would win a one man, one vote election and be placed thereafter to institute a socialist state. Throughout its history, the SACP has advocated a two-stage revolution whereby the defeat of Apartheid would be followed by the installation of a socialist state. A two-stage revolution was advocated by the SACP as recently as 1989 at a party congress in Havana.

Following the banning of the CPSA in 1950, some members argued that it might be more advantageous to merge with the ANC. According to the CPSA, the ANC had developed into a "mass revolutionary organization." While ties between the two organizations were tightened, the CPSA ultimately chose to remain a separate entity and in 1953 changed its name to the South African Communist Party (SACP). Nonetheless, the closer relationship was beneficial to the SACP, since the ANC was still a legal organization and could publicly advocate the party's policies. When the ANC was banned in 1960, the relationship became mutually beneficial: the ANC gained access to Soviet training, and the SACP gained access to Western (mostly Scandinavian) money.

Internationally, the SACP was well known for its adherence to the Moscow line of communism. Despite its stated opposition to colonialism, the SACP supported the Soviet Union's invasions of Czechoslovakia, Hungary and Afghanistan. Since the 1989 fall of communism and the party's unbanning in 1990, Chairman Joe Slovo has admitted the failure of the Stalinist form of socialism, but it is not clear that all South African communists agree with his assessment.

Members of the SACP were actively involved in the multiparty negotiation process for a new political order, with Joe Slovo suggesting the so-called sunset clauses strategy, under which white civil servants would be guaranteed job security for five years.

The SACP participated in the election under the ANC Alliance banner, with at least 16 of its leading members ranked in the top 50 candidates on the ANC's national list.

The Smaller Parties

African Christian Democratic Party (ACDP): The ACDP's election campaign platform advocated a new start; a diverse leadership; unity through common Christian principles; self-government through a federal South Africa; and an open-market economy. The ACDP ran nationally and in all nine regions. *Leader: Kenneth Meshoe.*

African Democratic Movement (ADM): The ADM's election campaign platform advocated a federal South Africa; an independent judiciary; the procurement of international investment; biases in educational budgets for different races; and equal opportunity through the primary school level. The ADM ran nationally and in all nine regions. Its political base was the "independent" homeland of Ciskei. *Leader: Oupa Gqozo.*

African Moderates Congress Party (AMCP): The AMCP's election campaign platform advocated a free-market economy with the country managed "like a company," with government positions filled by qualified, competent and, where possible, young people. The AMCP said that voters would be "shareholders" and would "measure the party's record." The AMCP ran nationally and in all nine regions. *Leader: Marvin Phiri.*

African Muslim Party (AMP): The AMP's election campaign platform advocated sociopolitical policies based on the Koran; racial harmony; religious tolerance; and respect for God, human life, women, parents and the elderly. The AMP ran nationally and in the Western Cape, KwaZulu Natal and PWV¹⁶. *Leader: Imtiaz Sooliman.*

Dikwankwetla Party of South Africa (DPSA): The DPSA's election campaign platform advocated similar policies to those of the ANC, but the DPSA espoused a more free-market economic policy. The DPSA also said it would protect the rights of workers and would institute a land-reform policy with no restrictions on ownership or use. The DPSA ran nationally and in the Orange Free State and PWV. Its political base was the self-governing homeland of Qwa. *Leader: T.K. Mopeli.*

Federal Party (FP): The FP's election campaign platform advocated a federal constitution; the devolution of power to the provinces, including the right of a province to determine its own economic, health and social welfare systems; direct democracy through strong government at the local level; and a central government with its power restricted to defense, finance, foreign affairs and the Appeals Court. The FP ran nationally and in PWV. *Leader: Frances Kendall.*

The Green Party (GRP): The GRP ran on an environmental platform, with the intent of stopping the University of Cape Town's development of land around Valkenberg. The GRP ran in the Western Cape. *Leader: Nathan Grant.*

¹⁶ Pretoria-Witwatersrand-Vereeniging province.

Islamic Party (IP): The IP's election campaign platform advocated legal rights, particularly those of polygamy and inheritance, for Muslim South Africans, and respect for God. The IP ran in the Western Cape. *Leader: Abdullah Gamielien.*

Keep it Straight and Simple (KISS): The central tenet of the KISS party's election campaign platform was to "get government off the backs of the people" by lowering taxes. The KISS party ran nationally. *Leader: Claire Emary.*

Luso-South African Party (LUSAP): LUSAP was formed to protect the rights of Portuguese South Africans. LUSAP ran nationally and in PWV. *Leader: Manuel Moutinho.*

Merit Party (MP): The MP's election campaign platform advocated "quality of the person" and a continuation of the liberal traditions of the old Progressive Party. The MP ran in the Eastern Cape. *Leader: Solomon Schkolne.*

Minority Front (MF): The MF's election campaign platform advocated the protection of minorities through a strong voice in Parliament. The MF ran nationally and in KwaZulu Natal. *Leader: Amichand Rajbansi.*

The Right Party (RP): The RP's election campaign platform advocated a complete separation of the races; the right of association and disassociation; and strong local government based on the Swiss canton system. The RP ran in the Eastern Transvaal. *Leader: George Sinclair.*

Sports Organization for Collective Contributions and Equal Rights (SOCCER): The SOCCER party's election campaign platform advocated the building of a national spirit based on sports, music and the arts. The SOCCER party ran nationally. *Leader: James Mange.*

South African Women's Party (SAWP): Established by journalists, the SAWP pledged to represent all South African women. The SAWP ran in the Western Cape. *Leader: Sue Millard.*

United People's Front (UPF): The UPF's election campaign platform advocated unification of the North Transvaal's five national groups; the implementation of affirmative action for people dispossessed of their land; the protection of fundamental human rights; and national reconstruction with minimal damage to stability and economic growth. The UPF ran in the North Transvaal. *Leader: Mokhudu Ledhwaba.*

Wes-Kaap Federaliste Party (WKFP): The WKFP formed an election pact with the Federal Party and was bound to accept its policies. The WKFP ran in the Western Cape. *Leader: Stephen Scheepers.*

Women's Rights Peace Party (WRPP): The WRPP's election campaign platform advocated the transformation of society by focusing on gender issues and the monitoring of government policies and decisions with respect to gender. The WRPP ran nationally and in all nine regions. *Leader: Nina Romm.*

Workers International to Rebuild the Fourth International (SA) (WI): The WI's election campaign platform advocated a socialist state; the nationalization of the mining industry; and the control of farms by farmworkers. The WI ran in the Western Cape. *Leader: David Fredericks.*

Workers' List Party (WLP): The WLP's election campaign platform advocated a 35-hour work week; a public works program to end retrenchment; the placing of human needs before profits; the protection of children, the elderly and the disabled; full maternity rights; women's health rights; and an end to violence against women. The WLP ran nationally. *Leader: Professor Ndlovu.*

Ximoko Progressive Party (XPP): The XPP advocated economic growth; the provision of houses; national reconciliation; and autonomous regional and local governments. The XPP ran nationally and in the North Transvaal and PWV. Its political base was the self-governing homeland of Gazankulu. *Leader: S.D.W. Nxumalo.*

The Nonparticipants

Azanian People's Organization (AZAPO)

AZAPO was founded in 1979, when Black Consciousness activists regrouped following the 1977 death of Steve Biko and a new banning of political organizations. The newly banned organizations had emerged during a resurgence of resistance activity in the late 1960s and included the Black People's Convention and the South African Students Organization (SASO), founded by Steve Biko when black students broke away from the liberal, but white-dominated, National Union of South African Students (NUSAS).

The Black Consciousness movement in South Africa was both an extension of the longstanding Africanist tendency in black politics and a new phenomenon in that its adherents were mainly intellectuals and students influenced by developments taking place within the African-American community in the United States. The movement was a driving force in the new politics of urban strikes and student uprisings.

When AZAPO formed, many of the leaders of the Black Consciousness movement had gone into exile, some to establish the Black Consciousness Movement of Azania and others to join the military wings of the PAC and ANC. In 1983, some of its members and supporters defected to join the ANC-aligned United Democratic Front, a development that led to sporadic clashes between the two organizations.

AZAPO's refusal to participate in the four-year negotiation process and its decision not to participate in the April 1994 election was borne of the conviction that the process and the election would not result in a real transfer of power from the minority to the majority population. AZAPO advocates a socialist agenda centered on black self-help at all levels of society, particularly at the grass roots level.

Conservative Party (CP)

The Conservative Party was founded in March 1982, when Dr. Andries Treurnicht and Ferdi Hartzenberg resigned their NP cabinet seats in protest of the reform process initiated by then-President P.W. Botha. The two leaders were particularly opposed to the government's decision to allow nonracial sport at the school level and to admit Indian and Colored politicians into the decision-making process through the creation of a Tricameral Parliament. Their expulsion from the NP eight days later caused the resignation of 15 more National Party members of parliament and the establishment of the Conservative Party.

From its small beginning, the Conservative Party went on to seriously undercut the National Party's support base, particularly in the rural areas. The Conservative won 35.5 percent of the "No" vote in the 1983 referendum on the Tricameral Parliament, and it became the official opposition to the National Party in September 1989 when it won 39 seats (31 percent) in the last whites-only election.

Following unexpected by-election victories in the early 1990s, the Conservative Party in early 1992 challenged President F.W. de Klerk to call a whites-only election. The Conservative Party claimed that the National Party did not have an Afrikaner mandate for the reform-and-negotiations process introduced by President De Klerk's landmark speech of February 2, 1990. President De Klerk responded to the Conservative Party's challenge by calling a whites-only referendum, which the National Party won by 68.7 percent.

In August 1992, Andries Beyers and four Conservative Party MPs broke away to form the Afrikaner Volksunie (AVU -- Afrikaner People's Union). The major difference between the CP and the AVU appeared to be in the size of the Afrikaner *volkstaat* for which the CP had begun to call and for which the AVU now called. The AVU soon languished, but the Conservative Party became a leading member of the Concerned South Africans' Group (COSAG) and the Freedom Alliance despite the April 1993 death of Dr. Treurnicht. The CP's new leader, Mr. Hartzenberg, played a leading role in uniting the fragmented Afrikaner right under the umbrella Afrikaner Volksfront in late 1993, but eventually lost the leadership to the more charismatic Gen. Constand Viljoen.

The Conservative Party refused to participate in the April 1994 election in the apparent belief that the party was better placed to achieve Afrikaner self-determination from outside the political system.

CHAPTER III: POLITICAL VIOLENCE

"We must now cast off all self-protective timidity, and we must now willfully and deliberately descend into the arena of danger to preserve independence of thought and conscience and action which is our civilized heritage. We must now set ourselves against an unjustifiable social order and strive energetically and selflessly for its reform."

Student, University of Witwatersrand, June 1966

The peaceful nature of the election days was in deep contrast to the expectations of most South Africans. Violence was endemic in the struggle against and in support of Apartheid and had been firmly entrenched in South African culture. In a poll commissioned by IRI and conducted in the field in August 1993, 32 percent of South Africans agreed that violence could be necessary in some situations, and many were fearful of a civil war. Most observers assumed that the violence would not abate until the transition was complete.

This chapter provides an overview of the underlying causes of political violence and identifies specific regional trouble spots. The issue of violence during the campaign and its effect on the "freeness and fairness" of the election are addressed in Chapter V: The Campaign Playing Field.

Overview: 1983-1994

Political violence has resulted in more than 20,000 deaths in South Africa since 1983. Nineteen eighty-four marked the beginning of the United Democratic Front/ANC program to make South Africa "ungovernable" and a quasi-civil war between supporters of the ANC and IFP in KwaZulu Natal. Violence between the two groups spread in 1990 to townships in the PWV region. (See [Appendix 3](#).) Ironically, 75 percent of the political murders committed since 1983 occurred from 1990 to 1994 -- during the time the National Party government and liberation movements were conducting negotiations to effect an orderly transfer of power from the minority to the majority population.

The South African Institute of Race Relations (SAIRR) identified three underlying causes for the violence:

"Violence has its origins in Apartheid and the huge apparatus used to enforce the policies of forced removals, pass arrests, race classification, property confiscation, detention without trial and other inhumane laws.

"To the above primary cause of violence must be added the obvious secondary causes -- poverty, squalor and unemployment. The depressed state of the economy, as well as the legacy of discriminatory economic legislation, have helped to cause resource allocation conflicts and rising crime.

"The period beginning 1983 has seen a new dimension to the conflict, conflict between organizations and groups of people oppressed under Apartheid. With major black organizations such as the ANC banned until 1990, some opposition forces actively worked to make the country ungovernable (a strategy called 'People's War'), in an effort to undermine white minority rule.

"These strategies gained their own momentum and, while successfully rendering state administration in many areas ineffective, also resulted in conflict within the black community itself. Organizations directly or indirectly involved in administering certain areas became embroiled in conflict with those promoting people's war. Tragically, in areas of Natal province and parts of the industrial heartland of the PWV area, this conflict also developed a momentum of its own."¹⁵

While it is often difficult to determine whether violent acts were politically or criminally motivated, there were several identifiable forces of political violence that contributed significantly to the high level of violence in South Africa.

Forces Involved in the Violence

Rivalry Between Political Parties

Throughout South Africa, hundreds of areas commonly known as no-go areas are under the strict control of one political movement or party. The political activities of other organizations are considered nearly impossible in these areas due to the threat of physical violence to those holding differing political views. According to the IEC¹⁶, 66 percent of no-go areas were under the control of either the ANC (39 percent) or the IFP (27 percent) and were located in KwaZulu Natal and the East Rand townships of PWV.

- KwaZulu Natal

No-go areas appeared in KwaZulu Natal as early as 1983. The origin of no-go areas and the political rivalry between the ANC and IFP in that province has been explained in many ways. One nongovernmental organization (NGO) involved in conflict resolution explained the violence as follows:

¹⁵South African Institute of Race Relations, "Watchdog on the South African Election," December 10, 1993.

¹⁶ Final Report, IEC Analysis Department, "A Free and Fair Election?: Criteria and Analysis," May 1994.

"Traditional leaders, woven together through the strands of hereditary power, were elected to parliamentary power through Inkatha [later the IFP]. This created a unique blend of cultural and political power to mobilize the traditional and modern aspects of society.

"In the urban areas, however, the ties to hereditary leadership unravelled. Inkatha became one among many competing associations in Natal, where parliamentary power was exercised by the minority white government. In this urban worker-culture, the trade unions, the United Democratic Front and the churches best expressed the aspirations of Zulu-speaking urbanites.

"As a result, the Zulu-speaking people of Natal developed totally different streams of political culture alongside one another. The self-governing homeland of KwaZulu, with its patchwork of widely distributed areas, was better consolidated in the North than in the South. The metropolises of Durban and Pietermaritzburg, with their industrial centers and coal belts, provided the major base line for the other stream. In this second stream, the workers joined COSATU (Congress of South African Trade Unions), where worker solidarity and an electoral process of leadership developed.

"As a result of the widespread resistance to Apartheid in the 1980s, a cleavage developed between 'partisans' and 'collaborators.' KwaZulu was seen as collaborating with the Apartheid system and not cooperating with the urban stream on issues such as schooling, urban leadership, civic associations, boycott politics and strikes. In the 1990s, the IFP and ANC transfused those latent dynamics into two vibrant adversarial political camps fighting for territory and political allegiance."¹⁷

The following two perspectives on the violence were offered to the IRI by longstanding supporters of the ANC and IFP, respectively.

ANC: "Natal violence should be viewed in the context of political developments nationally as well as in Natal itself. In the early 1980s, local-based civic movements and resident associations began to protest against increases in rent and electricity rates, poor sanitation, bad roads and widespread corruption on the part of pseudo-democratically elected councillors. The increasing mobilization of local organizations, the intensification of the anti-Apartheid struggle, and widespread opposition to the proposed Tricameral Parliament led to the establishment of the United Democratic Front in 1983.

"In Natal, the United Democratic Front could have included Inkatha since it was the only organization there with relative credibility. The KwaZulu Legislature, led by Inkatha, had consistently refused to accept nominal independence on the basis that all South Africans must be included in the political power base. However, Inkatha did not qualify for membership in the

¹⁷ This interpretation is the view of Reverend Dale White of the Wilgespruit Fellowship Centre.

United Democratic Front because its leadership of the KwaZulu Legislature was seen by anti-Apartheid organizations as condoning the government's 'homeland' policy. Inkatha felt betrayed by this exclusion and the symbolic break served as a prelude to 'confrontation politics.' Compounding the problem, Inkatha enjoyed a significant following in Natal, especially amongst the elderly and more traditional Zulus. As such, Inkatha filled the void left by the banning of the ANC by providing a haven to people who felt politically homeless.

"An intensification of the United Democratic Front's program of 'ungovernability' led to a direct confrontation at the grassroots and government councillor levels. In Natal, councillors were seen as collaborators with the white government. Most councillors were Inkatha members and those who were not had either to resign or join Inkatha for protection.

"The founding of the United Democratic Front was followed by an increase of youth and civic groups in Natal throughout 1984. The increase was seen as a serious challenge to the widely-held view that Inkatha was supported by a majority of Zulus. The intensifying confrontation was underlined by what has become known as the 'uNgoye massacre.' An attack on students by '*amabutho*' resulted in several students injured and six killed. The '*amabutho*' allegedly were 'protecting His Majesty's [King Goodwill Zwelethini] dignity.'

"The growing conflict between the UDF and IFP proved to be fertile ground for the Apartheid government which was engaged nationally in a 'total onslaught' against anti-Apartheid forces and regional governments. While the security forces wanted to crush the uprising in Natal, they were too thinly stretched to do so.

"The launch of South Africa's largest trade union, COSATU, in Durban in 1985 was seen as a show of strength by the greater Mass Democratic Movement. COSATU's founding in Durban was not a coincidence: Natal was the only problematic area for the Mass Democratic Movement and one where the security forces were very successful in combating 'terrorist' infiltration.

"On May Day, 1986, the United Workers Union of South Africa (UWUSA) was founded. Chief Buthelezi was the guest of honor. Confrontation at the workplace became the order of the day. Later, the Inkathagate scandal revealed that Inkatha had received funds from the South Africa Police through Mr. Khumalo, Chief Buthelezi's secretary.

"The violence in Natal spread to townships in the Transvaal when political organizations were unbanned in 1990. Significantly, the focus shifted from violence between the United Democratic Front and Inkatha to violence between the IFP and ANC. In Natal, the conflict became a fight for political power and territorial dominance. Inkatha's strong ties with the traditional leaders and their inclusion in the KwaZulu Legislature was an advantage for the IFP since the province is largely rural."

IFP: "Far from being an inevitable by-product of endemic factionalism among black liberation movements, internecine political violence amongst those fighting Apartheid had very

precise origins in the early 1980s as the ANC in exile and the internal ANC-aligned United Democratic Front implemented programs of action. The intention was to secure the ANC political hegemony over the transformation process.

"At the ANC's 1985 Kabwe conference, then-ANC President Oliver Tambo set a tone of intolerance that would further radicalize those who would later become known as the "lost generation." The first victims of the township war of the mid-1980s were not members of the government's South African Police and South African Defence Force, but members of the Black Consciousness Movement. Steve Biko's followers, initiators of the Soweto Revolt of 1976, found themselves being eliminated by fellow revolutionaries whose key objective was power in the name of the ANC and the ANC alone.

"The attack on Inkatha, a far more powerful political target, was anticipated following the abortive 1979 meeting in which the ANC tried, but failed, to get Inkatha to take orders from Lusaka. But the conflict only started in earnest once the Black Consciousness Movement was almost totally devastated by the 'comrades' in early 1987. From then until the April 1994 elections, the informal war intensified as the ANC and its supporters launched a total onslaught against Inkatha. This war was conducted at the diplomatic, financial and propaganda levels and, most devastatingly, at the military level. ANC hit squads decimated Inkatha's branch leadership. More than 350 office bearers were murdered over an eight-year period in a campaign of serial assassination. However, Inkatha was more deeply rooted in the people than the Black Consciousness Movement had been. Although Inkatha suffered enormous losses, it could not in the end be vanquished."

- PWV Region

Much of the violence in the PWV region has occurred between hostel dwellers, said to be supporters of the IFP, and township residents, said to be supporters of the ANC. Violence also has occurred between rival African National Congress Self-Defense Units and Inkatha Freedom Party Self-Protection Units.

Graham Simpson, an expert on conflict resolution, explained the buildup of the violence in PWV in an April 1994 briefing.

Simpson said the cycle of violence in PWV started with the lifting of influx control in the early 1980s, allowing rural blacks the opportunity to migrate to urban areas. Once there, the migrants were forced to form squatter camps around the townships because of the lack of economic opportunity and available housing. In many instances, the squatter camps were located between townships and hostels. The squatters saw the hostels as offering the everyday facilities they lacked, such as bathrooms, kitchens and running water. Hostel dwellers, however, were told to keep the squatters out or their utility payments would be increased.

Simpson said the first fight between hostel dwellers and township residents in PWV was publicized as such. The next day, it was referred to as a fight between Zulus and Xhosas.¹⁸ The third day it became a fight between supporters of the IFP and the ANC.

Simpson also noted that there was "a lot of money" to be made from political assassination, gunrunning and crimes disguised as political grievances.

Azanian Peoples' Liberation Army (APLA)

APLA was formally constituted in 1968 from the remaining ranks of its predecessor, Poqo (Pure), which had operated in the Cape in the early 1960s. Founded as the military wing of the PAC, APLA received training and assistance from China and several African countries. Despite receiving an influx of recruits following the 1976 student uprising in Soweto, it did not gain nationwide prominence until the early 1990s.

APLA activities were directed largely against policemen and white civilians. APLA claimed credit for attacks on public places frequented mainly by whites. It also took credit for attacks on white farmers.

Although not completely under the control of the PAC, APLA activities had the effect of reinforcing the PAC's political slogan "One Settler, One Bullet," which was taken seriously in the white community because the PAC's underlying political philosophy was based on a return of the land to black South Africans.

Afrikaner Resistance Movement (AWB)

The AWB, considered a paramilitary organization in South Africa, was founded in 1976 by Eugene Terre'Blanche. The movement advocates Afrikaner self-determination in an independent state and Mr. Terre'Blanche has frequently stated that the borders of such a state might have to be drawn in blood.

AWB activities included attacks on the Koeberg nuclear power station, an attack on the World Trade Centre while the MPNF was in session, the sabotage of railway lines, and several bomb attacks in the days just before and during the April 1994 election. Several members of the AWB have been sentenced for the random murder of black civilians.

¹⁸ Originally founded by Zulus, the ANC became known as a Xhosa-led organization when Nelson Mandela, Walter Sisulu and Oliver Tambo, all members of the Xhosa nation, assumed the leadership. The results of the April 1994 election, however, appear to indicate that the ANC today appeals to black South Africans across the "tribal" spectrum.

Self-Defense and Self-Protection Units

The outbreak of violence in the PWV in the early 1990s was further compounded when young black supporters of the ANC and the IFP established separate Self-Defense Units and Self-Protection Units, respectively. Originally founded by communities as a form of neighborhood protection, some of the units were taken over by unemployed guerillas from the ANC's MK, by political elements within the IFP, or by the criminal gangs that operate in many black townships. Self-Defense and Self-Protection units often fought one another for political or territorial control of a certain neighborhood. In some instances, different ANC Self-Defense Units fought one another for political or territorial control or for control of the criminal activity in a township.

Several weeks before his death in April 1993, the chairman of the SACP, member of the ANC and former MK guerrilla, Chris Hani, was attempting to bring ANC Self-Defense Units under control. His assassination by a Polish immigrant aligned with the white right cut short his effort. During the election campaign period, there were suggestions within ANC ranks to turn Self-Defense Units into neighborhood peacekeeping units against crime and violence.

Internal Stability Unit

During 1990-94, ANC President Nelson Mandela repeatedly called for President De Klerk to withdraw the South African Police's Internal Stability Unit from the black townships. Mr. Mandela claimed that the Internal Stability Unit favored supporters of the IFP over supporters of the ANC when violence occurred in the townships.

President De Klerk withdrew the Internal Stability Unit from the East Rand township of Thokoza in March 1994. The township had experienced intense violence between hostel dwellers and township residents. President De Klerk replaced the Internal Stability Unit with the SADF and violence decreased notably within a two-week period. Violence returned immediately when the TEC withdrew the SADF and sent in the newly established and barely trained National Peacekeeping Force. After two fierce battles in which residents and a photojournalist were killed, the National Peacekeeping Force was replaced by the SADF.

The "Third Force"

Shortly after he was released from prison, Nelson Mandela alleged that there was a "Third Force" involved in the violence between the ANC and the IFP. He said that renegade members of the South African Police and Special Forces were working underground to foment violence at the cost of thousands of black lives.

At President De Klerk's initiative, the Tricameral Parliament on July 17, 1991 approved the establishment of the Goldstone Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation. President De Klerk took the initiative in response to Mr. Mandela's allegations of a Third Force. Justice Richard Goldstone conducted exhaustive inquiries into

violence, but noted in official reports that he could find no direct evidence of the so-called Third Force in the violence and that ANC and IFP supporters appeared to be most guilty of perpetrating it.

In March 1994, a Captain "Q" met privately with Justice Goldstone, and an ensuing report implicated high-level SAP involvement in the violence in KwaZulu Natal and the East Rand. The nation's second- and third-most-senior policemen, generals Basie Smit and Johan le Roux, and a Gen. "Krappies" Engelbrecht allegedly had been involved for some time in organizing such activities out of a covert headquarters in Vlakplaas, the scene of other alleged Third Force activities. Transvaal Attorney General Dr. Jan D'Oliveira, S.C., was put in charge of investigating the allegations.

Put on administrative leave, generals Smit and Engelbrecht were brought back to work only to retire on May 4, 1994. Gen. Engelbrecht retired for reasons of ill health, while Gen. Smit reportedly was asked to retire by his commander, Gen. Johan van der Merwe. Immediately following the retirements, Attorney General D'Oliveira confirmed that there was substantial evidence that both had been involved in illegal covert activities.

Although it is becoming increasingly clear that renegade elements of the SAP/SADF are implicated in fomenting violence during the last decade, it is important not to oversimplify the underlying causes of the violence. It has not been proven that the so-called Third Force was orchestrated at a high level. Nor can the so-called Third Force be characterized as the only cause of violence in black townships and squatter camps. The legacy of Apartheid left many scars, the worsening economic situation exacerbated sociopolitical tensions and political turf battles often were fought violently in some areas.

Negotiations to create the electoral framework for the April 26-29, 1994 election took place against this volatile background. As noted in the opening of this chapter, the death toll attributed to political violence was more than 15,000 from 1990 to 1994. Despite the presence of several groups to promote peace and political tolerance, and with the prospect of liberation finally within reach, the violence remained uncontrollable and cast a heavy shadow on the historic transformation process under way.

CHAPTER IV: THE ELECTORAL FRAMEWORK

"This election is about national reconciliation, not ballot reconciliation."

*Judge Johann Kriegler,
IEC Chairperson*

One of the unique aspects to consider when discussing the creation of South Africa's electoral framework is that it was designed and implemented to achieve peace, national reconciliation and an agreed upon revolution. The elaborate negotiations at the highest levels of the major political parties and the inclusive nature of the Multiparty Negotiating Forum illustrate the importance of this goal. Attempts to accommodate the South African tradition of "ubuntu," or togetherness and sense of community, were illustrated in the efforts of the negotiators to establish an electoral framework satisfactory to all political parties in the MPNF. When unanimous consent was not possible on several issues, the leaders of the ANC and NP moved the process forward by "sufficient consensus." The role of the National Party and African National Congress in developing the electoral framework was very important. However, the MPNF provided an opportunity for members of parties either to participate in or to respond to the MPNF technical committees that drafted electoral legislation.

Overview

South Africa's electoral framework comprised the following Acts and Regulations:

Interim Constitution
Transitional Executive Council Act
Independent Electoral Commission Act
Electoral Regulations
Electoral Act
Independent Media Commission Act
Independent Broadcasting Authority Act

The following authorities were responsible for administering the electoral framework:

Transitional Executive Council (TEC)
Independent Electoral Commission (IEC)
Independent Media Commission (IMC)
Independent Broadcasting Authority (IBA)

The first pages of this chapter describe the interim constitution, the TEC, the IMC and the IBA.

IRI analyzed the Electoral Act, the Independent Electoral Commission Act (IEC Act) and extensive amendments to determine whether some election administrative difficulties might have resulted from or been made probable by electoral legislation. IRI's analysis is not exhaustive and primarily focuses on areas of particular concern. Although IRI acknowledges each country's laws are uniquely tailored to its needs and character, the following is based on perceived uniqueness of the South African law. IRI has reviewed the election laws of Cambodia, El Salvador, Guinea, Kenya, Lesotho, Tanzania and Uganda for comparative purposes in this analysis. The chapter closes with IRI's general conclusions on the electoral framework.

The 1993 Interim Constitution

The 19 parties at the Multiparty Negotiating Forum approved an interim constitution by "sufficient consensus" on November 17, 1993. The IFP, the CP and the governments of Bophuthatswana, KwaZulu and Ciskei did not approve the interim constitution. These groups had not rejoined the multiparty negotiating process following a walkout by the IFP and the Conservative Party in July 1993 and the formation of the Freedom Alliance in September 1993.

The interim constitution was adopted by the Tricameral Parliament on December 22, 1993, and was published in *Government Gazette* No. 15466 on January 28, 1994. Amended on March 4 and April 21, 1994, the interim constitution became effective at midnight on April 27, 1994, and will be in force until April 26, 1999.

The interim constitution stipulated that eligible South African voters aged 18 and over would elect a 400-member National Assembly (200 at the national level, 200 at the provincial level) and nine provincial governments.¹⁹ The provincial governments would send 10 members each to a 90-member Senate.

The national and provincial elections would be conducted along proportional-representation lines. All parties winning 5 percent or more of the vote at the national and provincial levels would be guaranteed a cabinet seat or seats in the GNU and the nine provincial governments.

The National Assembly would elect one of its members as the President of the Republic. The President would be the head of state and exercise executive authority. All parties gaining at least 20 percent of the vote would be entitled to appoint an Executive Deputy President from among their members, for a total of two Executive Deputy Presidents. The provincial governments would range in size from 30 to 86 members and would have the competence to make prescribed laws.²⁰

¹⁹ The April 26-29, 1994 non-racial election satisfied this requirement.

²⁰ While the interim constitution states that provincial legislatures shall have the competence to make laws as set out in Schedule 6, these so-called concurrent powers at the provincial level

The national and provincial governments would be in office for five years (1994-1999). The National Assembly and Senate would serve as a Parliament and a Constituent Assembly for the first two years following the election. The Constituent Assembly would be tasked with writing South Africa's final constitution along the lines of the Interim Constitution's 34 Principles. The nine provinces, through their representation in the National Assembly and Senate, would participate in the writing of the final constitution. In addition, each of the nine provinces would be tasked with writing its own constitution according to the Interim Constitution's 34 Principles. The Constituent Assembly would cease to exist following the adoption of a final constitution.

A new election at the national level would be held only in the event of a vote of "No Confidence" in Parliament or an inability by the Constituent Assembly to approve a final Constitution within two years. The procedure for adopting a final constitution is as follows:²¹

(i) "Section 73(2) For the passing of the new constitutional text by the Constitutional Assembly, a majority of at least two-thirds of all the members of the Constitutional Assembly shall be required: Provided that provisions of such text relating to the boundaries, powers and functions of provinces shall not be considered passed by the Constitutional Assembly unless approved also by a majority of two-thirds of all the members of the Senate."

The approved constitutional text would then have to be certified by the Constitutional Court and assented to by the President. A proposed text or texts can be submitted at any time during the two-year period.

(ii) If the proposed constitutional text does not receive a majority of at least two-thirds of all the members of the Constitutional Assembly and the provisions relating to the boundaries, powers and functions of provinces do not receive a majority of two-thirds of all the members of the Senate,

"but such a draft is supported by a majority of all its members, such proposed draft shall be referred by the Chairperson to the panel of constitutional experts referred to in Section 72(2) for its advice, to be given within 30 days of such referral, on amendments to the proposed draft, within the framework of the Constitutional Principles, which might secure the support required in terms of subsection (2).

"An amended draft text unanimously recommended by the panel of constitutional experts and submitted to the Constitutional Assembly within the said period of 30 days, shall be considered by the Constitutional Assembly, and if passed in accordance with subsection (2), it shall become the Constitution of the Republic of South Africa.

can be overridden by "concurrent powers" at the national level. (See [Appendix 4.](#))

²¹ Interim Constitution, *Government Gazette*, January 28, 1994. (See [Appendix 5.](#))

"Subsection (5). Should the panel of constitutional experts fail to submit within the said period of 30 days to the Constitutional Assembly an amended draft text which is unanimously recommended by the panel, or should such an amended draft text not be passed by the Constitutional Assembly in accordance with subsection (2), any proposed draft text before the Constitutional Assembly may be approved by its resolution of a majority of its members for the purposes of subsection (6).

"Subsection (6). A text approved under subsection (5) shall, after it has been certified by the Constitutional Court in terms of Section 71(2), be referred by the President for a decision by the electorate by way of a national referendum. The question put before the electorate in the referendum shall be the acceptance or rejection of the text approved under subsection (5).

"Subsection (8) The text presented to the electorate in the referendum shall, if approved by a majority of at least 60 percent of the votes cast in the referendum and subject to subsection (13), become the Constitution of the Republic of South Africa.

(iii) "Subsection (9) If the relevant text is not approved in the referendum in accordance with subsection (8), or if a new constitutional text is not passed in terms of this Chapter within the period of two years ... the President shall dissolve Parliament by proclamation ... within 14 days after the referendum or the expiry of the said period, whereupon an election contemplated in section 39(1)(a) shall be held."

The interim constitution is generally considered unitary in nature, with the option of creating a more federal constitution left to the Constituent Assembly. Chapter III of the interim constitution contains South Africa's first Bill of Rights and strives to ensure for individuals protection from state power.

Amendments to the Interim Constitution

Several constitutional amendments were adopted by the MPNF and a special session of the Tricameral Parliament in February 1994 in the hope that they would induce the members of the Freedom Alliance to re-enter the transition process. While the parties in the Freedom Alliance agreed that some of the amendments represented real concessions, they believed that the amendments still did not devolve significant powers to the provinces.

Amendments to the interim constitution included the following provisions: Natal would be called KwaZulu Natal; the legislative powers of provincial legislatures would be extended to further regulate the financial and fiscal affairs of the provinces to ensure greater provincial powers; the final constitution would not weaken the "concurrent powers" granted the provinces in the Interim Constitution; provinces would create their own executive and legislative structures; and a 20-person *Volkstaat* Council would be established after the April 1994 election to pursue the possible creation of a independent Afrikaner state.

The interim constitution also was amended to allow a two-ballot election. The interim constitution originally called for a one-ballot election for both the national and provincial governments. The new amendment stipulated that one ballot would be cast at the national level and another ballot at the provincial level.

The Transitional Executive Council (TEC)

A nonracial, multiparty statutory body, the TEC was promulgated by the Transitional Executive Council Act 1993. The TEC was charged both with co-governing alongside the government and with "leveling the political playing field" in the period between its establishment in December 1993 and its dissolution following the April 26-29, 1994 election. The TEC's 48 members were appointed by the MPNF. (See Appendix 6.) Three parties and two homeland administrations chose not to participate in the TEC. They were the PAC, the IFP, the CP and the governments of KwaZulu and Bophuthatswana.

The TEC's main responsibilities were to ensure that the political climate was conducive to the holding of a free and fair election and that the government, as the ruling political party, did not have any advantages during the campaign period. TEC members were divided among the following subcouncils: Defense, Law and Order, Foreign Affairs, Intelligence, Status of Women, Finance, and Regional and Local Government and Traditional Authorities.

The TEC met in open session once a week, allowing representatives of the participating parties to deliberate on issues and endorse decisions reached by the eight-party management committee that supervised the subcouncils. The Subcouncil on Law and Order, for example, played a key role in the decision to replace the controversial Internal Stability Unit with the SADF in the volatile East Rand township of Thokoza in the last week before the election. The Subcouncil on Intelligence was tasked with ensuring that no party gained an electoral advantage because of its access to the various intelligence agencies. The Subcouncil on Women undertook a study of the impediments to women voting with a view to identifying legislation that might obstruct the long-term goal of achieving a nonsexist society.

Immediately after its establishment, the TEC authorized the creation of the Independent Electoral Commission, the Independent Media Commission and the Independent Broadcasting Authority. As the body responsible for leveling the political playing field, the TEC also nominated candidates to head the Independent Electoral Commission's three Directorates, as well as several other top officials. The TEC also was empowered to ensure that public monies spent during the campaign period were consistent with the council's responsibility to ensure a leveling of the political playing field.

In January 1994, the TEC established the National Peacekeeping Force as "the" force to secure the April 26-29, 1994 election. The National Peacekeeping Force's command council comprised senior officers from the SADF, SAP, MK and the defense and police forces of the independent and self-governing homelands, with the exception of KwaZulu, Bophuthatswana and

Ciskei. The National Peacekeeping Force underwent a six-week training period but was largely confined to its barracks during the April 1994 election because it was judged that the National Peacekeeping Force was not sufficiently trained to act as a peacekeeping force during the election.

During the campaign period, the TEC placed administrators in the nominally independent homelands of Bophuthatswana and Ciskei and the self-governing homeland of Lebowa when civil servants there went on strike over the long-term security of their jobs and pensions. The TEC also endorsed the government's declaration of a state of emergency in KwaZulu Natal in the weeks before the election.

The TEC found itself at the center of an unexpected controversy in February 1994, when it decided to retain until after the election the notorious Section 29 of the Internal Security Act, which allowed detention without trial for as long as 10 days. The decision was later reversed, although the TEC retained Section 4 in a new Act²² that empowers the government to ban organizations at the discretion of the Minister of Justice. In general, the TEC provided South Africans with their first experience in formal power-sharing and was the precursor to the Government of National Unity.

The Independent Media Commission

The IMC was set up by the Independent Media Commission Act 1993 and was tasked with regulating the media to ensure the equitable treatment of all political parties during the election campaign. The IMC also was responsible for ensuring that the government did not use state publications or funds for party political campaign advertisements. (Media issues are further discussed in Chapter V: The Campaign Playing Field.)

Although charged with monitoring all relevant television and radio broadcasts throughout the entire election campaign period, the IMC effectively began operating only in mid-March. According to Acting Chairman Raymond Louw, the IMC could not begin to implement its mandate until the IEC had formally announced how many parties had registered for the April 1994 election.²³ In the interim, the IMC engaged the Media Monitoring Project and the parastatal South African Communications Services²⁴ to monitor political coverage falling under its mandate.

²² The Abolition of Restrictions on Free Political Activity Act, December 1993.

²³ The party registration deadline was extended twice to accommodate the fast-moving political situation.

²⁴ As a parastatal, the South African Communications Services was, in effect, monitoring itself.

In addition to its monitoring responsibilities, the IMC was tasked with determining the free broadcast time to be made available to political parties on radio and television stations. Although community and privately owned broadcasters were not required to give air time to the political parties, they were required to afford all parties "a like opportunity" in the event they gave time to one party. The same Regulation applied to accepting political party advertising and giving parties a reasonable opportunity to respond to criticism if the broadcaster failed to elicit such response during the program.

According to a South African Broadcasting Corporation publication,²⁵ there were 18,884 political party radio commercials between March 4 and March 23, 1994. The figure excluded voter education, constitutional and all other politics-related advertisements. The publication noted that the ANC ran "almost twice as many commercials as its closest rival, the NP." The DP and the FF were the next biggest advertisers.

The Independent Broadcasting Authority

Established by the Independent Broadcasting Authority Act 1993, the IBA was scheduled to begin its permanent operations after the April election, with its major responsibility being the deregulation of the broadcasting industry, including the parastatal South African Broadcasting Corporation (SABC). With respect to the SABC, the IBA will examine the corporation's funding, local content in broadcasting, and cross-media ownership of private broadcasting services.

The IBA also will be responsible for issuing radio licenses, including those for community-based stations. In this regard, the IBA's mandate states: "In essence, the IBA is charged with ensuring that all South Africans get the fairest and best possible broadcast services, free of undue bias and protected from government interference."

Deregulation of the broadcast industry is expected to take several years, and council members have been appointed to four-year terms. Each of the IBA's seven present members has extensive broadcasting and print industry experience.

Election Administration Legislation

Introduction

The following sections describe and discuss the Independent Electoral Commission, the IEC Act, the Electoral Act, Electoral Regulations and amendments. The Deputy Chair of the IEC, Dikgang Moseneke, explained his interpretation of the role of the IEC:

"The powers that we have been given are immense and we have been very cautious about using them, probably as a result of the system from which we emerge. For example, we

²⁵ *Activate*, July 1994.

must tolerate those who advocate a no vote; such a strategy was used in the past, as it is being used now; this right not to vote must be respected. There have even been parties who have requested money out of the election fund in order to advise people not to vote.

"We must attempt at all times to be evenhanded; the best service we can do to democracy is to allow everyone to have their say, and those who have the most support must win without the smear of intimidation.

... "The IEC has been in existence for [only] six or seven weeks. We have been given a hard job, but I think many people do know about the IEC. Places like Northern Natal, Kattlehong and Bophuthatswana have been problems for many years. In six weeks the IEC can't solve all the country's problems, but we are going to do our best to ensure all voters have information necessary for them to make their choices..."¹²⁶

The Independent Electoral Commission

The TEC named the Chairperson and Commissioners of the IEC in mid-December 1993 and they met for the first time on December 20, 1993. The Commission included eleven South Africans and five members of the international community. (See Appendix 7.) Judge Johann Kriegler was named chairperson of the IEC and Advocate Dikgang Moseneke was named deputy chairperson.

The IEC commissioners oversaw three independent directorates: administration, monitoring and adjudication, and a staff of 250,000-300,000. The IEC's main office was in Johannesburg, and the IEC established 41 subdirectorates in the nine provinces.

The 1993 Independent Electoral Commission Act

The 1993 IEC Act was published in *Government Gazette* No. 15183 on October 27, 1993. The IEC Act was drafted by a Technical Committee comprising members of the Multiparty Negotiating Forum. The following pages outline those sections of the IEC Act that proved particularly important during the election period.

The IEC Act was amended as follows in January and March 1994:

The Independent Electoral Commission Amendment Act published in *Government Gazette* No. 15399 on January 5, 1994. (Amends constitution with regard to Electoral Code of Conduct, adds references to the Electoral Act in the IEC Act, amends Electoral Tribunal sections).

²⁶ PWV Observation-based Reports, Institute for Multiparty Democracy, Human Science Research Council, Launching Democracy Project, March 10, 1994.

Independent Electoral Commission Regulations: Registration of parties and the submission of lists of candidates published in *Government Gazette* No. 15465 on January 28, 1994. (38 pages, primarily registration forms).

General Notice 198 of 1994, published in *Government Gazette* No. 15547 on March 3, 1994 (contains amendments regulating the conduct of the Special Electoral Court).

General Notice 200 of 1994 published in *Government Gazette* No. 15551 of March 5, 1994 (corrects North West Christian Democratic Party's ballot submission).

The Objectives of the IEC

The IEC Act opens by establishing the objectives of the IEC:

"(a) to administer, organize, supervise and conduct, whether directly or indirectly, free and fair elections for the National Assembly and all other legislatures in terms of the Constitution and the Electoral Act;

(b) to promote conditions conducive to free and fair elections;

(c) to determine and certify the results of elections, and to certify to what extent such elections have been free and fair;

(d) to conduct voter education;

(e) to make and enforce Regulations for the achievement of such objectives."

The Independence of the IEC

In Section 8, the IEC Act sets forth the independence of the IEC. It notes that the IEC shall function "without political or other bias" and, unless noted, will be "independent and separate" from the TEC, political parties and the government. The section notes that in matters relating to election administration, other entities such as parties, the TEC and government must be accountable to the IEC on matters related to the election.

The Powers, Duties and Functions of the IEC

The powers, duties and functions of the IEC are described in Section 13. These duties and functions include:

(a) administration of the election;

(b) prevention of intimidation of voters, candidates and parties;

- (c) voter education in the areas of democratic principles and values, electoral process and mechanisms, the right to free political canvassing and campaigning, secrecy of voting by means of literation, media, advertisements, workshops, seminars and meetings in a variety of languages;
- (d) hearing and determining appeals against decisions or actions of the chief directors of Administration or Monitoring;
- (e) giving instruction to chief directors of Administration and Monitoring in respect to matters concerning their functions, which power may be exercised either upon request from the chief directors or at its own initiative;
- (f) establishing necessary committees for the effective exercise and performance of its powers, duties and functions.

Administration and Staffing of the IEC

The IEC Act gave power to the IEC to hire the staff it needed to enable it to carry out its objectives. These included appointing staff, requesting secondment of any necessary personnel from the government, maintaining financial accounts and taking any other steps necessary to "give effect to the act."

The act did not, however, appear to give the IEC the power to appoint the top person(s) in each of the three directorates. These key individuals were instead nominated by the Transitional Executive Council.

The IEC's Power to Determine and Certify Election Results

Section 18 of the IEC Act gives the IEC the power to determine and certify the election results. Because of its importance, the section is quoted in its entirety.

"Upon completion of the balloting, the Commission shall as expeditiously as possible, but not sooner than two days and not later than 10 days after the close of the poll --

- (a) determine and certify the results of the election; and
- (b) either certify in respect of the National Assembly and each other legislature that the election was substantially free and fair; or
- (c) declare that it was unable to certify it as such."

Election Administration Directorate

Chapter III of the IEC Act vaguely outlines the purpose and responsibilities of the EAD. The chapter prescribes that this directorate will be headed by the Chief Director: Administration. The Act states that:

"In effecting appointment of the Chief Director: Administration and any deputy director, the Commission shall invite and, where given, consider, but shall not be bound by, the advice of the Transitional Executive Council."

The IEC Act primarily lays out to whom and for whom the Chief Director is responsible. It does not prescribe a single duty or function. Many of these functions are described in the Electoral Act, but are never listed in an organized manner. (They will be listed in Chapter VI: The Election and Counting Days.)

The Chief Director: Administration was seconded from the Ministry of Home Affairs which was formerly responsible for administering elections in the apartheid era. The newly appointed Chief Director: Administration, however, apparently had no prior election administration experience, nor did his two deputies. One deputy director was affiliated with the ANC, the other with the former UDF. Because of obvious concern about its impartiality and intentions, it was decided that a new and independent commission would be created to manage South Africa's first nonracial election.

Election Monitoring Directorate

The IEC Act outlines functions of the Election Monitoring Directorate in great detail. It notes that the Chief Director: Monitoring could be nominated by the TEC although the IEC was not "bound by" this nomination. The law makes no mention of the TEC's authority to nominate deputy directors, unlike that noted for the EAD. The IEC Act covers the Monitoring Directorate in far more detail than it does the EAD. The Act also notes that the Monitoring Directorate is to "operate independently of the Chief Director: Administration and the Secretary (Adjudication)." The Act codifies the unusual arrangement whereby the Monitoring Directorate is under the supervision of and accountable to the IEC (which it also is monitoring).

Election Adjudication Secretariat

Chapter V of the IEC Act describes the role of the Adjudication Secretariat. Similar to the Monitoring Directorate, the Act empowers the TEC to nominate the Secretary but not deputy directors.

Section 27 briefly outlines the powers, duties and functions of the Secretary. The duties, specifically, are to coordinate the functions of the Electoral Tribunals, the Electoral Appeal

Tribunals and the Special Electoral Court and to perform related administrative work. The IEC Act notes that the Adjudication Secretariat is to "operate independently of the Chief Directors: Administration and Monitoring" yet "be under the supervision of the Commission."

Chapters VI through VIII of the IEC Act describe the powers, duties and functions of the three electoral courts noted above.

General Provisions

Chapter IX of the IEC Act outlines general provisions including those of appeal and review, secrecy, offenses and penalties. In Subsection 41, the Act elaborately describes Regulations that the IEC is empowered to make in its interpretation of the Electoral Act with regard to political advertising and all practices and procedures related to electoral adjudication.

The 1993 Electoral Act and 1994 Electoral Regulations

The Electoral Act of 1993 was published in the *Government Gazette* No. 15436 on January 14, 1994. The Act was one of the two bodies of law that guided election administration, the other being the IEC Act. The Electoral Act was drafted by a Technical Committee comprising members of the MPNF.

Electoral Regulations were prepared by the IEC under the powers vested in it by the IEC Act and Electoral Act. These Regulations were published in *Government Gazette* No. 15506 on February 17, 1994.

Several times during the seven weeks before the election, the Act and Regulations were amended by the following Acts and proclamations:

Act No. 1 of 1994, published in *Government Gazette* No. 15549 on March 3, 1994 (contains 15 pages of amendments, primarily adjusting for a two-ballot election).²⁷

Proclamation No. 45 of 1994, published in *Government Gazette* No. 15582 on March 16, 1994 (mainly makes adjustments relating to extension of deadline to file candidate lists and register to participate in the election).

Proclamation No. 69 of 1994, published in *Government Gazette* No. 15662 on April 20, 1994 (contains 18 pages of extensive amendments to the Act and Regulations).

²⁷ Amendments are printed in English and Afrikaans, so actual pages in one language equal half this number of pages.

Proclamation No. 73 of 1994, published in *Government Gazette* No. 15666 on April 21, 1994 (includes among other amendments, revisions relating to entry of the IFP into elections).

Proclamation No. 85 of 1994, published in *Government Gazette* No. 15691 on April 25, 1994 (describes types of prisoners allowed to vote).

Proclamation No. 91 of 1994, published in *Government Gazette* No. 15703 on April 28, 1994 (allows election-day extension in selected areas).

The following pages describe the general provisions of the Act and Regulations focusing on problem areas during the voting and counting periods. As necessary and relevant, IRI directly quotes the Act or Regulations when the specific wording is considered important.

The Role of the IEC

The Electoral Act broadly defines the role of the IEC and opens as follows:

"The provisions of this Act shall be administered by the Commission which in such administration shall endeavor to create an environment which generates confidence in the electoral process and the secrecy of the ballot."

Powers, Duties and Functions of Chief Director: Administration

Similar to the IEC Act, this section of the Electoral Act does not define the duties or functions of the Chief Director. The Chief Director's responsibilities are scattered in various sections throughout the Act and Regulations. (This is an area of concern addressed in later pages.)

Powers, Duties and Functions of Election Staff, Party Liaison Committees and Party Agents

The Electoral Act begins with an extensive section on the role of Party Liaison Committees. It then enumerates the powers, duties and functions of the election officers and staff, including Provincial Electoral Officers, District Electoral Officers, Presiding Officers, voting officials, Counting Officers and counting clerks. The amount of detail describing the specific functions and powers of election officers is reasonable (with some exceptions to be discussed later).

The Act also specifically provides for each party to appoint Election and Voting Agents. An extensive section describes the role of the Election and Voting Agents: primarily as communication links and watchdogs for the political parties. It is clear to IRI that those drafting the Act were particularly concerned that the political parties have legal authority to play a highly interactive role in the election administration process.

Qualifications for Franchise

The Act enumerates the qualifications of those persons entitled and not entitled to vote. Neither the Act nor the interim constitution requires any sort of voter registration. Under the Act, the IEC could issue temporary voter cards, or an eligible voter could be lawfully admitted to the polls with a variety of identification documents.

Registration of Parties to Participate in the Election

The parties at the MPNF chose a system of proportional representation for the country's first nonracial election.²⁸ Each party therefore had to submit lists of candidates to the IEC in advance of the election. Parties had the choice of submitting lists either 1) only in selected provinces, 2) only rationally, or 3) in all nine provinces and nationally. The lists were to be published in the *Government Gazette*, and parties were allowed time to object to the qualifications of candidates.

The registration deadline changed several times as the TEC and the IEC attempted to bring all parties into the election. IRI notes the IEC's cooperation and flexibility in this regard.

Electoral Code of Conduct

Each party that registered to participate in the election had to agree, in writing, to abide by an extensive Electoral Code of Conduct. The Electoral Code of Conduct required that all such parties agree not to participate in intimidation or violence, and to accept the IEC's final judgment as to whether the election was free and fair. (See Appendix 8.)

Distribution of Voting Materials

The Act²⁹ briefly describes who is to be responsible for distribution of voting materials, but not how it is to be done. It is one of the briefest sections in the Electoral Act and, due to its importance, is quoted in its entirety:

"The Chief Director (Administration) shall in respect of each voting day supply such voting materials to a Provincial Electoral Officer and the Presiding Officer of any foreign voting station as may be necessary for the proper conduct of the election in the province and at the foreign voting station concerned.

²⁸ Voters voted for a party, not a specific candidate. The number of candidates each party could seat in the National Assembly was based on a complex two-tier formula that determined proportion of votes a political party received on national and provincial bases.

²⁹ Electoral Act, Chapter VI, Section 26.

"Each District Electoral Officer shall be responsible for obtaining voting materials from the Provincial Electoral Officer, and supplying to the Presiding Officers of the voting stations in his or her electoral district, a sufficient quantity of such materials to ensure the proper conduct of the election."

The Electoral Regulations are even more concise. They say nothing about voting material distribution, noting only that "all reasonable steps and precautions for the safe-keeping" of materials should be taken.³⁰

Voting Compartment and Ballot Box

Regarding voting compartments and ballot boxes, the Act notes (in its entirety):

"The Commission shall determine the nature and style of the voting compartments and ballot boxes which it considers suitable for the proper conduct of the election."

Compared with other election laws, South Africa's law is lacking in this regard.

Voting Procedures

Voting procedures are described in great detail in the Electoral Act, Chapter VII, Section 35. In comparison with other electoral laws, these procedures are more or similarly detailed. Voting procedures are described in this report in Chapter VI.

Procedures After the Voting

The following pages address the laws prescribing procedures to take place after voting was completed. In this section, IRI attempts to discover whether the election law (and subsequent amendments) made counting confusion either likely or probable. Certain amendments gazetted April 20, 1994 lead IRI to believe that ballot reconciliation and counting problems were anticipated. IRI warned the IEC about some of these oversimplifications in a letter from IRI electoral law specialists to Judge Kriegler dated March 28, 1994. (See Appendix 9.)

Voting Material Security

After the voting was completed, the Presiding Officer was to ensure that Party Agents and Monitors were present at the closing and "sealing of the openings" of the ballot boxes. Regarding security and transportation of ballot boxes before counting was started, the Act notes that the Presiding Officer:

³⁰ Regulations, Sections 56 and 57.

"shall be responsible for the safe-keeping of all ballot boxes used at the voting station concerned in the prescribed manner until they are delivered to the Counting Officer."

The April 20, 1994 amendment changed procedures in this area. The Presiding Officers formerly were to return ballot boxes to the District Electoral Officer. The amendment stipulates, however, that ballot boxes were to be delivered directly to counting officers. IRI has been unable to learn the "prescribed" procedures for returning ballot boxes to counting stations.

Regarding transportation procedures after counting was completed, the Electoral Regulations simply state in Section 45:

"The packets [of voting materials] shall be delivered to the Chief Director by road, rail, or air transportation under guard of one or more peace officers."

The Act lacks detail about ballot and voting material security during transportation, particularly in respect to whether said materials must/may be accompanied by Party Agents, observers and Monitors.

Handling of Voting Materials

The Act³¹ required that Presiding Officers daily make up separate packets containing:

- each ballot box entrusted to him or her, unopened;
- the unused ballot papers;
- the ballot papers discarded; and
- the counterfoils of used and discarded ballots.

The Presiding Officer was then to mark and deliver the sealed packets to the District Electoral Officer. However, the April 20, 1994 amendments mandated that the Presiding Officer:

"shall in accordance with the instructions of the Commission mark and deliver into safekeeping each sealed packet."

To whom and where these sealed packets were now to go was not appended.

The original procedure required that voting materials be given to the District Electoral Officer. This step was omitted because of security concerns and insufficient availability of police or "peace officers." As envisioned in the Act, voting materials were to be moved to a secure site

³¹ Electoral Act, Chapter VII, Section 38.

each evening. When there were insufficient police available for such an operation, the IEC decided to keep the voting materials at the voting stations each night.

The new amendment does not precisely note to whom, where, or within what time frame these voting materials and ballots should be delivered after final election day. It also does not state whether Party Agents must be present during the transportation of voting materials to regional counting centers. Presumably, this information eventually was provided as part of the "instructions" mentioned in the amendment above.

Ballot Reconciliation Forms

The Act³² specifically states that ballot papers must be accompanied by a statement in which the Presiding Officer accounts for:

- the number of ballot papers entrusted to him or her;
- the number of ballot papers issued; and
- the number of ballot papers not issued."³³

This procedure was, for the most part, omitted because many complications emerged. The implications of omitting ballot reconciliation requirements will be discussed in Chapter VI: The Election and Counting Days.

Repeal of Requirement for Ballot Reconciliation by District Electoral Officer

Before the April 20, 1994 amendment, the Act³⁴ required that both the Presiding Officer *and* the District Electoral Officer complete separate ballot reconciliation forms. The Act originally also required that all voting materials were to go first to the District Electoral Officer rather than directly to the Counting Officer.³⁵ The repealed form required that the District Electoral Officer complete a reconciliation form listing:

- (1) the number of ballot papers issued by the Presiding Officer;
- (2) the number of discarded ballot papers included in (1);

³² Electoral Act, Chapter VII, Section 38.

³³ Ballot reconciliation form. (See Appendix 10.)

³⁴ Electoral Act, Section 35.

³⁵ The District Electoral Officer reconciliation form was included in the February 17, 1994 Regulations and was later omitted.

- (3) the number of disputed ballot papers included in (1);
- (4) total number of ballot papers placed in ballot box [(1) minus (2)+(3)];
- (5) the unused ballot papers (record serial numbers on reverse side); and
- (6) the total number accounted for [number issued at (1) plus unused at (5)].

At the end of the reconciliation form, the District Electoral Officer was required to sign a declaration stating:

"I hereby declare that I have verified the ballot paper statements handed to me by the Presiding Officers of the voting stations in my electoral district, with the number of ballot papers entrusted to me and issued to the said Presiding Officers, and that, except for the discrepancies noted hereunder, the above statement is true and correct."

IRI is not aware of why the step requiring reconciliation of ballots by the District Electoral Officers was deleted.

Reconciliation Irregularities and Inaccuracies

An amendment to the Regulations on April 20, 1994, clarifies how the Counting Officer is to handle irregularities in the ballot reconciliation process. The amendment notes that if the number of ballots on the reconciliation form is different from the number handed to him or her at the counting station, the Counting Officer must make a decision. If the inaccuracy:

"is one ballot paper or .05 percent of the total number of ballot papers on the ballot paper statement, whichever is greater, the Counting Officer shall continue the counting procedure; or

"is in excess of one ballot paper or .05 percent of the total number of ballot papers on the ballot paper statement, whichever is greater, the Counting Officer shall forthwith consult with the Chief Director and comply with his instructions."

This amendment indicates that the IEC was planning ahead for reconciliation problems.

Party Agents' Role in the Count

The Electoral Act stipulated that the Counting Officer is required to advise the Party Agents of the tally immediately after the count is completed. The Party Agents then "have the right to challenge the tally determined." If there is no complaint about the tally, all Party Agents present must sign the tally sheet. These signatures certify that "no irregularity was identified during the counting process" and that the tally sheet is thus deemed to be accepted by "all registered parties concerned." After the tally sheet is signed, a count in a given counting station:

"shall not be subject to **appeal**: Provided that such acceptance shall not preclude any interested party from lodging a formal objection in terms of Section 46."³⁶

If a challenge is made, the Party Agent must state the basis for the complaint. The Counting Officer then has the power to decide whether a recount should be made. If the Counting Officer refuses a recount, the Party Agent is entitled to lodge an appeal with the IEC. The IEC's decision on the matter is not subject to appeal.

Alleged Irregularities or Inaccuracies, and Challenges of Tally

Section 45 of Chapter VIII of the Act describes the procedures for challenging the count. It notes that before the results at a given voting station can be announced (and communicated to the Chief Director), Party Agents could make complaints about perceived irregularities or inaccuracies. The Counting Officer was to record the complaints in "the prescribed manner." The Counting Officer was then to "determine such measures as he or she may consider necessary in order to deal therewith, and report such allegation and determination to the Chief Director in the prescribed manner."

An amendment to the Electoral Act on April 20, 1994, gives additional power to the Counting Officer:

"(a) A determination of the Counting Officer...shall not be subject to **review**: Provided that such determination shall not preclude any interested party from lodging a formal objection in terms of Section 46."³⁷

Formal Objections: Section 46

Section 46 of the Electoral Act describes an all-important provision for filing formal objections to the count or any aspect of the election that may impact on the IEC's certification of whether the election was free and fair. Within 48 hours after the closing of voting, any interested party:

"shall have the right to object in the prescribed manner within 48 hours after the closing of the voting to any aspect of the election which is relevant to the certification of the results thereof,³⁸ save for such aspects as provided for in Section 45."

³⁶Section 46 complaints are described in the next section.

³⁷ Section 46 complaints are summarized in Chapter VI: The Election and Counting Days and documented in Appendix 10.

³⁸ All Section 46 complaints had to be investigated and resolved before the IEC could announce whether the election was free and fair.

The IEC commissioners were charged with investigating Section 46 complaints and making a determination as to their merit within 10 days. The decision of the IEC commissioners was not subject to appeal. IRI notes its concerns about this section in the Conclusions of this chapter. These issues are addressed in detail in Chapter VI: The Election and Counting Days.

Procedures for Filing Formal Objection

The Act notes that registered parties must file an objection directly with the IEC commissioners. The April 20, 1994 amendment spells out the exact requirements to lodge a complaint about the election or count. The political party must submit in writing (by fax or hand delivery) said complaint directly to the Chair of the IEC. The complaint must include the name, residential address, identity number, party affiliation, and telephone and fax number (where appellant or objector could be reached during the 72 hours after the objection was lodged). An affidavit was to be attached that described all particulars of the complaint and why the alleged irregularity or inaccuracy was "relevant to the certification of the result of the election." Appendix 11 includes Section 46 complaints filed by the NP and the IFP (other parties were asked to submit complaints for this report but IRI did not receive them). Due to complications related to administrative problems and the extended election days, no party was able to file Section 46 complaints within the 48 hours specified in the Electoral Act.

Powers of the IEC in the Event of Serious Voting Irregularity

Section 47 gives irrevocable power to the IEC commissioners to determine the outcome of the election. Because of its importance, Section 47 is quoted in its entirety:

"(1) In the event of the Commission making a determination that a serious irregularity has occurred in the voting at any voting station, whether in consequence of any allegation or challenge made in terms of Section 45 or objection made in terms of Section 46, or as a result of any other reason including:

- (a) the cause for the closure of the voting station under Section 24 (5); or
- (b) violence, intimidation, fraud, or any other irregularity of a material nature in the voting process.

"the Commission may on good cause make such order in respect of the counting of votes as it may consider appropriate in the circumstances, including an order declaring:

- (i) that the votes cast at a particular voting station shall not count in whole or in part; or
- (ii) that any such deduction as it may determine shall be effected in whole or in part to the votes counted in favor of any registered party or parties concerned in respect of any particular voting station.

"(2) Any order made by the Commission under subsection (1) shall not be subject to appeal or review."

Given the confusion and allegations of inaccuracy and fraud prevalent during the counting process, the IEC commissioners were forced to use their discretion in resolving certain problems. IRI's concern about the authority granted to IEC commissioners in this regard is discussed in the Conclusions section of this chapter.

Destruction of Voting Materials

The Act³⁹ notes that the IEC is responsible for destroying all voting material:

"which shall be effected as soon as possible after 30 days of the date of the certification of the results of the election or the declaration that it was unable to do so," unless the Special Electoral Court orders otherwise due to outstanding disputes.

The law's definition of "voting material" did not include counting materials such as batch tally or total count forms.

Conclusions: The Electoral Framework

The relevant technical committees of the Multiparty Negotiating Forum created a comprehensive electoral framework. The TEC was designed to ensure that the playing field was level in respect to decisions at the government level. The Independent Media Commission was established to ensure a level playing field in respect to balanced media opportunities for and coverage of all parties participating in the election. The Independent Broadcasting Authority made little impact during the election period but was devised to ensure no post-election partisan imbalance or government interference in the electronic media. The following comments focus on the IEC Act and the Electoral Act.

In general, South Africa's electoral legislation was quite simple (or nonexistent) in areas where electoral laws are usually more complex, such as voter registration, ballot distribution, assignment of responsibilities, ballot security, counting procedures and transmission of results to a central authority.

Electoral legislation was overly complex in areas where laws are usually simpler. This is best evidenced in the Act's complex scheme of internal monitoring and adjudication of campaign offenses. Clearly, a great deal of time and thought went into the design of the electoral framework for South Africa's first nonracial election. Organizational structures, authorities and procedural formulations had to take into account a violent environment and an inexperienced and

³⁹ Electoral Act, Chapter VII, Section 68.

mistrustful new voting population. They also had to accommodate the needs and concerns of the many parties involved in the drafting process, particularly the ANC and the NP.

In IRI's assessment, the areas of weakness in legislation tended to mirror the weaknesses in election administration. Where legislation set forth unusual decision-making powers for the IEC's commissioners, this authority became uncannily significant when counting confusion arose. IRI's specific concerns about South Africa's electoral legislation are the following:

- ***Legislation did not require a voter registration list.*** Due to the prohibitively lengthy process required to prepare a voter registration list, legislation likely omitted this procedure as logistically impossible. Nevertheless, the decision not to require a compulsory voter registration list was the foundation for the later problems of inadequate voting supplies being delivered to certain locations. In future elections, IRI believes it is essential to have a voter registration list.

- ***Legislation lacked detail about Election Administration Directorate management and procedures in key areas.*** The Electoral Law and Regulations do specifically describe the administrative responsibilities of the Chief Director, but these are scattered throughout the legislation and are never listed. This manner of informing a key administrator of duties and functions is somewhat unusual. Generally, electoral administration duties are listed in such a way that there is no confusion. IRI is not aware to what extent, if any, the confusion and inefficiency in the EAD actually resulted from this lack of detail. Clearly, more detail about specific election administration responsibilities could only have helped the situation.

- ***Legislation created a Monitoring Directorate within the IEC that by design could not be completely impartial and objective and was managerially awkward.*** The entire monitoring effort was unusual when compared with other election legislation worldwide. Campaign and election monitoring is generally performed only by organizations or individuals detached from the official election administration structure. For obvious reasons, certain conflicts of interest arise when one is asked to monitor one's own employer. From the IEC's perspective, management inefficiencies arose when line functions had to avoid hierarchical relationships between Administrator and Monitor. Further, an effort to build the IEC "team" was made difficult in this situation where an "internal monitoring unit" was both independent from and an integral part of the IEC.

According to one IEC commissioner, this Directorate likely was established because of "lack of mutual trust" among the drafting parties of the MPNF. In reality, the IEC turned out to be relatively impartial but not very efficient. The resources and talent that were dedicated to the Monitoring Directorate could have been better used in conducting the election rather than watching it. In IRI's opinion, monitoring should be left outside the official election administration structure.

- ***Legislation setting forth ballot reconciliation was specific yet this procedure was ultimately abandoned during the count.*** Legislation describing ballot reconciliation procedures was quite specific. However, for the most part, legislated procedures were not followed during

the counting process. Such a decision has major implications for ballot security. In IRI's experience in other elections worldwide, such handling of ballot security issues is exceptional. With or without voter registration lists, ballot reconciliation is possible if the ballot distribution and security procedures are reasonably organized. While distribution procedures were not well detailed in legislation, reconciliation procedures were well written. IRI understands that due to ensuing chaos, reconciliation was nearly impossible. Nevertheless, in those areas where reconciliation was possible, it should have been conducted. IRI understands that Judge Kriegler ordered reconciliation to continue where possible, however, in a majority of counting stations, ballot reconciliation was finally abandoned.

- ***Legislation created an overly elaborate process for adjudication of campaign complaints while putting adjudication of election and counting objections/appeals in the hands of only the IEC commissioners.*** Adjudication legislation for campaign complaints anticipated the need to decentralize such authority to the subregional and regional levels. Accordingly, adjudication offenses, standards and procedures were very detailed. Predictably, despite the detail and the suggestion for expeditious resolution of campaign complaints, the process proved to be cumbersome and subject to typical legal delays. As a result, the necessarily less-detailed mediation procedures became the paramount means of resolving pre-election disputes.

The election/counting adjudication legislation, on the other hand, created a very centralized system of handling objections and appeals. On the surface, counting adjudication was highly decentralized, with preliminary resolutions being made at the counting station level. However, there was no "middle level" for appeals. All election and counting appeals had to be made directly to the IEC commissioners, who had to resolve them before the results could be announced (no later than 10 days after the election). Legislation required that these time-sensitive, often materially significant cases could be adjudicated only by the IEC commissioners themselves. (The remainder of the elaborate adjudication structure was for only campaign offenses.) In IRI's opinion, campaign adjudication structures were too complicated, and election/counting adjudication was too simple and centralized.

- ***Legislation gave the IEC an impossibly short time to adequately investigate and resolve all Section 46 complaints before certifying whether the election was free and fair.*** South Africa's unique legislation required that the IEC certify both the accuracy of the results and whether the election was free and fair. This meant that IEC commissioners were certifying the accuracy of results during the same 10-day period that they were hearing election/count objections and appeals. In addition, political parties were given only 48 hours to gather and present detailed affidavits describing their complaints. Not a single party filed its formal Section 46 complaints within the 48-hour deadline. This put further pressure on the IEC.

As noted above, because legislation mandated no "middle level" to resolve the potentially large number of appeals, all election and counting appeals went to the commissioners. In effect, this meant that only the gravest of such complaints were dealt with in the brief time period allowed. Trouble areas relating to IFP stickers and ballot reconciliation issues, for example, had to be resolved informally by the IEC. Other major issues were left for such informal resolution

or were unaddressed. To address the overload, midway in the process of resolving Section 46 complaints (during the counting period), the IEC staff proposed and the commissioners adopted, a procedure not contemplated in the Electoral Act, in which staff would sort out or triage major from minor complaints and recommend decisions to the IEC commissioners. With the 10-day time limit for resolving all issues, priority was given to dismissal of complaints or referral to criminal investigative and prosecution authorities (the Attorney General) rather than the IEC.

Clearly, circumstances in South Africa made it imperative that a result be announced as quickly as possible. In most countries, however, a "certification of freeness and fairness" does not have to be announced simultaneously with election results. This time pressure for resolution put nearly impossible demands on relevant parties and the IEC and damaged the integrity of the election and counting adjudication process.

• ***Legislation, in effect, gave IEC commissioners the specific authority to disenfranchise voters during the counting process.*** Election legislation rarely, if ever, gives election commissioners the discretion that Section 47 gave the IEC commissioners. IRI is concerned that because of the abbreviated time available to adjudicate disputes and hear appeals, some decisions were made without a complete investigation. However, because the South African public had come to trust the IEC (partially as a result of its extensive image promotion campaign before the election and partially because of the perceived high integrity of the IEC commissioners), the IEC had garnered sufficient trust and goodwill that its decisions regarding Section 47 issues largely were accepted. IRI urges that future legislative authority with the consequence of effectively disenfranchising affected voters should, at the very least, be subject to appeal or review.

• ***Legislation gave IEC commissioners the power to decide and certify whether (or to what extent) the election was free and fair.*** Election legislation commonly authorizes an election commission to announce the results, hear related appeals and, if necessary, order a recount or a new election. Generally, however, international and local monitors and observers make determinations about the extent to which an election appeared to be "free and fair." Two issues are of concern: first, the IEC would not appear to be a detached observer of its own administration of the election; second, to the best of IRI's knowledge, the public was not made aware of the IEC's internal criteria to determine "free and fair." IRI believes that it is difficult for election commissions to have the objective and impartial perspective necessary to "declare the extent to which an election was free and fair." In South Africa's case, this assignment also added immeasurably to the IEC's already broad and all-encompassing mandate.

• ***Legislation mandated that all voting materials be destroyed after 30 days and did not guarantee parties and the public the right to review such materials after the election.*** From a comparative perspective, South Africa's election law is quite distinctive in this regard. Most laws require that voting materials be kept between six and twelve months. While tally sheets were, in fact, excluded from the legal definition of voting materials to be destroyed, all used ballot papers already have been destroyed. IRI questions why the legislation provided for such immediate destruction of voting materials. Further, from a comparative perspective, many election laws allow parties and/or the public to review voting materials after an election. According to Judge

Kriegler, parties initially were prevented from reviewing such materials after the election because of security concerns. He said, however, that at some point tally sheets would be available for review. In the interest of transparency, legislation should have made this step an integral part of the electoral process.

CHAPTER V: THE CAMPAIGN PLAYING FIELD

The campaign period officially began in January 1994, although for all intents and purposes it began with the release of Nelson Mandela from prison on February 11, 1990. From that moment, formerly banned political organizations began to grapple with the legal and political steps necessary to make nonracial democracy a reality. After completing a comprehensive process of negotiations, liberation movements began to make the transition to modern campaign organizations. Formerly united against Apartheid, political and civic organizations now had to explain to voters how they would lead a new South Africa.

From the moment Nelson Mandela was released, every South African was aware that a historic change was on the horizon. Yet no one knew how many would die before that process would be complete. Violence throughout the campaign period had left South Africans uncertain as to whether -- and how -- to celebrate their country. When the IFP finally joined the electoral process on April 19, the people's collective joy and anticipation, muted for so long, finally broke through and it was clear to all that the dream of a new South Africa was one step closer to being realized.

This chapter analyzes the campaign playing field in the context of IRI criteria for a "level playing field" for all parties.

IRI Criteria

When evaluating an election, the campaign period is often far more illustrative than voting day itself. In some elections, the majority of irregularities with the potential to influence the outcome take place weeks or even months before election day.

IRI takes into consideration the following elements when assessing the extent to which opposing political parties are able to compete on a "level playing field" during campaigns:

- Representative and independent election commissioners and officials at the national, provincial and local levels;
- Transparent administration and open communication between the electoral commission and political parties, NGOs, monitors and observers;
- Representative and balanced coverage of the campaign by both private and state-owned media;
- Equitable access by voters to information and voter education;

- Equitable access for all parties to informational, financial and material resources, as stipulated in the Electoral Act;
- Freedom for all to participate in the electoral campaign unhindered by intimidation or violence; and
- Freedom of speech and peaceful assembly.

The following pages summarize the findings of IRI's staff team during the months before the election.

Representative and Independent Election Commissioners and Officials at the National, Provincial and Local levels

In any campaign and election, the perceived and actual independence of election commissioners is essential in building confidence among the electorate and competing political parties. It is almost as important that other election officials be seen to be nonpartisan throughout the campaign and election period.

IRI heard scattered allegations that various IEC commissioners and local officials favored the ANC. (Specific allegations related to partisanship by local and regional IEC officials on election day are discussed in the following chapter.) IRI notes, however, that IEC commissioners in South Africa received high marks from most observers for their relative political impartiality and independence in administering the April election.⁴⁰ In interviews throughout the country, IRI heard few complaints that IEC commissioners were biased as a group toward a particular political party. This is fairly unusual when compared with similar transitional elections and speaks to the perceived integrity of those the TEC selected as IEC commissioners.

Transparent Administration and Open Communication between the IEC and Political Parties, NGOs, Monitors and Observers

Particularly in transitional elections, it is important that all participants in the process have access to information from election administrators and a means by which to express concerns if necessary. Ideally, such a communications mechanism between political parties and the electoral commission is designed into the electoral process from the beginning.

⁴⁰ IRI makes this comment without direct knowledge of any IEC-TEC deliberations, many of which no doubt involved partisan considerations. TEC members such as Cyril Ramaphosa and Roelf Meyer were frequently at the IEC during the counting period.

In South Africa, this communications mechanism was stipulated at the beginning of the first narrative chapter of the Electoral Act⁴¹ and obviously was a high priority of legislation drafters. The "Party Liaison Committees" began to be put into effect in March 1994. The committees were to be formed at the national, provincial and district levels, although rarely did parties have the time to organize all levels. These committees were designed to establish a liaison between the IEC and parties with regard to general electoral matters, including the number and location of voting and counting stations and the demarcation of electoral districts. Committees also were meant to be a forum in which and a means by which to avoid infringements of the Electoral Code of Conduct, and were to be consulted regarding the need for and formulation of Regulations governing election matters.

These committees were somewhat useful in assuaging the fears of those political parties who participated and built a degree of confidence in the transparency of election administration. Many of the smaller parties, however, told IRI that they learned about the Party Liaison Committees at a late stage. They said many of the problems on the ground thus went unreported.

Clearly, election legislation enabled a highly interactive role for political parties. It is also clear, however, that most parties had little understanding of how the Party Liaison Committee could be used to safeguard the transparency of the election process. Many of the problem areas, such as identification of voting stations, were within the scope of Party Liaison Committees. IRI is not certain to what extent the committees actually assisted the IEC in this regard.

While clearly responsive in some areas, the IEC did not take action in others until too late. For example, the IEC did not always listen to the people on the ground. In Transkei (Eastern Cape), Maj. Gen. Bantu Holomisa advised the IEC before the election that his region needed 500 more voting stations than had been allocated. The IEC responded that he was overestimating his needs. Maj. Gen. Holomisa's estimate was correct, however. Voting had to be extended by one day in the Transkei and Ciskei to accommodate eligible voters, and 600 new voting stations had to be approved by the IEC on April 27. An elaborate effort to get sufficient ballots and materials to Transkei put a huge strain on the election supplies on April 27 and eventually depleted the IEC of reserves.

Independent and Balanced Coverage of the Campaign by Private and State-owned Media

South Africa's leading newspapers include *Beeld*, *Business Day*, *Cape Times*, *The Citizen*, *City Press*, *Die Burger*, *Daily Dispatch*, *The Daily News*, *Eastern Province Herald*, *Ilanga*, *The Natal Mercury*, *The Natal Witness*, *Pretoria News*, *Sowetan*, *The Star*, *Sunday Times*, *Sunday Tribune* and *Weekly Mail*. The South African Broadcasting Corporation's (SABC) major political programs during the campaign period included *Agenda*, *Future Imperfect*, *Newsline*, *Top Level* and daily sociopolitical debates.

⁴¹ Electoral Act, Chapter II, Section 5.

Although newspaper ownership is more dispersed today than previously, the print media is largely owned by three corporations: Argus Newspapers Ltd., Nasionale Pers Beperk and Times Media Ltd. The electronic media falls mainly under the government-sponsored SABC network. The latter underwent wide-ranging changes in late 1993, with independent members elected to the board in an attempt to both "level the political playing field" and to more accurately reflect the various population groups.

South Africa's media has been remarkably free and professionally vigorous since February 1990. Earlier, and particularly between 1985 and 1989, it operated under stringent government-imposed censorship laws as well as self-imposed censorship codes because of the government's ability to jail journalists, shut down publications for a specified period or levy heavy fines for articles deemed threatening to the country's national security interests. In 1984-85, black journalists were killed by necklacing for not toeing a political line.⁴² Changes initiated in 1990 resulted in the then whites-only Parliament repealing clauses 5 and 15 of the Internal Security Act in 1991. This meant the government could no longer ban, suspend or close newspapers.

The repeal of the clauses at that time was considered by journalists as minor,

"compared [with] the formidable arsenal of weapons -- around 100 laws and rulings -- available to the state to control the press. The laws and rulings that curb press freedom -- the most significant being section 12b of the Police Act and section 205 of the Criminal Procedure Act -- are still on the books and make the work of journalists very difficult... Section 205, better known as 'reveal your sources now' was enacted to compel witnesses to testify in criminal cases but had been used *almost exclusively against journalists*"⁴³ to harass or intimidate them into abandoning a line of inquiry."⁴⁴

Given this background, the print and electronic coverage of the April election was remarkably free of censorship or intimidation by the government, the TEC or the newly established IMC. Further, the IRI heard few complaints of media bias from any party.

The state-owned broadcast media also was used to ensure that all the political parties -- and particularly the newer, smaller parties -- were able to get their messages to a wide audience.

The Star newspaper noted the following on March 25:

"A total of 150 hours of free air time on public radio stations has been allocated to political parties in the run-up to the April election... The Party Election Broadcasts will run on all SABC radio stations, including Radio Transkei, Radio Ciskei, Radio

⁴² *Sowetan*, "Struggle of Press Goes On," Russel Molefe, May 30, 1994.

⁴³ Italic added. Some sources do not agree with the statement.

⁴⁴ *Sowetan*, op. cit.

Bophuthatswana and Radio Thohoyandou. The broadcasts will run from March 28 until April 24.... The aim of the broadcast allocations was to ensure equitability in the treatment of party political issues by the broadcasters. Effectively, this means that the biggest parties like the ANC and NP will receive more air time than smaller parties like the SA Women's Party and the Green Party. The broadcasts will run for a period of three minutes each four times a day during prime time."

Beginning in late January, the Media Monitoring Project (MMP) monitored media coverage of election news during the campaign period. The MMP monitored 15 radio stations, four TV channels, 12 daily newspapers and six weekly papers. The report said that, in giving access to a variety of views, the media had contributed to a "climate favorable to a free and fair election." However, the report did note:

"... while the media has fostered an atmosphere of diversity and inclusiveness in the political process, the first [nonracial election] had produced many challenges for the media [that] it did not always respond to with sufficient professionalism, and there had been a number of shortcomings.

"Often political speeches or statements had been reported 'without the real story being told.' Scrutiny and analysis of political claims and counterclaims had been 'frequently lacking.' The frequency of technical hitches and mistakes in SABC TV programs had led to a high level of error.

"The project said many current affairs programs 'appeared to be driven by a fear of offending political parties.' And the SABC's fixed and inflexible approach to broadcasting had led to 'a rigid adherence to programming styles and schedules.'"⁴⁵

The IRI interviewed print journalists in Cape Town, Durban and Johannesburg to learn their views on media coverage of the campaign in general and on any perceived imbalances. The following comments were made:

- The ANC was perhaps given a bit more "free" media coverage than it "deserved" because it was the government-in-waiting, and only it could answer the critical questions asked by the other political parties and the general public.
- In general, the journalists interviewed noted that the media tended to cast the IFP in a less positive light than the ANC. This was attributed to two factors: first, journalists were urban and the IFP had a rural base; second, journalists found it difficult to have a comfortable relationship with IFP leader Chief Minister Buthelezi. In some cases, when difficult questions were asked at press conferences, journalists found themselves not at all well received. For its part, the IFP and its

⁴⁵ *Business Day*, May 17, 1994.

supporters expressed the opinion that the media had "demonized" the party and particularly Chief Minister Buthelezi.

- The media tended to cover the PAC much less than most parties of equal support. According to the PAC, the media tended to remind the reader or viewer of the PAC slogan "One Settler, One Bullet" even during the final stages of the campaign when the PAC had renounced the armed struggle and was focused on land issues.
- The NP was given more "free" media coverage than it "deserved" because it was the government and would continue to be a major political player. Only the NP was capable of forming alliances with smaller parties in Parliament to prevent the ANC from being *the* party to write the final constitution. In terms of the Afrikaans media, most sources appeared to agree that it generally reflected the views of the NP, although some individuals expressed their own opinions in editorials.
- Despite the media's "preoccupation" with the ANC and NP, the DP also was given "free" coverage because it was seen as the only party capable of keeping the ANC and the NP on the "moral high ground" over the long-term in respect to human and civil rights. The DP complained about "the little press we receive," yet the media generally gave the party more than 4 percent of its coverage, although the DP was showing a below-4 percent support base in most national surveys. The DP was endorsed by two of South Africa's leading English-language media, *Business Day* and *Financial Times*.

According to the Independent Media Commission, political parties filed 14 complaints alleging unfair or inadequate coverage. Of these, only two were referred to a hearing, where one complaint was rejected and the other was settled during an adjournment. The IEC report notes that some parties did cite "media bias" as "an impediment to freeness and fairness of the campaign, but only in the Eastern Cape did this seem to be a stated concern of several parties."⁴⁶

Equitable Access by Voters to Information and Voter Education

Extensive voter education programs were offered to assist the 20 million newly enfranchised citizens with learning the mechanics of voting. (See Appendix 12.) In addition to extensive efforts by local civic and church groups, the IEC conducted an impressive voter education and confidence building campaign. An SABC/Markinor survey found that voter education was widely available by various means: radio (82 percent); television (63 percent); and print media (58 percent).

According to the poll, only 40 percent reported exposure to voter education through NGO efforts. Nine to 10 percent of those polled noted that voter education organizations were their

⁴⁶ IEC report, op. cit.

most vital source.⁴⁷ The poll also found that 91 percent of respondents were not prevented from receiving voter education. The one exception was KwaZulu Natal where up to 11 percent said that people in their area had been prevented from receiving voter education.

IRI heard complaints that the voter education in some cases became a form of canvassing for a certain party. The IEC investigations department received approximately 100 complaints about voter education, most of which addressed concerns of bias. In one case, ANC activists allegedly "attempted to turn a voter education session into a party campaigning session and warned IEC Monitors of physical repercussions if they discussed this with anyone."⁴⁸ Voter education with an overtly anti-ANC bias allegedly was a problem in the Northern and Eastern Transvaal and the OFS (provinces which the ANC won overwhelmingly).

The IEC's final count of spoiled ballots was just under 200,000 (approximately 1.02 percent). While very little voter education was done in KwaZulu Natal, with the exception of that done by the IEC in the last eight days before the election, only 1.4 percent of the votes cast in KwaZulu Natal were spoiled, according to the final official count. In Northern Transvaal, which has a low literacy rate and minimum exposure to either formal or informal (media) voter education, the spoiled-ballot rate was only .09 percent.

An IEC report further concluded that "it is impossible in the time available to quantify these incidents and extremely difficult to gauge their effect, if any, on the campaign." In summary, it concluded that "almost 99 of each 100 voters cast valid votes and any presumed lack of voter information had no bearing on the result of the election."⁴⁹

It is difficult for IRI to make such a categorically positive statement. However, in IRI's direct election observation, most voters appeared to have a general idea of voting procedures.

Equitable Access for all Parties to Financial, Material Resources and Informational Resources as Stipulated in the Electoral Act

The Electoral Act 1993 established a R22 million State Electoral Fund to provide financial assistance to any political party that could demonstrate 2 percent public support in a recent scientific public opinion survey. Those parties that gathered at least 10,000 signatures rather than poll data were given a lesser amount based on the number of signatures. In February 1994, the TEC increased the fund to R69 million at the request of the Interim Party Liaison Committee of the IEC. The Fund was to disburse its financial assistance in two equal amounts before and after the election. (See Appendix 13.)

⁴⁷ In this same survey, 70 percent of those polled noted that "they did not know how to vote" although 82 percent had been exposed to some form of voter education.

⁴⁸ IEC Report, op. cit., Weekly Analysis Report 5, Eastern Transvaal.

⁴⁹ IEC Report, op. cit.

Six parties presented scientific polls -- the ANC, DP, FF, IFP, NP and the PAC -- and thus were qualified for a disbursement of approximately R3.4 million. Parties that had presented signatures, the Worker's List and African Christian Democratic Party, were each eligible to receive about R1.7 million. Eight other parties received lesser amounts.⁵⁰ Eleven parties received no funding.

IRI was unable to verify these actual disbursement totals by party. IRI heard no reports of parties concerned that they had been disadvantaged by the IEC election-fund allocations. IRI heard at least one report that the list of signatures from one party was suspected to be fraudulent. This allegation was never pursued nor did it seem a major issue.

As in any campaign, political parties had widely different access to material resources. In this case, however, disparities were not the result of any concerted effort by any party to materially disadvantage other parties. Disparities were a result of the size and popularity of the party and the related success of fundraising efforts.

All parties had equitable opportunity to receive information from the IEC and other sources about the election. Larger parties were more knowledgeable than smaller parties about how to access information and to participate in party liaison committee deliberations. IRI did not observe any deliberate efforts to withhold electoral information from any party.

Freedom for All to Participate in the Electoral Campaign Unhindered by Intimidation or Violence

Freedom of Speech and Peaceful Assembly

In South Africa, acts of intimidation or violence were the real barriers to freedom of speech and peaceful assembly. For this reason, freedom of speech and peaceful assembly are analyzed under the IRI criteria of "Freedom for all to participate in the electoral campaign unhindered by intimidation or violence." IRI considers these criteria in tandem.

There were no legal or official barriers to freedom of speech or peaceful assembly. Neither the incumbent National Party nor the TEC erected any barrier that precluded freedom of speech or peaceful assembly during the campaign period. As is typical in most countries, political parties were required to apply for a permit before holding a rally. In fact, many rallies were held without violent incident throughout the campaign. Intimidation, however, may have prevented parties from holding gatherings in certain areas where incidents of violence might have occurred had a rally been held.

⁵⁰ According to an IEC Report, the African Muslim Party received R916,666; the Federal Party R654,762, and the SOCCER Party R523,810. The Women's Rights Peace Party, the Dikwankwetla Party, the Islamic Party and the Minority Front each received R130,952. Final numbers will be noted in the IEC's final report.

Several parties accused each other of intolerance and intimidation during the campaign. In general, it was difficult for "white" parties such as the National Party and the Democratic Party to canvass in most townships. Some of this intolerance can be attributed to the legacy of Apartheid. In other cases, certain parties made orchestrated attempts to keep others out of their areas.

In general, it appears that individual supporters of the ANC made it difficult and sometimes dangerous for the National Party and Democratic Party to campaign in the black townships of PWV, the Western Cape and parts of the Eastern Cape and North Transvaal. (See Appendix 11.) At the same time, widespread complaints, particularly from the ANC, noted that white farmers refused canvassers the right to campaign and conduct voter education among the black farming workforce in the Western Cape. (See Appendix 11.)

Political intolerance also was expressed by the ANC against the PAC, and vice versa, particularly in the Transkei and in the Port Shepstone area of KwaZulu Natal. The Conservative Party and splinter groups within the white right also posed serious problems for those canvassing on behalf of the ANC.

Although the IFP did not compete in the electoral contest until the last six days before the election, it actively and subtly discouraged ANC canvassers in several areas of KwaZulu Natal. According to the ANC, it was very difficult or impossible for the ANC or its supporters to campaign freely in KwaZulu.

No-go Areas

In general, South Africa's first nonracial election campaign was characterized by high levels of violence, political intolerance and intimidation, which inhibited freedom of speech and peaceful assembly in several areas of the country. A large number of these areas were known as "no-go areas" for anyone other than the leaders and supporters of the political organizations or homeland governments controlling them.

Many of the black townships, squatter camps and hostels were known as no-go areas. Three types of no-go areas were defined in an IEC staff report⁵¹ for the purposes of analyzing the campaign environment:

- *hard no-go areas*: where a rival party or group of parties was completely denied physical access to the area;
- *intermediate no-go areas*: where a rival party or group of parties had limited physical access but was subject to major disruption and/or obstruction; and

⁵¹ Final Report, IEC Analysis Department, "A Free and Fair Election?: Criteria and Analysis," May 1994.

- *soft no-go areas*: where a rival party or group of parties had physical access but was subject to nonviolent denial of venues and/or suffered minor disruptions or obstruction."

The same IEC report⁵² noted the following no-go areas and the maximum number of affected voters:

Western Cape	9 areas	1,159,761 voters
Eastern Cape	2 areas	468,819 voters ⁵³
KwaZulu Natal	79 areas	6,030,219 voters
OFS	26 areas	729,691 voters
PWV	32 areas	3,810,470 voters
Northwest	11 areas	389,336 voters
Eastern Tvl	1 area	40,675 voters
Northern Tvl	5 areas	448,278 voters

The IEC report noted that 62 of the 165 areas reported were "hard no-go areas" where only one party had access. Dominant parties in these areas: ANC (39 percent); IFP (27 percent); tribal authorities (15 percent); AWB (9 percent); Freedom Front (3 percent); PAC (2 percent); ADM (2 percent), AZAPO (1 percent) and National Party (1 percent).

The report cautioned against oversimplification, however, stating that the population numbers for no-go areas were for the relevant magisterial districts and, therefore, might be overestimated. In general, incidents of violence, political intolerance and intimidation took place in soft, intermediate *and* hard no-go areas as well as in areas considered relatively open to competitive campaigning. In short, violence could take place anywhere but was predictably worse in some areas.

The most violence-prone no-go areas were located in the PWV region and in KwaZulu Natal. In both regions, political violence between supporters of the ANC and IFP continued at high levels and increased notably during March and April 1994.

At the suggestion of IEC Chairperson Kriegler, the IEC instituted "Operation Access" as a way of getting around no-go areas. Operation Access took several political parties, such as the ANC, NP, DP, PAC and the African Christian Democratic Party, together into townships to campaign and to conduct voter education. The IEC later told IRI that, while Operation Access had been successful in exposing township residents to the concept and practice of political

⁵² IEC report notes sources as Human Sciences Research Council, Goldstone Commission and Centre for Policy Studies.

⁵³ Figure does not include Transkei.

tolerance and political competition, most residents were more interested in learning how to vote than in listening to the different political party platforms.

Despite the violence and tension, the IEC report⁵⁴ concluded from data gathered by its monitors throughout South Africa that "there was significant campaign activity by all major parties, although incursions into rivals' 'no-go zones' remain extremely limited." The IEC report concluded that "while the existence of 'no-go areas' is a serious infringement of the right to political activity, our analysis suggests that the effect of entirely free campaigning on the election result would have been minimal."

IRI believes this is a rather optimistic conclusion. It seems impossible to speculate as to what degree rampant violence, intimidation and lack of access to information would affect a given voter. At the same time, IRI acknowledges that many voters had a clear idea for whom they would vote long before the campaign began.

Notable Events Affecting the Pre-election Period

- A state of emergency was declared in KwaZulu Natal on April 1, 1994. As noted elsewhere, the reasons for imposing a state of emergency in the midst of the election campaign were many: the ANC, TEC and the IEC claimed that a "free and fair" election could not be guaranteed in KwaZulu Natal unless a state of emergency was in force; violence between ANC and IFP supporters had escalated to crisis proportions, and the IFP was refusing to participate in the election, calling for its postponement and threatening civil war.
- IRI heard several unconfirmed reports that *amakhosi* -- traditional leaders -- in KwaZulu Natal were calling their constituents home from the mining areas of the Transvaal in preparation for war. The reports also claimed that the *amakhosi* were collecting voter identification cards as a means by which to prevent voters in KwaZulu from going to the polls.
- On March 28, 1994, Zulu marchers in a peaceful rally were killed by snipers and ANC security guards based in Shell House, the ANC's headquarters in Johannesburg. The marchers were demonstrating in support of King Zwelithini's call for a sovereign Zulu state. After the massacre, many expected that civil war might ensue.
- An ANC march in Durban was cordoned off by barbed wire to protect the marchers from possible attack by IFP supporters. The wire also was seen as a protection for surrounding stores.

⁵⁴ Final Report, IEC Analysis Department, "A Free and Fair Election?: Criteria and Analysis."

- Thousands of IFP supporters in several towns in KwaZulu Natal marched and rallied in defiance of the state of emergency and as a warning to the ANC and the government not to push too hard.
- Several IFP supporters were arrested in early April 1994 for the burning deaths of election campaign pamphleteers and one IEC Monitor in a KwaZulu township.
- From December 1993 to March 1994, there were at least 30 reports of sabotage on power and railway lines and bomb attacks by white extremist groups on ANC branch offices and IEC branch offices around the country. (See Appendix 14.)
- On April 24, a car bomb exploded in downtown Johannesburg between the ANC's national and provincial headquarters and the offices of the PAC. The blast resulted in the deaths of nine civilians and dozens were wounded.
- On Monday, April 25, a car bomb exploded near a taxi stand in Germiston, killing more than a dozen people and injuring scores of innocent bystanders. Other bombs exploded in an IEC office in the Orange Free State, in the North Cape and in Randfontein in the Transvaal.
- Two days later, a car bomb exploded outside the International Departures section of Jan Smuts Airport in Johannesburg.

The message of the bombs was clear: The bombers were opposed to the election and the handing over of power to a black-led government. Within days, the government had arrested 32 members of the Ystergarde, the clandestine operations wing of the white extremist AWB. According to government sources, the bombs were manufactured in a private home in Rustenberg, near the Ventersdorp home of AWB leader Eugene Terre'Blanche.

IRI learned of only one reported threat to a political leader during the election campaign period, despite the violence and no-go areas. In late March 1994, the ANC announced that it was withdrawing from a political rally scheduled to take place in KwaZulu. The rally was to have been co-led by ANC President Mandela and Zulu King Zwelithini. The ANC said it had been forced to withdraw after receiving a warning that an attempt would be made on Mr. Mandela's life at the rally. The Zulu King immediately denied the allegation.

Representative Sampling of Incidents Demonstrating Political Intolerance and Those Affecting Freedom of Speech and Assembly

The South African Institute of Race Relations (SAIRR) noted acts of political intolerance and intimidation in its IRI sponsored publication, *Watchdog on the South African Election*. An extensive listing follows.

- A meeting of the liberal, racially mixed but predominantly white Democratic Party was disrupted by ANC supporters in Orange Farm, a black squatter camp south of Johannesburg.
- A member of an ANC-supporting self-defense unit in Katlehong, West Rand, boasted of killing his political opponents "like chickens because there is no reason for [them] to live if [they] don't understand the will of the people."
- An information table of the Democratic Party's youth wing was attacked at the predominantly black University of the Western Cape. The Democratic Party blamed supporters of the ANC.
- A meeting of President De Klerk's ruling National Party in Queenstown, Eastern Cape, was broken up by about 120 people who forced their way into the hall and claimed to be ANC members.
- Walter Felgate, a member of the central committee of the IFP, said Inkatha was totally opposed to violence, but that there would be civil war if the government and the ANC went ahead with the election without the IFP.
- The election office of the ANC in Randfontein, a mining town west of Johannesburg, was gutted by a bomb.
- Attackers hurled a bomb into the Soweto home of Themba Zizi, a National Party branch secretary, and warned him to stop canvassing for the party.
- AZAPO, which espoused a "Black Consciousness" philosophy, accused the ANC of taking part in a national campaign to liquidate the movement. The claim was made after fighting broke out between supporters of the two organizations in the Western Transvaal. The ANC denied such a plan.
- Activists in Orange Farm sentenced four churchmen and a community leader to death by burning for attending a meeting with the Transvaal Provincial Administration and the police "without permission." They were rescued before any action was taken to effect the "sentence."
- The Afrikaner Volksfront (AVF) in the North Cape resolved to disrupt the election, with the blessing of the organization's head office.
- The PAC's student wing, the Pan Africanist Students' Organization, said that if Democratic Party and National Party supporters did not leave townships voluntarily, they would be "physically removed."

- The AZAPO-aligned Azanian Students Movement warned white teachers in black schools that they should expect to be attacked if they resisted calls to vacate their jobs by the end of 1993.
- An ANC meeting in the town hall in Middleburg, Eastern Transvaal, ended in chaos when supporters of the white right stormed the stage and forced ANC officials to flee under police escort.
- Police were deployed to investigate a case of arson when the home of the PAC's secretary general was burned down.
- President De Klerk said that National Party meetings had been disrupted and party members had been physically harassed by ANC supporters. ANC "reception committees" had caused him to cancel township visits.
- The National Party claimed that ANC-supporting self-defense units in Soweto were "intent on driving the National Party from the township."
- AZAPO resolved to remove election posters of the DP and the NP displayed in townships. AZAPO said it was "undemocratic and opportunistic" for those parties to canvass for black support.
- A decision, subsequently reversed, by state-owned television to screen an ANC-commissioned television series, *Hold Up the Sun*, was strongly criticized by the National Party, Democratic Party and the PAC.
- The ANC's office in Bothaville, Orange Free State, was extensively damaged by a bomb blast. The blast came only days after another ANC office, in Harrismith, was bombed.
- The Democratic Party claimed that its supporters were dispersed and threatened with violence by supporters of the ANC while canvassing in Hout Bay, Western Cape.
- People gathering at Themba Beach, Bophuthatswana, to celebrate the return of their South African citizenship were dispersed by the homeland's police force. ANC officials and a member of the Lawyers for Human Rights were detained. The administration said that residents of Bophuthatswana enjoyed more political freedom than those of some South African townships.
- A Democratic Party member of parliament, Ms. Dene Smuts, said that effective limits on free speech would be necessary to counter racist slogans of the PAC.
- The National Party levied a complaint against Transkei leader Maj. Gen. Holomisa for allegedly claiming that the National Party planned to rig the election results. Maj. Gen. Holomisa said that the NP had put invisible ink, used on voter's hands, in porridge.

- PAC premier candidate for the Western Cape, Patricia de Lille, on April 6 urged a Cape Flats community to "chase away" NP and DP election workers. She said the NP and the DP "have refused to provide proper facilities and services for the community, but are now trying to get your vote." Mrs. De Lille accused the NP and the DP of creating animosity between Coloreds and blacks and said the NP was responsible for recent attacks by gangs on train commuters.
- The National Party filed 70 complaints of intimidation with the IEC with respect to the lack of free campaigning in the Transkei, Eastern Cape. The NP said it also had been denied permission to establish an office in Umtata by military ruler Maj. Gen. Holomisa. Holomisa rejected claims that he had denied the NP and the DP free political activity in the Transkei. He said he had invited the NP to engage in public relations exercises to level the political playing field.⁵⁵
- The SABC canceled a scheduled comedy show, "One Person, One Volt," the night before the election. The impression gained from the cancellation was that the show was not "politically correct."⁵⁶

Adjudication of Party Code of Conduct Violations During the Campaign

The Electoral Act, the IEC Act and IEC Regulations contemplated a comprehensive adjudication process for campaign complaints. The process turned out to be quite cumbersome and most complaints eventually were resolved by mediation. A formal Electoral Code of Conduct was promulgated as Schedule 1 of the Electoral Act. This Code provided a detailed list of commitments and prohibitions for participating political parties. The IEC's Election Adjudication Secretariat was tasked with adjudicating all complaints related to campaign offenses.⁵⁷

An independent report by a team of Canadian jurists⁵⁸ concluded that "all major parties and many individuals and organizations were aware of, and indeed accessed, the complaints, investigation, mediation and adjudication process." IRI noted, however, that party awareness was general in nature. The parties clearly lacked the time or resources to pursue most complaints through to adjudication.

⁵⁵ IRI sources.

⁵⁶ IRI sources.

⁵⁷ Electoral Act, Sections 69 and 70.

⁵⁸ International Commission of Jurists (Canada) (ICJ-C), Canadian Bar Association (CBA), Lawyers for Social Responsibility (Canada) (LSR-C), South African Election Observer Mission, April-May 1994. "Report on Investigation, Mediation and Adjudication of Complaints under the Electoral Laws."

Even though the adjudication process was designed to be expeditious, it required the preparation of detailed affidavits, the issuance and service of summonses on the respondents, and court appearances, often on very short notice. The Canadian report observed that even these expedited calendaring procedures were "over-technical" and "encouraged...an adversarial approach," which generally resulted in delayed adjudications. For these reasons, the political parties were unsure how much in human and financial resources to devote to the process. Some complaints apparently were filed for the record, were not pursued, or were subsequently dismissed without action. (See Appendix 11.)

The following acts of political intolerance or intimidation were among the most publicized of the election campaign period:

- **Respondent:** National Party
Problem: In March 1994, the NP distributed copies of *Winde van Verandering Waai deur Suid-Afrika*, a comic book, among Coloreds in the Western Cape. The ANC lodged a complaint with the IEC stating that the magazine was meant to "promote tension, division and hatred between the Colored and black communities." The ANC's provincial Party Agent, Essa Moosa, said the publication contained "provocative and inflammatory statements," such as "Kill a Coloured...Kill a Farmer..." He said the NP was using "swartgevaar" (black danger) tactics to attract Colored votes.
Resolution: The NP agreed to withdraw all undistributed copies of the comic book.
- **Respondent:** Inkatha Freedom Party
Problem: In April 1994, supporters of the IFP illegally occupied the Goodwill Zwelithini sports stadium in Umlazi, KwaZulu Natal, ahead of a planned ANC rally. The occupation forced the ANC to move to another venue.
Resolution: The IEC fined the IFP R100,000 plus costs and stated that the party had contravened the Electoral Code of Conduct. IEC Presiding Officer Mark Sher said there was clear evidence that the IFP had carefully planned the occupation of the stadium several weeks earlier. Sher ordered the IFP not to disrupt ANC gatherings, marches or meetings.
- **Respondents:** ANC and PAC
Problem: In April 1994, the Democratic Party lodged a complaint with the IEC after candidate Tony Leon and other members of his party were chased from the University of the Western Cape by ANC and PAC students. Mr. Leon was taken from the packed student union by peace monitors and a bodyguard as students closed in on the podium. He was placed into a car, but his exit was blocked by another vehicle. Students threw soda cans at him as he was taken to another vehicle.
Resolution: The IEC ruled that the DP had not gained the necessary permission to hold its meeting on university property. Apologies were issued by the university.
- **Respondent:** ANC
Problem: In March, ANC supporters physically disrupted an NP campaign event led by

President De Klerk in Venda.

Resolution: The IEC fined the ANC R100,000, but conditionally suspended the fine for four months. The ANC was issued a formal warning by the IEC after it was found guilty of breaching the Electoral Code.

The Major Political Parties: Their View of the Campaign Playing Field

In its research for this report, IRI asked the ANC, NP, IFP, FF, PAC and the DP to provide documentary examples of their election campaign experiences with respect to political violence, no-go areas, political intimidation, election bribery and complaints lodged with the IEC. ANC and the FF agreed to submit information to IRI, however, despite repeated requests, information was never received by IRI. Selected excerpts of party submissions can be found in Appendix 11.

IRI notes that only the submissions by the NP and the DP indicated that their parties had experienced intimidation and political intolerance, particularly by the ANC and its supporters, to any measurable degree. The IFP's submission dealt mainly with the election and counting day periods, possibly because it did not begin its official campaign until April 19. The PAC noted: "The only so-called no-go areas [for the PAC] were the farms in Pretoria where people were told that you vote at your own risk and peril, and that is typical of AWB people."

Conclusions: The Campaign Playing Field

• *Election commissioners and officials were representative and largely independent.* IRI notes that the IEC, as a whole, appeared to maintain a level of professional impartiality at the national level and in most regional and local offices. Where there was bias, IRI heard it almost always favored the ANC. Despite administrative shortcomings (discussed in the following chapter), the IEC at the national level appeared to operate in an independent manner during the campaign period. The members of the IEC were considered representative of the South African population, although among the IEC commissioners and other appointees was an inordinately large number of legal professionals.

The TEC members also were relatively representative of the South African population. The TEC was not necessarily required to meet the criteria of "independent" nor were its deliberations particularly transparent. For the most part, the TEC effectively performed its role of fostering a campaign environment that did not unfairly benefit any party. To the extent possible, the TEC appeared to meet its mandate to facilitate a "level playing field" despite some arguably heavy-handed actions in Bophuthatswana, Ciskei and KwaZulu Natal.

The TEC played an invaluable role in selecting a representative team of election commissioners. Its second tier of appointments at the IEC, however, while representative, was far less competent.

• ***The IEC maintained open and frequent communications with the major political parties, but did not pay sufficient attention to administrative details.*** To the extent possible, IEC commissioners appeared to maintain frequent and open communication with political parties, NGOs, monitors and observers. The IEC was most frequently in communication with the main parties, the ANC and NP. Information briefings were held and extensive fact sheets distributed to all interested parties and NGOs. Radio and television advertisements described the role of the IEC, and a toll-free telephone number was open for all with questions concerning the election. The Monitoring Directorate was notable for its efficiency and responsiveness. The IEC, as a whole, appeared to make an admirable, if sometimes too accommodating, effort to be responsive to almost all concerns. It may be that the IEC spent too much time communicating with external players and not enough time carrying out internal administrative details.

• ***Private and state-owned media for the most part were impartial and balanced in their coverage.*** The media played an important role in bridging considerable obstacles to nationwide information access. News coverage in most cases was comprehensive and relatively balanced, editorials were provocative and electronic media highly informative and educational. Although distribution and literacy problems hindered the extent to which South African citizens benefited from the print media, the electronic media -- particularly Radio 702 -- provided excellent reporting, talk shows and call-in opportunities focused on election-related issues. Although the ANC and the NP clearly received the most news coverage, no single party controlled the media nationwide. While smaller parties did, in fact, receive less coverage than the major parties, it was not clear to IRI that the smaller parties were conducting comparably newsworthy events. The IRI notes that the IFP and the PAC received less balanced coverage in some instances. In comparing its campaign and election experiences worldwide, IRI notes the nearly unprecedented quality and extent of political information publicly available in South Africa during its transition.

• ***Limited access by voters to information and voter education did not appear to materially affect the outcome of the election.*** As noted above, most voters appeared to have had at least some, if perhaps insufficient, access to information about participating parties and voting procedures. IRI was unable to ascertain to what extent voters felt they were able to make an informed choice between the different parties. The low number of spoiled ballots indicates that even if prevented from receiving voter education, most voters cast ballots quite competently. Although the situation was far from ideal, IRI does not view limited access to voter education and information as factors that materially affected the outcome of the election.

• ***Political parties had relatively equitable access to financial and material resources; fast-changing election regulations often were not adequately communicated to parties or officials.*** IRI believes that most parties had reasonable access to informational resources and is aware of only a few complaints about Party Liaison Committees or problems obtaining information about election procedures. One exception is that as election regulations were rapidly amended, the new revisions sometimes were not communicated adequately, or in a timely way, to political parties and IEC offices at the regional and local levels. Although financial resources in a political campaign are never equal, the Electoral Act provided for significant funds to several parties that met reasonable eligibility requirements. IRI also notes that the TEC seemed to

effectively limit the extent to which state-owned resources were used to the advantage of the incumbent NP, a typical problem in transitional elections, but which did not mar the South African campaign.

• *The campaign period was not free and fair.* The most significant factor in the pre-election environment was the high level of violence and intimidation, particularly in KwaZulu Natal and the East Rand. The IEC has concluded that most voters eventually were able to have adequate access to information and to cast their ballots freely. IRI is less certain that voters had sufficient access to information about the various competing parties, since it was impossible for many parties to meet with voters, particularly in no-go areas. Although messages through the media were able to cross no-go boundaries, the extent to which voters were influenced by a lack of voter outreach in certain areas is not clear. IRI notes that several parties, most notably the ANC, AWB and the IFP, were implicated in pre-election violence and intimidation. Political intolerance at all levels significantly dampened pre-election enthusiasm. Until mid-April, IRI observed an almost tangible dread and fear blanketing the country. Clearly, the volatile political environment in many areas made a free and fair campaign impossible.

Directly related to the intimidation and violence, freedom of speech and assembly were markedly absent in some areas, particularly no-go areas. The relatively low number of complaints filed by political parties misrepresents the broad scope of the problem. Some parties simply never hoped to campaign in certain areas. No-go areas, and the decision by the IFP to boycott until the last moment, rendered KwaZulu Natal particularly lacking in freedom of speech and assembly. Farmers in the Western Cape and ANC supporters in Transkei also were notably intransigent. IRI notes that in the end, however, a majority of South Africans appear to have believed that they had sufficient information to exercise their franchise. They emerged from decades of oppression, and at one point imminent civil war, to cast ballots with great spirit if not full access to information about competing parties.

Summary

The pre-election period in South Africa was extraordinarily tense for almost all South Africans. In many regions, parties did not have ideal opportunities to campaign nor did citizens have the chance to learn about competing parties (although it is not clear that they sought this information). Although the violence and intimidation noted did not allow a free and fair campaign environment, the spirit to succeed and the willingness to compromise when necessary led to an eventual victory for all South Africans. Despite a bloody campaign playing field strewn with sacrificial victims, the politicians finally united on election eve with a common vision -- the immediate and peaceful defeat of Apartheid. The campaign was over and the country moved on to the next and long-awaited step -- election days.

CHAPTER VI: THE ELECTION AND COUNTING DAYS

Thousands broke Apartheid's old political strangle-hold during my country's first nonracial election on April 26-29, 1994. Indians, blacks, whites, and Coloreds waited in queues to cast their votes without friction, and at times sharing drinks. They did not mind waiting all day because their vote brought equality to all. We voted together; and if in the future a mistake is made, it will not be only the white man's fault, it will be shared by all voters.

It was a week of peace and reconciliation. Barely a stone was cast in anger. The young and old set up tents outside stations very early, refusing to leave even when election materials ran out. Merafe hostel inmates called on their neighbors from nearby Mapetla township to cast their votes at the hostel and threw a big party after closing the voting station. Even bombs in the city and Jan Smuts airport, placed by white racists, failed to scare people from the voting.

For me, it was like a dream come true -- the dream of a day when you can have a say in the running of your country. That day dawned on April 27, 1994. I stood, waiting to put a cross next to the party I have always admired as the party that could bring justice to my beloved country. I stood with pride and joy. My parents have lived a lifetime with no say in how their country is run. This was indeed an important and joyous moment.

Thanks to all our leaders and the international people who helped to bring the new baby into this world. My vote was the first step towards liberation.

*Rachel Kgeledi,
Soweto*

IRI Criteria

Since 1986, IRI has observed elections in more than 50 nations worldwide. IRI's criteria for assessing an election is tailored to the progress of a country's transition to democracy. First-time multiparty elections have different challenges than do elections in countries consolidating democratic progress in a second or third election. In response to an IEC request in March 1994, IRI shared its election evaluation criteria with all IEC commissioners. (See [Appendix 15](#).) In IRI's opinion, the factors listed below are important evaluative benchmarks when deciding the extent to which an election is free and fair. IRI did not and will not make a statement as to the freeness and fairness of this election. IRI is increasingly moving away from "free and fair" as assessment adjectives in election evaluation. Although not understating the importance of procedural efficiency and ethical standards in elections, IRI believes it most important that a majority of voters and parties are satisfied with the election and feel comfortable that the result

accurately represents the will of a majority of voters. In South Africa's election, IRI paid particular attention to the following criteria:

- Identity documents or temporary voter cards easily available to all eligible voters, but with adequate safeguards to prevent double voting.
- No numbers on ballot papers or other identifying mark that would jeopardize a secret ballot; standard serial numbers on counterfoils to ensure ballot security.
- Secured and properly stored ballot papers before, during and after the election period.
- Enforcement of measures designed to facilitate a peaceful election day, yet without intimidation by police, the military or other armed groups.
- Safeguards and transparency in pre-election and post-election administration, including procurement and distribution of voting materials, counting and tabulation, and announcement of results.
- Resolution of all campaign- and election-related disputes in a timely, transparent, efficient and objective manner.

Overview

IRI had seven professional staff and election experts on the ground in South Africa during the election and counting periods, but hosted no formal election observation group. IRI teams visited 25 voting stations and three counting stations throughout the PWV region and KwaZulu Natal province.

The beginning pages of this chapter set the stage by outlining the duties of the Election Administration Directorate of the IEC, voting procedures, and the duties of officials as described in the Electoral Act. The chapter then describes administrative shortcomings and deliberate attempts to manipulate the electoral process. The extent to which IRI believes the South African election met each of these criteria is addressed in the Conclusions of this chapter.

Election Days

Election days were highlighted by peaceful cooperation among almost all competing groups, election officials and security forces. Despite widespread fears of violence and intimidation, the four election days were, with rare exception, calm and without violent incident.⁵⁹ The security forces were present in a non-intimidating and helpful manner.

⁵⁹ Final Report, IEC Analysis Department, "A Free and Fair Election?: Criteria and Analysis" noted the following incidents of violence on election days: April 26, 37 incidents of violence;

It was clear, however, that the IEC had failed to organize the election sufficiently to meet expected standards of quality and efficiency. The IEC attributes this to a lack of sufficient time to prepare and the absence of a voter registration list. The IEC did not anticipate that most voters would turn out on April 27, a public holiday and the date most referred to as the election day.

As a result, millions of first-time voters queued in lines for as long as 10 hours. It is unclear to what extent other administrative problems exacerbated the waiting time and to what extent such queues were inevitable given the huge turnout. From the minute voting opened on April 26, it became clear that distribution of voting materials was vastly flawed. Despite administrative shortcomings, and some fears that these were intentional manipulations, most South African voters met election day with a spirit of hope, thanksgiving and serenity amid the logistical chaos.

The Election Administration Directorate of the IEC

The following is a description of the roles and functions of the IEC's Election Administration Directorate. As noted in Chapter IV, the EAD was charged with overall administration of the election and counting days.

Election Administration Directorate: None of the election laws or regulations specifically lists the responsibilities of the EAD. IRI has compiled them in list form for purposes of analysis. The EAD was responsible for election administration, including:

- procuring, distributing and securing voting materials;
- appointing and training voting and counting officials, including district and provincial Electoral Officers;
- accepting, processing and officially publishing the registration of political parties filing to participate in the election;
- officially publishing names of all parties and candidates lists;
- designating the number and location of voting stations in the nine provinces at least 45 days before the election (the number of days was amended twice);
- establishing procedures for distribution, transportation and security of voting materials;

April 27, 20 incidents of violence; and April 28, 23 incidents of violence. It did not note any incidents of violence on April 29.

- devising various official forms, including ballot tally sheets and ballot-reconciliation forms;
- receiving all used and unused voting materials at the end of the election, including ballot boxes, tally sheets and ballots;
- receiving counting station results on the tally sheets and tabulating them; and
- receiving reports about allegations of counting station irregularities or inaccuracies filed by party voting agents, and any related determinations by Counting Officers.

Voting and Administrative Procedures

Voter Identification

All South Africans who presented a valid identification document were eligible to cast a national and provincial ballot at any voting station in the country. Valid ID documents included an ID referred to under Section 13 of the 1950 Population Registration Act; a reference book issued under the repealed 1952 Blacks Act; an identity document or a temporary identity certificate issued under the 1986 Identity Act or similar law; a temporary voter card issued under the 1993 Electoral Act; or, at a foreign voting station, a valid passport.

Because of the need to hold the election as soon as possible, there was considered insufficient time to prepare a national voter registration list. As a result, voters could cast their ballots at any voting station in the country regardless of their place of work or residence.

Voting Stations

Voting took place at 10,006 voting streams (or lines of voters) within approximately 9,000 voting stations⁶⁰ nationwide. The official polling hours were 7 a.m. to 7 p.m.

The Electoral Act stipulated that voting stations would have an inner perimeter of 100 meters or less, and each station would be surrounded by an outer perimeter of 600 meters or less and a controlled area of 1,100 meters. Security officials would patrol the stations from the 1,100-meter mark. The media would be allowed into the inner perimeter, but would not be allowed to conduct exit polls. All stations were to be so located that no voter was forced to walk more than 10 kilometers. Political campaigning and posters were not allowed within 1,100 meters of a voting station. (See Appendix 16.)

⁶⁰ The term "polling station" was changed to "voting station" because the former sounded too similar to "police station."

Voting Process

Several steps in the voting process were prescribed in the Electoral Act:

- the voter presented an eligible identification document to an election official, and the election official inspected the document to verify the identity of the voter;
- an election official stamped the voter's identity book with an invisible stamp to: (i) guarantee that the voter would not be intimidated once he or she had cast ballots; (ii) verify where the voter had voted in the event the election had to be held again;
- an election official examined the voter's hand under an ultraviolet lamp to ensure that the person had not already voted, and the election official sprayed the voter's right hand with invisible ink;
- an election official presented the voter with a national ballot stamped with the voting station number on the back of the ballot, and the voter marked the national ballot in the privacy of a booth;
- an election official verified the stamp on the back of the ballot, and the voter put it into a ballot box;
- an election official presented the voter with a provincial ballot stamped with the voting station number on the back of the ballot, and the voter marked the provincial ballot in the privacy of a booth; and
- an election official verified the stamp on the back of the ballot, and the voter put it into a ballot box and exited the voting station.

Election Officials and Others

The EAD was responsible for recruiting and training Provincial and District Electoral Officers, Presiding Officers, Voting Officers, Counting Officers and enumerators. IEC Presiding Officers and Monitors were required to meet certain criteria, such as being 25 years or older, experienced, preferably in the civil service or teaching profession, and impartial. (In reality, Presiding Officers and Monitors were frequently younger than 25 years old.) The Monitoring Directorate also was responsible for recruiting and training Campaign and Election Monitors and for an election investigations unit.

- Presiding Officer: Trained by the EAD, Presiding Officers were responsible for everything that happened inside and within 100 meters of the voting station, including the set up, running and closing down of the voting station, the swearing-in of party voting agents, the sealing of ballot boxes and the preparation of ballot reconciliation forms.

- **Voting Officers**: These officers were responsible for assisting the Presiding Officer in each stage of the voting process. Most stations had 18 Voting Officers, including the Presiding Officer. When the IFP joined the election, one or two additional staff -- an "affixer" and a "watcher" -- per station could be added if necessary.
- **IEC Monitors**: Trained by the Monitoring Directorate, Monitors were responsible for monitoring the entire electoral process, including the election campaign and the counting period. Monitors also were responsible for assisting illiterate, disabled or blind voters. Each voting station had at least one IEC Monitor. Because of administrative difficulties, Monitors in some cases assisted Presiding Officers.
- **Party Voting Agents**: Party Voting Agents represented their respective political parties. Party Election Provincial Agents were responsible for appointing up to five Party Voting Agents per station. One Party Voting Agent per party was entitled to be in the voting station at all times. Only a few parties had a widespread presence of Party Agents at voting stations.
- **Domestic and International Election Observers**: Election observers represented domestic and international NGOs. By definition, observers could not intervene in the electoral process but could provide constructive comments to IEC Monitors or Presiding Officers. Some international observers represented foreign governments and intergovernmental organizations and were accredited by the TEC Subcouncil on Foreign Affairs. Observers reported their findings to IEC Monitors and their respective organizations. (See Appendix 17.) Because of the administrative chaos in some areas, a number of experienced observers often found themselves assisting voting officials.
- **Security Personnel**: The South African Police and South African Defence Force provided security at voting stations. The National Peacekeeping Force provided security at some sites but its anticipated role was largely a failure given lack of training time and related issues.

Administrative Problems Affecting Election Day Efficiency

South Africa's first nonracial election was marked by extreme administrative difficulties. Many of these problems were due, in part, to the short period of time in which the IEC had to organize a 250,000-300,000-person⁶¹ election operation in a tense and volatile electoral environment. According to the IEC, several factors complicated its administration task:

- getting a 250,000-300,000-person operation to run efficiently in only four months;
- managing an election with few staff experienced in election administration;

⁶¹ The actual number is unknown because of last-minute administrative changes.

- working in a very violent pre-election period;
- being flexible enough to accommodate the changing political dynamics;
- educating and gaining the confidence of a voting population, most of which had no voting experience;
- negotiating with certain local and homeland leaders in an attempt to ensure that voters nationwide would be able to vote;
- organizing voting material distribution without accurate census data and voter registration lists; and
- setting up voting and counting stations in areas with conflicting magisterial district boundaries, security concerns, limited infrastructure and no communications facilities.

Ironically, problems also resulted from continuous efforts by the IEC to "keep everyone happy." IRI heard from several IEC staff that the commissioners were attempting to be flexible and cooperative to an extreme. In so doing, they made an already rushed process more inefficient.

Although recognizing the scarcity of time and the plethora of changes, IRI believes that election day problems resulted primarily from a number of insufficiently experienced election administrators who did not seem to understand, or have time to grasp, the magnitude of the task being undertaken. IRI heard many complaints about the lack of middle-management skills and absence of hands-on, day-to-day management by IEC commissioners. Administrative shortcomings resulted in the following election day problems:

- voters without identification documents;
- delayed identification and public announcement of voting and counting stations;
- insufficient and, in some cases, delayed training of Presiding Officers and voting and counting station officials;
- inefficient distribution of voting materials;
- ballot paper mysteries; and
- inconsistent quality of voting materials.

The result of these inefficiencies led President De Klerk to declare April 28 another public holiday and the IEC to extend voting in KwaZulu, Transkei, Ciskei, Venda, Lebowa and Gazankulu through 7 p.m. on April 29. Each of these problems is discussed in greater detail on the following pages.

Voters without Identification Documents

The Ministry of Home Affairs was responsible for providing temporary voter cards. The Ministry of Home Affairs was notably slow in supplying them, despite the Ministry's own estimate that approximately 22.7 million people likely would vote on April 26-28. According to its own figures (see Appendix 18), the Ministry of Home Affairs issued 2,116,600 cards between August 1992 and April 1994.⁶²

As a result, thousands of potential voters did not have the requisite identification cards on election days. In many cases, voters were forced to wait in two long lines -- the first for a temporary voter card and the second to cast their ballots. Additional reasons voters did not have the required documentation:

- Some newly enfranchised voters believed that they would be discriminated against when seeking employment if there was an election stamp in their regular identification books. They feared that prospective employers might not hire them if they saw that they had voted. Consequently, many voters decided at the last moment to get temporary voter cards as a way to avoid a mark on their permanent identification documents.
- Many potential voters, particularly those in rural areas, either waited until the last minute to get temporary voter cards or were prevented from doing so in some instances, such as in KwaZulu Natal, where the KwaZulu government refused to cooperate with the IEC before re-entering the electoral process on April 19. There also were unconfirmed rumors that some traditional leaders in KwaZulu had collected voter cards prior to the IFP's April 19, 1994 agreement to enter the election.
- Voter education had not penetrated all hostels and rural areas, and many potential voters appeared unaware of the need for ID cards until the last minute.

To address this problem, the IEC/Ministry of Home Affairs set up stations where voters could get temporary voter cards at magisterial courts, the IEC and at the voting stations during election days.

IRI heard mixed reports about the number of temporary voter cards supplied during the election. According to the IEC report, temporary voter cards were most frequently in short supply

⁶² According to IEC Fact Sheet #37, the Central Statistical Service on March 18, 1993 estimated the number of eligible voters at 22,709,152. The fact sheet showed that 18,367,964 persons were already in possession of a Republic of South Africa identity document. According to statistics released in March 1994, only 612,113 TVCs had been issued.

in KwaZulu Natal and PWV. It also was alleged by the PAC that 30-40 percent of the voters in the Ganalaagte and Mmasebudulu areas of Bophutatswana lacked voter eligibility documents. The IEC report concluded that the lack of such documents was a constraint to some voters, particularly in KwaZulu Natal and PWV, although it did not note whether this shortage had a significant bearing on the outcome of the election. It is IRI's opinion that, for the most part, voters who wanted to cast ballots were able to obtain identity documents and to vote on one of the four election days.

Delayed Identification and Public Announcement of Voting and Counting Stations

South Africa's first nonracial election was administered without compulsory voter registration. Election administration, therefore, was made both simpler and more complicated. It was simpler because voters were not assigned to a particular voting station, and thus specific and timely official notification of voting stations was somewhat less critical. Voters could cast their ballots at any voting station. Even with the very late notification of most voter station locations, it is unlikely that many voters had trouble finding where to vote on election day.

Administration was more complicated, however, because without a voter registration list, the IEC had to engage in some guesswork to determine how many voters might appear at a given voting station. The IEC, therefore, had to make adequate provision for distribution of voting materials without knowing how many voters for which to prepare.

Each of the voting stations was planned to accommodate 3,000 voters, none of whom, according to the Electoral Act, was to walk farther than 10 kilometers to reach the station. The 3,000-per-station figure appears to have been reached in a largely arbitrary manner because not only was there no voter registration list, but accurate census data also was unavailable.⁶³ IRI heard that a great deal of the EAD's time was spent trying to locate voting stations near enough to meet the 10 kilometer requirement.

The IEC told IRI that it had great difficulty identifying voting stations in a timely manner for many other reasons: security concerns, a lack of security personnel, a lack of maps with new district boundaries (and related confusion about boundaries), a lack of accurate census figures⁶⁴, no-go areas and a lack of cooperation on the part of some homeland governments.

Judge Kreigler cited the scarcity of security personnel as a primary factor. Due to fears of violence, the IEC and the TEC had made elaborate plans to ensure the safety of voters, voting officials and observers. At least one member of the SAP or SADF was to be present at each voting station. The IEC dedicated significant time and effort in creating elaborate plans to deal

⁶³ The figure likely was reached by factoring how many voters could reasonably be processed in a given station during the scheduled voting hours.

⁶⁴ The ANC led a boycott against the last census.

with anticipated violence. This may be one reason IEC administrators did not efficiently or effectively conduct typical election administration duties.

As the election approached, it became clear that an increased number of voting stations would be required. The SAP told the IEC that it did not have sufficient personnel to cover the country as planned. Another security personnel shortage was due to a largely unsuccessful "call-up" by the SADF of military reserves to assist with the election.

Because of the lack of security personnel, the IEC decided to reduce the number of voting stations in some areas, such as Soweto, to ensure proper security. Given population estimates, the IEC planned for 237 voting stations in Soweto. SAP said they could provide security for only 80 stations. Finally, just a few days before the election, they reached a compromise -- to provide security for 137 multiple-stream voting stations in Soweto.

In other parts of the country, other problems emerged. Throughout most of the pre-election period, it was nearly impossible to determine where to establish voting stations in KwaZulu Natal due to the IFP boycott and fears of intimidation. When the IFP came into the election, the IEC scrambled to set up voting stations with only six days notice. In Transkei, local leaders requested more voting stations well in advance. However, only on April 27 did the IEC take action on this request.

Several pre-election administration problems resulted from the late identification of voting stations. These included:

- voting material distribution;
- recruitment and training of voting officials for each station;
- assignment of Party Agents; and
- deployment of security personnel.

On election days, the late identification of voting stations created a further serious difficulty: in the ensuing administrative chaos it was difficult for the IEC to determine in some cases whether voting stations were "official" or "unofficial" (or were illegal "pirate"⁶⁵ stations). Similar problems resulted from the late identification of counting centers. Many IEC officials point to the late identification of voting stations as the catalyst for many ensuing election day problems.

⁶⁵ Voting stations established without the knowledge or approval of the IEC.

Insufficient and, in some cases, Delayed Training of Presiding Officers and Voting Station Officials.

As noted above, delayed vetting of voting stations led to delayed identification and training of voting station officials in some areas. The IEC told IRI it was essential for voter trust that Presiding Officers were known to the community they would serve. As a result, Presiding Officers in some cases were not identified until a week or less before the election because of the late identification of voting stations.

IRI also heard that although the Monitoring Directorate held a nationwide "dry run" on April 21 to work out potential election day monitoring problems, the Administration Directorate (responsible for all voting officials) chose not to participate in this practice exercise.

IRI's election observers noted in the voting stations they observed that most Presiding Officers were competent and efficient in processing voters. Most areas of confusion related to responsibilities and procedures before and after the election, not during the voting itself.

Two key problems that emerged were directly related to Presiding Officer duties and may be partially attributed to insufficient training of Presiding Officers. These problems were related to voting material distribution and ballot reconciliation. First, some Presiding Officers told IRI that they were confused as to whether they were to collect voting materials or wait for them to be distributed. It appeared that often voting stations were able to open if the Presiding Officer personally had collected voting materials.

Voting stations often were not yet open if the Presiding Officer had waited for distribution of materials by the IEC. The Electoral Act indicated that District Electoral Officers were responsible for distribution, but IRI is not certain how involved they actually were in material distribution (and it seemed to vary nationally).

The centralized system of IEC decision-making gave authorities at IEC headquarters great oversight responsibility over District Electoral Officers. Due to the lack of middle-management expertise at the district level, many at the IEC believed this oversight to be necessary. Each province had the choice to distribute electoral materials in one of two ways: (i) provinces could distribute materials to voting stations directly from one of the IEC's 41 subprovincial storage facilities, or (ii) each subprovince could prepare kits of materials for each district. The materials then would be shipped to the district, for distribution to each voting station.

Presiding Officers were not adequately informed as to the quantity of voting materials allocated to each station. As a result, many Presiding Officers collected excessive voting materials, which were, in some areas, doled out with few controls by harried warehouse managers. When IEC officials began the search for missing ballot papers, some Presiding Officers apparently did not properly report the number in their possession. Presiding Officers were said to have decided to take excessive voting materials when they saw long queues of voters before opening voting stations.

Second, most Presiding Officers appear not to have been properly trained in ballot reconciliation and completion of tally sheets. As a result, incomplete or incomprehensible tally sheets arrived at the counting stations. In some cases, ballot boxes arrived without tally sheets. The implications of this lack of ballot reconciliation training have been discussed previously and are addressed again in later pages.

Clearly, the two main problems during the election period -- voting material distribution and ballot reconciliation -- were in part due to insufficient advance training, which was exacerbated by several changes in procedures at the last minute and insufficient time to implement plans created by the Administration Directorate.

Inefficient Distribution of Voting Materials

Distribution of voting materials is one of the most complicated tasks in election administration, particularly in countries with security concerns, remote voting stations and limited rural infrastructure and communications. Distribution of voting materials in South Africa was further complicated by:

- lack of accurate census information or voter registration lists;
- inexperienced election administrators at all levels (IEC management, warehouse directors, and Presiding Officers);
- voting stations and personnel identified only late in the process;
- a relatively late amendment requiring two ballots rather than one;
- a last-minute necessity to add an IFP sticker to the bottom of each ballot paper;
- high security concerns; and
- no well-thought-out distribution plan.

Voting materials were distributed to warehouses or other secure areas throughout the country just before the election (in most cases before, in some cases, later). IRI is not aware whether Party Agents accompanied voting materials to warehouses or if they were on hand to guard materials before the election. The Electoral Act does not require this security/transparency, but it is noted because it is a typical safeguard in many elections. As addressed earlier in this report, the Electoral Law and Regulations were particularly vague with regard to distribution procedures. Problems with distribution were worsened by security concerns and centralized decision-making. Security was supposed to have been drawn from the following groups and in the following order: SADF, police and private security firms.

According to the IEC, a Presiding Officer was to present a requisition for materials to a warehouse manager in his/her area. Warehouse managers were seconded from the Ministry of Home Affairs, according to Judge Kriegler. IRI heard from one IEC source that the warehouse managers were not well trained.

The material requisition form was prepared by the District Electoral Officer and was, in theory, based on an estimated 3,000 voters per voting station during the electoral period.

IRI learned from an IEC source that the IEC official in charge of voting material distribution had not previously participated in election administration although he had been responsible for nationwide distribution of a consumer product. A well-known transportation company also was contracted to deliver voting materials nationwide. Judge Kriegler told IRI that despite the IEC's attempt to use people and companies with seemingly relevant experience, the pace of changing events made it very difficult to implement the distribution plan or the many contingency plans.

Despite private sector distribution experience, it appears that the IEC management responsible for voting material distribution vastly underestimated the scope of the task. IRI learned that before the election, distribution plans and contingency plans had in fact been drawn up to ensure that particularly volatile areas of the country would not experience shortages that could exacerbate election day tensions.

IRI heard that despite such contingency thinking, "contingency action" (i.e., implementation of plans) fell short -- that before the election, potential problems were identified and plans were made, yet never were carried out. For this and other reasons, the distribution process fell apart in approximately 30 percent of the country. Voting material shortages included a nationwide lack of all or some electoral supplies, including ballots, IFP stickers, ballot boxes, invisible marking ink, ultraviolet lamps and stamp pads. IRI was told that, in many cases, voting proceeded without these materials.

As the scope of supply shortages became evident and it was clear that many voters had not been able to cast their ballots on April 27, the IEC announced that President De Klerk had declared April 28 a public holiday to allow all voters the time to cast their votes. Judge Kriegler noted in a press conference that everyone who wanted to vote would be able to do so during subsequent days.

Some of the country's leading black politicians reacted immediately to the breakdown in the IEC's administration and distribution systems.

- ANC President Nelson Mandela stated that he thought the election had been "sabotaged" because of the widespread lack of electoral supplies at voting stations in black townships. Soon thereafter, he retracted his statement as it became clear that predominately white areas also were experiencing shortages.

- IFP leader Chief Minister Buthelezi announced that he was very concerned about areas where voting proceeded without IFP stickers on each ballot. He said the IFP's Central Committee would have to make a decision about withdrawal from the election if the sticker situation was not immediately corrected. In a press conference updating the public on efforts being made to correct administrative problems, IEC Chairperson Kriegler said that it would be most unfortunate for the IFP to withdraw from the election at that stage. Judge Kriegler added that he and Vice Chair Moseneke were working closely with the IFP to resolve the problem.
- PAC President Makwethu said the election had been rigged, but he did not explain how.
- In Transkei, Maj. Gen. Holomisa accused the IEC of sabotage because an estimated 602 voting stations had not been able to open in the Eastern Cape because of a lack of ballot papers and boxes.

The IEC eventually extended voting days by one day in KwaZulu, Transkei, Ciskei, Venda, Lebowa and Gazankulu, all former independent or self-governing homelands. Ballots, ballot boxes, IFP stickers and other materials were distributed to affected areas by plane, helicopter or truck by the SADF.

Widespread Lack of IFP Stickers

The IFP rejoined the electoral process on April 19. It was then agreed by the IEC that in advance of the election 90 million "IFP stickers," almost identical to the other 26 party listings, would be printed. The stickers would be affixed at the bottom of the national and provincial ballots just below the NP listing. No part of the IFP sticker was to touch the line above it or the ballot would be considered spoiled. All ballots had to have a stamp in order to be counted. The stickers were to be distributed with the other voting materials.

It had been agreed earlier by the IFP that stickers would not be used in international voting stations because of the difficulties involved in timely distribution. South African embassies abroad or other contracted organizations were to inform voters that, to vote for the IFP, they simply should write IFP on the bottom of their ballot. Documentation given to IRI by the IFP indicates that a majority of overseas voting officials did not inform voters of this right.

IFP sticker shortages were particularly notable in areas of KwaZulu Natal, PWV, Eastern Cape and North West. The lack of stickers in many voting stations caused confusion and tension. In some areas of KwaZulu, voting began without IFP stickers, and voters were given the option to write in "IFP" on the bottom of the ballot. Chief Minister Buthelezi and other IFP members argued that such a write-in was unacceptable given the large number of illiterate voters and was a breach of the agreement reached prior to the IFP's joining the election process.

According to the IEC, as soon as problems were realized, the IEC undertook to get stickers to the affected voting stations as quickly as possible. The IEC also announced that affected stations could stay open until they had accommodated all voters. The lack of stickers meant that many voting stations opened late or did not open at all on April 26.

In a mid-May 1994 interview, IRI learned from the IEC that IFP stickers still were being printed on the morning of April 26. It was also noted that insufficient attention was paid by distribution personnel to ensure that sticker packages accompanied ballot packages. It was explained that, when two packages of stickers were placed side by side, they equaled one ballot package and, unless carefully checked, gave the impression that stickers were accompanying ballot packages. (See Appendix 11.)

The IEC had to decide if ballots without stickers would be regarded as spoiled, even if the ballot bore a clear mark for another party. The IEC said it would treat all ballots without stickers as "irregular valid" ballots and would count them as such after comparison with regular ballots from surrounding voting stations. The IEC told IRI that the "irregular valid" ballots had been counted, compared with other most likely voting station counts and proportioned accordingly. According to the IEC, the IFP's final vote counts at the national and provincial levels were not significantly affected by the sticker problem. (The term "irregular valid" never appears in the Electoral Act or Regulations and was a makeshift response to the problem with ballots without stickers.)

After the election, it was generally agreed that problems with IFP sticker distribution and application were largely due to administrative inefficiencies rather than to a systematic attempt to disenfranchise or disadvantage IFP voters. These problems were mediated among the major parties.

Missing Ballot Papers

Approximately 40 million national and 40 million provincial ballot papers were printed by De La Rue Company of London and shipped by air to South Africa. The printing of ballots was to begin March 12, and all ballots were to be delivered by April 17. According to IEC Fact Sheet #1:

"The papers will be flown to South Africa under stringent security. They will be transported to warehouses under surveillance and in the presence of political party officials. Three to four days before the election starts, ballot papers will be transported to secure locations near the voting stations."

IRI heard that the first plane arrived as scheduled, but the ballots remained on the plane for several hours at Waterkloof Air Force Base (AFB) near Pretoria. Apparently, no one had organized IEC security, Monitors or Party Agents to greet the arrival of the first planeload of ballots and to ensure its security. Planeloads of ballots arrived for several days after that.

Ballots were stored at Waterkloof AFB. IRI does not know whether Party Agents had a full-time presence at the storage hangar. By April 23, all ballots had arrived from London. The final planeload of ballots was allocated to PWV because the IEC calculated that, since it was the closest region to the AFB, it could receive its ballots last.

For reasons still not clear, by April 27 millions of ballots were either (1) missing, (2) over-distributed to voting stations in low-population areas (a result of inaccurate census data), (3) handed out to Presiding Officers in packets larger than 3,000 ballots each, (4) hidden, in some cases, and forgotten in others; or (5) all of the above. Initial reports indicated that as many as 20 million ballot papers were not in the correct locations on election day. The IEC immediately undertook to locally print 9.3 million more ballot papers to ensure sufficient supplies on April 28. The 9.3 million ballots would include the IFP listing and thereby do away with the need for IFP stickers. These new ballot papers did not have serial numbers, thus diminishing ballot security and making reconciliation difficult. In addition, while ballots were supposed to be bundled in groups of 100, this was not always the case. Some bundles contained less than 100 ballots each, thereby rendering reconciliation even more difficult. The problem became particularly acute when counters opened ballot boxes and found ballots without serial numbers mixed with ballots bearing serial numbers and traceable to a station. In such cases, it was impossible to determine if the ballots without numbers were genuine or fraudulent "stuffed" ballots.

At the time, Judge Kriegler dismissed reports of millions of "missing" ballots, although he agreed it appeared that some ballot papers could have been "misplaced."

The press later reported that several thousand ballots were found in delivery trucks, in warehouses in the West Rand and East Rand (PWV) or at the Civitas Building in Pretoria. *The Citizen* newspaper carried the following report in its May 4 edition:

"The Ministry of Home Affairs yesterday said the ballot papers stored at the Civitas Building had not been guarded by its own staff, but by officials from the IEC.... According to the IEC, many boxes containing ballot papers were found at the building by its monitors. These included 150 boxes for the PWV region, 10 boxes for KwaZulu Natal, 10 for the North West, 30 for the North Cape and three for the Orange Free State, as well as numerous Inkatha Freedom Party stickers.... The IEC plans to prosecute three warehouse managers whom, it said, had been seconded from the Ministry of Home Affairs and had been implicated during its investigation into millions of ballot papers which went missing last week."

The question of the alleged "missing" ballot papers had not been fully answered at the time of this writing. It is obvious that "missing" ballots would have provided an opportunity for wholesale fraud by the political parties and their supporters. However, according to the IEC, no *prima facie* evidence indicated that a material number of "missing" ballots had been illegally introduced into the electoral process. Similarly, the IEC could find no evidence that there was an orchestrated attempt to hide ballot papers. During an interview, the IEC told IRI that it was

in the process of recovering missing ballot papers and that the EAD's report would address the issue.

Inconsistent Quality of Voting Materials

IRI noted an inconsistent quality in voting materials. For example, ballot boxes often had lids that were very difficult to secure. IRI learned that this problem was, in part, because ballot boxes were purchased from two manufacturers. In some instances, lids from one manufacturer were shipped to a voting station with a ballot box made by the other manufacturer. The fit, although not impossible, was difficult.

IRI also learned there were problems with the invisible, supposedly indelible, ink that was to be detectable by ultraviolet light for 72 hours. The IEC supplied voting officials with spray bottles, rather than have voters dip their fingers into the ink. The idea was introduced after callers to the IEC expressed concerns about the ink. Among the concerns were religious prohibitions and fear of spreading disease.

In attempting to accommodate these concerns the IEC inadvertently caused a potentially greater problem. For the ink to be most effective, it had to be sprayed on the *cuticle* of the finger. One high-level IEC official noted that he had passed through the ultraviolet light without detection because the ink had not been sprayed on his cuticles.

IRI heard no complaints, however, that political parties suspected voters were voting more than once. If, in fact, some individuals had learned that the ink was not always indelible, the long queues likely discouraged anyone tempted to vote twice.

Allegations of Fraud

Several political parties alleged that deliberate attempts were made by other parties to interfere with or to manipulate the electoral process during the four election days. For example:

- The ANC accused the IFP of stuffing ballot boxes in KwaZulu, particularly in northern KwaZulu.
- The ANC was accused of stuffing ballot boxes, particularly in the Eastern Cape.
- Counting agents discovered boxes of "neatly" stacked ballots which, when opened, favored one party over its main rival.
- IEC officials in certain provinces, and particularly in the city of Port Elizabeth, were accused of tampering with ballot boxes.
- The ANC accused the IFP of establishing "pirate" voting stations in KwaZulu Natal.

- The ANC accused the IFP of forcible removal of IEC officials and ANC Party Agents from voting stations in KwaZulu.
- The ANC and the IFP were accused of encouraging youth under the legal voting age of 18 to apply for temporary voter cards and to vote.

Stuffed Ballot Boxes

IRI heard several reports of ballot-box stuffing from the media, but IRI observers never witnessed suspicious circumstances in any of the 25 voting stations visited. Northern Natal was the main area of concern, according to the press. IRI asked the ANC to provide information in this regard but received no response. The NP noted no complaints about stuffed ballot boxes in its Formal Objections. The IFP noted that some ballot boxes from IFP strongholds arrived, stuffed with straw, at counting centers. IRI heard an unconfirmed report that open cardboard boxes filled with ballot papers arrived at the NASREC station by "someone who clearly was not affiliated with the IEC."

Related to allegations about "stuffed boxes," IRI heard numerous reports of ballot boxes arriving "neatly stacked" with ballots. When Counting Officers began to count these ballots, they discovered that, in many cases, these ballots often vastly favored one party and contained only a few ballots for other parties.

The IEC conducted an investigation. Judge Kriegler told IRI that Presiding Officers had "neatly" stacked ballot papers because they had run out of ballot boxes. Given the shortage of ballot boxes resulting from the push for extra stations in Transkei and KwaZulu Natal, they needed to find alternate means to accommodate all ballot papers. This resulted in distribution of postal bags to some voting stations. The Electoral Act had not contemplated procedures for securing ballots during this makeshift postal-bag scenario. IRI heard concerns from IEC staff that when a ballot box was full, the voting station officials had to dump the results into a postal bag. IRI is uncertain how many postal bags were used in this way and how the security of the bags was maintained. The IEC told IRI that the political parties accepted that no deliberate fraud had been perpetrated.

"Pirate" Voting Stations in KwaZulu Natal

In February and March, the IEC experienced many difficulties identifying voting stations in KwaZulu. The IFP was boycotting the election, and the KwaZulu government would not allow the IEC access to municipal buildings or schools. When the IFP came into the election on April 19, these buildings then were made available to the IEC. This lack of cooperation significantly hampered the ability of the IEC to identify, organize and officially publicize voting stations in KwaZulu.

Before the IFP agreed to take part in the election, the IEC had developed elaborate contingency plans to ensure that all voters residing in KwaZulu who wanted to vote could do so, even if the KwaZulu government would not allow voting to take place in public buildings. These plans envisaged strong security, mobile voting stations and voting stations located outside of KwaZulu.

The ANC charged that on election days the IFP had interfered with the electoral process in KwaZulu in several ways. Allegations related to voting stations included:

- The IFP had moved complete voting stations from designated sites to sites under the control of IFP supporters;
- IFP supporters had chased away as many as 200 IEC Monitors, and voters cast ballots without such monitors present; and
- The IFP had set up illegal "pirate" voting stations, primarily in northern Natal, unauthorized by the IEC.

Neither the IEC nor IRI were able to substantiate any of these claims. The IEC told IRI that while some voting stations had, in fact, been moved by Presiding Officers, such removals were mainly for reasons of convenience and to better accommodate the voter. IFP complaints to the IEC note that, in many instances, voting station locations published in the daily media had been moved when IFP supporters arrived at those stations to vote.

Judge Kriegler told IRI the IEC had found no *prima facie* evidence that the IFP had established pirate voting stations in KwaZulu. He said that when the IEC investigated the ANC's allegations, ANC Presiding Officers became "vague."

An IEC statement of May 4, 1994, was partially reported in the *Sowetan* newspaper on May 5:

"...Reports of 'pirate' voting stations in the province [KwaZulu Natal] are false. During investigations it was found that confusion had arisen from widespread misinformation regarding certain voting stations -- particularly in the north of the province, the Commission said in a statement issued by its Natal office.... Because of the late nature of their addition to the list, certain stations were not gazetted by the time voting started and this is believed to be the cause of much of the confusion.... On investigation it was established that the so-called informal voting stations were in fact duly authorized by the IEC."

The report added that investigations were continuing and that the IEC would announce details of any irregularities should they emerge.

The *Weekly Mail and Guardian* carried the following report in its May 6-12 edition:

"...Earlier, charges were leveled that the 'pirate stations' had been operating in Inkatha-controlled areas, accounting for up to 500,000 votes. The ANC said some of these stations were installed in taxis. The IEC announced mid-week that there had been no 'pirate stations,' but IEC officials in Durban said they had indeed existed and were not simply stations set up despite the failure to gazette them in time. Sources close to the IEC's monitoring operation said it was often impossible to determine whether ballot boxes had come from legitimate or 'pirate' voting stations because the IEC's Monitors had been 'chased away.'... It was possible entire voting stations, including boxes, invisible ink, and ultraviolet lights had been hijacked to areas under the control of Inkatha-aligned chiefs. 'This is no longer a monitoring issue. It is now a question of deciding on a count,' said one source.... As the Durban vote was agreed by the parties, several 'pirate stations' in Northern Natal continued to be 'in contention,' said a Commission official."

According to the IFP, the situation in Northern Natal was resolved by allocation. Voting stations and results north of the Tugela River were most in dispute by the ANC. IRI heard that when vast allegations of irregularities emerged, the IEC decided to resolve the issue through powers vested in it in Section 47 of the Electoral Act. According to the IFP, the IEC allocated to the ANC and the IFP the percentages that already had been tallied south of the Tugela (50 percent IFP; 35 percent ANC) to those voting stations north of the Tugela.

In late May, Advocate Gombi, Secretary of the Election Adjudication Secretariat, told IRI that she had sent a team of 13 lawyers to KwaZulu for a full week to investigate allegations of pirate voting stations. She said that investigators found "not one person" with any knowledge of pirate voting stations, "no matter what protection they were offered." She said the investigation team "combed all of Natal" and thought perhaps some ANC people would have information "but no one did."

Underage Voters

IRI heard several reports of ANC and IFP officials and supporters encouraging and allowing persons under the age of 18 to vote. Documentation submitted to IRI by the IFP's National Campaign Office contains numerous complaints of underage voting.

Documentation submitted to IRI by the NP contains a complaint lodged with the IEC's chief investigations officer in Durban:

"I wish to draw your urgent attention to the following reports received by the National Party of Natal which require immediate investigation and where necessary prosecution of IEC officials who have violated the provisions of the Electoral Act: The issue of temporary voter cards to persons under the age of 18. In support of this claim, I enclose the following statements which *prima facie* indicate the contravention by officials of the IEC of Sec 55 (2) of the Electoral Act 202 of 1993."

The document lists the names of seven persons who submitted affidavits to the NP. (See Appendix 11.)

A member of the IRI observer team witnessed underage voting at a hostel in PWV. The staffer reported that unauthorized persons had issued temporary voter cards to persons who were underage but looked older than 18. The staffer said that the Presiding Officer used his discretion in dealing with these voters. IRI heard one confirmed report of young people using the same baptismal certificate with the name whited out and changed each time it was submitted for a temporary voter card.

Ballot Box Security

Many allegations of fraud focused on ballot box security issues. A wide range of reports about the improper handling of ballot boxes surfaced when the counting period began on April 30.

A May 5 article in *Business Day* reported the following:

"...Early yesterday [May 4], IEC commissioner Charles Nupen flew from Johannesburg to settle the issue of 150 disputed ballot boxes containing the crucial urban vote expected to bring about a change in the ANC's fortunes in [KwaZulu Natal].

"He told reporters after chairing a meeting between Party Agents and IEC officials [that] the complaints -- mainly from the ANC -- had concerned boxes not properly sealed and those which could not be reconciled with their voting stations of origin.

"In the first category, it appeared many of the boxes had been damaged in transit. The second problem had been resolved by simply identifying the stamp of a ballot contained in the box 'and a large majority were reconciled.'

"The attitude must be that unless there is evidence of fraud ...we must accept that the voters went to the polls in good faith, unless there is compelling evidence to the contrary,' [Nupen] said."

The allegations most frequently expressed:

- IEC officials tampered with ballot boxes in the voting stations.⁶⁶
- Election officials took ballot boxes home because of an alleged lack of security at voting stations.

⁶⁶ The media later reported that the Attorney General in Port Elizabeth had dismissed a case against local IEC officials because of a lack of evidence.

- Ballot boxes were left at voting stations overnight without adequate security.
- Ballot boxes arrived at counting stations sealed with tape rather than the required rods and seals; with no seals; or with broken seals.
- Ballot boxes were delivered to counting stations in private cars rather than in secured vehicles.
- Ballot boxes were removed from voting stations without permission.

IRI did not observe IEC officials tampering with ballot boxes. However, IRI observers did observe all of the other problems listed above. Most of the apparent breaches of ballot security appeared to result from administrative chaos, lack of security personnel, lack of transportation or lack of materials. When it became clear, for example, that some voting stations did not have a sufficient number of ballot boxes, permission was given for full ballot boxes to be emptied into properly sealed post office bags for delivery to counting stations. The empty boxes were then available for re-use. IRI did not have the sense that the chaotic situation was deliberately manipulated by a particular party, although the potential for abuse was great. In IRI's opinion, ballot security was either non-existent or dreadfully disorganized, but not malevolently orchestrated to benefit a particular party or materially to affect the outcome of the election. IRI comments further on this issue in the Conclusions section of this chapter.

The Counting Period and Certification of Results

Overview

The Electoral Act specified that ballots would be counted at counting centers rather than at each voting station. The decision was made to ensure the secrecy of the ballot and to provide the voter with the maximum protection possible. An IEC official told IRI that the IEC had decided to use counting centers to prevent the possibility of a political party or its supporters taking revenge on voters if the results at a given station favored its political rival.

Although the decision of the MPNF was wise in light of the political violence that had occurred during the campaign period, it proved difficult to implement on the ground. Centralized counting stations only exacerbated the chaos of election days. Although in many centers counting proceeded efficiently, in the largest stations counting was chaotic and unusually lengthy. Originally, there were to be 1,200 counting stations. Later, the number was reduced to roughly 800 because of security and logistical concerns. IRI heard from an IEC monitoring source that EAD management was unsure of the exact number of counting stations before the count began. Most ballots were counted at the NASREC center in Johannesburg and at the Expo Center and UNISA in Durban.

Counting problems included:

- lack of organized pick-up and transport of voting materials;
- lack of ballot security during transport of materials to counting centers;
- inadequate procedures for receiving and storing materials in counting stations pending reconciliation and counting;
- ballot boxes without seals;
- no reconciliation of ballot papers;
- infiltration by hackers into the main computer system; and
- duplicate copies of election results faxed to IEC.

Counting Procedures

Procedures described in the Electoral Act for the actual counting of ballots are fairly standard, although somewhat vague.

Counting procedures were changed many times just before the election. The first round of these changes were faxed on or around April 19, 1994. Elaborate counting procedures were drawn up and faxed to each of the IEC's 41 subdirectorates and then had to be communicated to appropriate local staff. Several related memos providing further detail and changes to the counting procedures were subsequently sent out through April 30 and later. A training video was made available to Counting Officers and enumerators, and, according to the IEC, was then shown on national television so that all people would understand the elaborate counting process. (IRI never saw any television spots on counting procedures.)

Although the Electoral Act provided few details about counting procedures, IEC staff established specific procedures that included an identity number for each station and a unique code for each counting station officer. Before beginning the count on the first day, counting station officers were required to call the IEC "operations crisis center" to hear any final procedural revisions, to ask any questions about the counting procedures and to confirm that they had received the revised procedures.

The first step in the counting process proved the most difficult. A standard step in all elections (although sometimes done after the results are counted) is for the Counting Officer to reconcile the ballots in the box with the ballots on the reconciliation tally sheet. The Counting

Officer had the authority to handle any discrepancies accordingly.⁶⁷ Party Agents had the right to appeal the Counting Officer's decision directly to the Chief Director: Administration.

After reconciliation, the ballots were to be mixed with ballots from other stations and sorted into "accepted," "rejected" and "disputed" piles.⁶⁸ The counting agents or enumerators would then count the number of ballots cast for each political party.

The results of three to four ballot boxes were to be recorded on "batch tally sheets." Each "batch" was approximately 3,000-4,000 votes. The results on batch tally sheets were faxed to the IEC, then entered into the computerized system set up by the EAD at its Johannesburg headquarters.

For a variety of reasons, the procedures described above did not work in some counting stations, particularly in NASREC in Soweto and the Durban Expo Center in downtown Durban. The following pages address the main problems in the counting process.

Lack of Organized Pickup and Transport of Voting Materials to Counting Stations

The transport of voting materials to counting stations was almost as disorganized as was the distribution of voting materials before the election. The IEC apparently failed to clearly direct Presiding Officers about what to do with voting materials after the election. IRI heard many reports of ballot boxes being delivered in private rather than secured vehicles. In at least one case, a ballot box simply was abandoned. In another case, two sacks of ballots were found by accident on the grounds surrounding the buildings at the NASREC counting center in Johannesburg.

IRI heard stories of valiant efforts by transport companies to collect voting materials and take them to secure areas for the night -- only to be told by officials at these secured areas that "they didn't know anything about this" and that they most certainly did not want to be responsible for ballot boxes. In some cases, drivers pulled over to the side of the road and slept with the ballots until dawn, at which time they delivered them directly to the counting stations. They then went out, with almost no sleep, to collect more ballot boxes. The Electoral Law was vague about who could transport voting materials and whether Party Agents had to be present.

Ballot Boxes Arrived Without Seals

IRI heard repeated complaints that ballot boxes left voting stations without seals or arrived at counting stations without seals. In general, ballot box security was nonexistent. It is difficult

⁶⁷ Electoral Act, Section 43.

⁶⁸ Electoral Act, Section 44. Ballot papers would be rejected if there were no marks on them or if marks were made for more than one party; if the ballot did not appear to be officially issued; or if it was impossible to determine for whom the voter had voted.

to determine whether seals were missing because they had never been applied due to material shortages, Presiding Officer training deficiencies, or if they were tampered with in transit.

No Reconciliation of Ballot Papers

Ballot reconciliation forms or "ballot tallies" were to be completed by the Presiding Officer at the close of voting. They were to be placed in the ballot box and sealed for delivery to the counting station. The ballot tallies were to record:

- the number of ballots entrusted to the Presiding Officer;
- the number of ballot papers issued to voters; and
- the number of ballot papers not used.

As noted elsewhere in this chapter, chaotic circumstances during voting material distribution and subsequent shortages made the reconciliation process almost impossible in some areas.

On May 1, after emerging from the NASREC counting center with IEC commissioner Helen Suzman shortly after the counting process began, Judge Kriegler announced that "where attempts at reconciliation would inordinately delay the count" this step could be disregarded. In two interviews, Judge Kriegler told IRI that this decision was made because:

- Presiding Officers in many areas did not properly complete tally sheets, thus full information about ballot tallies in each station were unavailable at the counting center.
- Some ballot boxes arrived without tally sheets, making reconciliation impossible.
- Newly printed ballots had no serial numbers. While the first 80 million ballots were packaged and stamped with serial numbers on counterfoils, the 9.3 million ballots printed in South Africa contained no serial numbers or other identification that would facilitate tracing or logging where they had been used.
- Reconciliation was irrelevant in a proportional representation election, particularly without a voter registration list. He said that because the "third coordinate" (a voter registration list) was missing, the reconciliations really showed nothing and that slight variations would not materially affect the outcome of the election. This implies that while one could reconcile the number of ballots cast, the number not cast, and the number originally distributed to that Presiding Officer, one could not cross-check them with the number of people on a list. IRI disagrees with this conclusion.

Other factors probably played a part in the IEC's decision not to attempt a reconciliation of the vote:

- A Monitoring Directorate staffer stated at the end of the voting period that, of the 80 million ballots originally printed, as many as 19.5 million still were unaccounted for.
- Anecdotal and formal reports of unused ballot packages being discovered in trash dumpsters or loose in post office bags at counting stations and other venues fueled concerns about ballot security and made it clear the reconciliation process simply could not take place.

In short, ballot security was nonexistent. IRI has discussed this issue in previous chapters and addresses the implications in the Conclusions section of this chapter.

"Hacker" Infiltrates Computer System

The IEC announced on May 3 that it was "freezing" its central computer system because it wanted to revamp its counting procedures. IRI asked an IEC consultant with computer and telecommunications responsibilities to explain some of the weaknesses of the system and what happened during the computer crisis. Specific problems included:

- Many data capturers had little computer experience and were not trained until the last moment.
- A computer security system was introduced, but proved unable to handle the wide range of unanticipated requests for up-to-the-minute voting results. The requests came from IEC commissioners, the international and domestic media, and the political parties, among others. To accommodate these requests, the security system was gradually eroded.
- There was no system whereby data-capturers logged on and off to a certain computer in such a way that a code number of a form typed in could be linked with a specific data-capturer's password. It was thus impossible to track which data-capturer had entered what data.
- A number of the batch tallies and total counts being faxed in from counting centers were "nonsense," according to a source involved in organizing the data capture. He said it "was impossible to tell whether a form was valid or not." In some cases, duplicate tally sheets (from the same counting station) arrived with different results and different party-agent signatures. "Educated guesses" then had to be made by IEC staff as to which tally sheet to use in tabulating the results.

On May 4, the South African Press Association (SAPA) reported that the IEC had frozen the count so that the process could be accelerated by entering "total counts" rather than "batch tallies." "Total counts" reflected the results *by counting station* rather than by every three or four ballot-box "batches."

Later that day, an IEC official told the media that the freeze actually had been put into effect because of irregularities between the national and provincial vote totals. The official said disparities had been so serious they could not be ignored. (Initially, the IEC denied the media reports.)

On May 4, Judge Kriegler announced that a "computer hacker" had tampered with the IEC's main computers and that provincial figures had been altered by as much as 3 percent. The hacker had logged in, made the changes and then logged out. The IEC declined at that time to identify the party or parties that had benefited from the sabotage. Judge Kriegler did say publicly that the hacker had changed the percentages of three parties by as much as 3 percent.

Judge Kriegler said computer tampering was a clear breach of the Electoral Act, and that the matter would be investigated by the Monitoring Directorate. The Monitoring Directorate later confirmed that an investigation was being conducted by the South African Police and others. Judge Kriegler said the sabotage had been discovered at 6 a.m. on May 2, 1994, that it had been repaired by 8 a.m. on May 2, and that an investigation began at 11 a.m. on May 2.

At the time of this writing, IRI had learned that *two* people within the EAD had been charged with tampering with the Directorate's central computer system. Judge Kriegler also had publicly confirmed that the tampering had positively affected the provincial totals of the FF, the IFP and the NP.

Monitoring Directorate Computer Takes Over Count

The EAD had a database system that recorded results by batch tally and total counts. The Monitoring Directorate had a spreadsheet system that initially recorded results by total counts. The counting procedure was changed to total counts when the EAD system collapsed.

With the assistance of consultants from South Africa, the U.S. and other countries, the count was changed in midstream from the infiltrated EAD system to the Monitoring Directorate's system. No actual back-up system was set up until the count had started. One IEC staffer involved in the computer changeover explained some of the problems to IRI:

"Timescales are something of a blur, but sometime on the weekend (April 30-May 1) a back-up computer system was set up that captured provincial batch tally counts in parallel with the main system. The back-up system ran Excel spreadsheets onto which each province's batch tallies were captured. The main system captured total counts and batch tallies at this stage. When it became apparent that the main system was slow and cumbersome, it was decided to switch the back-up system onto total counts and allow this to provide the count, which would be verified by the main system.

"On approximately May 2, anomalous data was discovered in the EAD databases. This was entered by an errant data-capturer and was a result of poor system security, which in turn was a result of poor management. The database had been corrupted, and it was

decided to scrap all efforts on this database. The data-capturers and programmers were released with immediate effect. All efforts would be concentrated in the back-up system.

"It should be said that an extraordinary effort had been made by software programmers in getting a system running after count procedures had been changed. Any problems that were to be experienced were a result of a bad overall system [for which] Election Administration Directorate management was responsible. It was unrealistic to expect a foolproof system to be developed in the little time the programmers had at their disposal. The count was further complicated by the fact that it was necessary to separate the Freedom Front votes in areas where they were testing for *volkstaat* support.

"The system also ran into problems when it became apparent that processing count forms was an arduous, complicated and time-consuming task. This was complicated by the fact that many total counts had been entered onto batch tally forms (and vice versa) and there were obviously fraudulent forms sent in. Auditing firms were approached for assistance. These firms provided teams of personnel to work around the clock processing, validating and collating all the forms.

"Unfortunately, all of the validation performed by the auditors was numerical and of a subjective nature, typically, judging whether a form was a batch tally or final count. Time and circumstance did not permit the checking of the origins of each count form. Without validation, it was quite possible that a contrived count form could be submitted and included in the count. Such forms or conflicting duplicates did certainly appear and had to be 'sorted out' while others may have been entered. For example, some counting papers were received in duplicate with the IFP, ANC or NP figures swapped by whoever was attempting the fraud. An educated guess was used on occasion. As a rule, the total number of votes affected by these "educated guesses" was minimal compared [with] other possible frauds. When the final count was declared, one or two counting stations had still not submitted their counts. The final count obtained on the back-up system was the count presented to the public and determined the seats won."

Tabulation Procedures

Total counts and batch tallies were received by fax from the counting stations and were sorted by region. This was done in the IEC's fifth-floor office. The sorted results then went to the auditors, also on the fifth floor. There were two auditors per province. After being audited, one copy of the tally sheet went to data-capture on the seventh floor. Data-capturers had 10 computers, one for each province and one for back-up. The other copy was sent for "verification"⁶⁹ by a small number of South Africans and international consultants on the seventh floor.

⁶⁹ IRI heard from one IEC source that the verification department was "mysterious" and that no one knew exactly what they did, since they did not interact with others.

After being entered into the computer, the tally sheet was filed. The data-capturing group made periodic reports to the IEC commissioners and the press informing them about preliminary election results.

In a May 18, 1994 interview with IRI, Peter Harris of the Monitoring Directorate said they had done a 68 percent verification of its count "across the board." IRI assumes this was completed by the "confirmation" group within the data-capturing department.

ANC Application to Special Electoral Court

Immediately after the election, the ANC's regional executive in KwaZulu Natal applied to the Special Electoral Court to declare the election in that province null and void. The ANC's Jacob Zuma initially supported the application, but it was suspended by the ANC on May 19.

One article noted:

"The published results were a product of a trade-off between the competing parties. Despite all attempts at creating transparency in the voting process, the trade-off that characterized the final moments of vote counting in KwaZulu Natal remains opaque.... The electorate is being asked to accept the fact that disputes about irregular ballot boxes and allegations concerning lack of security in the transporting of boxes and the issuing of temporary voter cards to underage voters have been shelved, perhaps only temporarily, by both the ANC and the IFP in an attempt to normalize politics in the region."⁷⁰

Business Day, carried the following article on May 20, 1994:

"The ANC's decision to suspend an application to the Special Electoral Court to review the election result in Natal was taken without consulting the party's regional structure, ANC Natal Secretary General Fifo Nkankade said yesterday.

"ANC national spokesmen were not available for comment, but sources at the IEC speculated that the court would turn down the application if it went ahead. IEC Chairperson Kriegler said the court could uphold objections from political parties and overrule IEC investigations, but its verdict could not affect the final results. In terms of the Electoral Act, results certified by the Commission were 'beyond review or appeal.' Consequently, the ANC could not gain from a hearing.

"Nkankade said the ANC regional executive in Natal had agreed unanimously to pursue the application, which included charges that the IEC had no authority to count votes from

⁷⁰ Hamilton, Mare, *Election '94, South Africa: The Campaigns, Results and Future Prospects*, edited by Andrew Reynolds, p. 86.

'pirate' voting stations, where Presiding Officers and ANC Party Agents had been removed forcibly from their posts.

"The purpose of the appeal was to 'assure our people on the ground' that an attempt had been made to correct the result. 'We are prepared to live with the current result, but people are very angry,' [Nkankade] said.

"Section 18 of the Act which established the IEC stipulates that the declaration of a free and fair election is final. However, lawyers aligned to the ANC expressed surprise that the charge had been put on ice. The final tally of votes could be adjusted and the allocation of parliamentary seats corrected, said one.

"The decision not to pursue the application was a triumph of politics over process, another added. If the case went ahead, the final court of appeal would be the Constitutional Court, which had not yet been established."

The IFP responded that they would be happy to have a new election in KwaZulu Natal.

Political Parties: Their View of the Election Days and Counting Periods

Formal Objections

As of May 4, only the NP, DP, ANC and the IFP had lodged formal objections that could affect certification of the final results. All of the objections, however, arrived after the prescribed 48 hours during which political parties and individuals had the right to lodge formal objections with the IEC after the close of voting. (The IEC heard reviewed all Formal Objections despite late submissions.)

As noted in the chapter on Electoral Framework, legislation required that all formal objections be filed immediately. The IEC then had to investigate and resolve these allegations within 10 days in order for the election to be certified and results released in the time period specified in the Electoral Act.

The NP's formal objections included:

- uncontrolled issuing of ballot papers, including invalid ballot papers;
- the improper and uncontrolled handling of ballot boxes during and after the closure of voting stations;
- the illegal issuance and acceptance of temporary voter cards for voter identification purposes, including the issuance of temporary voter cards to unauthorized persons;

- reconciliation of ballot papers without proper notification to certain political parties; and
- votes cast after the election was declared closed.

The NP asked the IEC to provide the following information in order to formulate objections with regard to ballot reconciliation issues:

- the number of ballot papers that were printed abroad in the name of the IEC;
- the number of ballot papers printed internally in the name of the IEC;
- the number of ballot papers issued in each case to each voting district and voting station;
- at what time and on what date ballot papers were issued to each voting district and voting station;
- the numbers of used and unused ballot papers returned in each case from each voting district and voting station; and
- complete details of what was received from every counting-station agent under Section 44(7) of the Electoral Act.

The NP requested that these figures be audited by the IEC and that results be made available to all parties. IRI is under the impression that at least some of these results will be made available when the IEC releases its final report.

The DP's complaints also dealt with ballot reconciliation. The ANC lodged a complaint about "massive fraud" at voting stations in the Empangeni and Newcastle subprovinces in KwaZulu Natal. The IFP lodged a complaint regarding counting discrepancies at the NASREC counting center in Johannesburg. IRI hopes that by the time this report is published, other parties will have provided their Section 46 objections to IRI so their complaints can be included in Appendix 11.

As noted in Chapter V, IRI asked the ANC, NP, IFP, FF, DP and the PAC to provide documentary evidence of their experiences on election days and during the counting process to be used for this report. The ANC and the FF submitted no information, although IRI continues to attempt to obtain it. IRI will include any information provided by the ANC and the FF in the appendix if it is received before publication date.

Summary of Submissions⁷¹

National Party: In its cover letter, the NP noted the following: "...We wish to point out that the IEC themselves admitted that 45 percent of votes could not be reconciled and that with 25 percent of the votes some misconduct could be present (in terms of article 38 of the Electoral Act)."

In addition to the formal objections, the NP lodged the following complaints with the IEC during the election and counting periods:

- Re-opening of voting stations in North West without informing the political parties. NP Party Agents, therefore, were not present at those voting stations.
- Illegal issuance of temporary voter cards, particularly to underage voters. The NP attached several affidavits to this complaint.
- Presiding Officers advising voters for whom to vote.
- Harassment and intimidation of NP agents by Presiding Officers and other Party Agents.
- Unauthorized persons allowed into voting stations.

Inkatha Freedom Party: The IFP corresponded frequently with the IEC about election-related concerns. In response to IRI's request for information, the IFP gave IRI copies of some correspondence and a summary of complaints that was submitted to the IEC on April 29. This summary noted:

- IFP stickers missing from ballot papers
 - KwaZulu Natal Voting Stations 85
 - Rest of South Africa Voting Stations 39
 - Overseas Voting Stations 14
- Voting stations closed for periods 109
- No ballot papers for periods 27
- Material and equipment problems 23

⁷¹ See Appendix 11 for submissions from the National Party, Inkatha Freedom Party, Democratic Party and Pan Africanist Congress. The African National Congress and the Freedom Front promised to provide submissions, but had not done so at the time of writing.

• IEC Monitor problems	9
• Irregularities at voting stations	90
• Inequitable treatment of IFP voting agents	18
• Improper interference and influence	49
• Underage voters	10
• Voter-card shortages	16
Total Complaints	489

Other IFP documentation described a variety of problems, most of which were *not* filed as part of its Section 46 Formal Objection. These irregularities included:

- an inadequate number of voting stations;
- voting stations that were gazetted but did not exist on election day;
- widespread lack of identification or temporary voter cards for IFP supporters;
- a lack of IEC Monitors at some voting stations;
- ballot boxes leaving voting stations without the proper seals;
- voter-education lessons by IEC officials in voting stations; and
- voting station officials in international voting stations neglecting to inform voters that they could write-in the IFP on the ballot paper.

Democratic Party: The DP noted that "it has unfortunately proved impossible to establish accurately how many complaints were lodged by the Party." IRI hopes to obtain a copy of its Formal Objections.

Pan Africanist Congress: The PAC stated in a brief response that most of the complaints it lodged with the IEC "were ignored because the majority of the IEC officials belonged to one party. Only complaints from that party were taken into consideration, for example, in the Natal issue."⁷² The PAC noted that it observed political T-shirts and stickers in some voting stations,

⁷² The PAC is referring to the ANC's attempt to have the election in KwaZulu Natal declared null and void.

and that voters in the East Rand township of Thokoza "were told which party to vote." According to the PAC, voters in Gazankulu "did not have the right of secrecy, they were given marked ballot papers, especially on the 26th for the special voters."

Politicians Resolve Technical and Legal Problems

IEC Chairperson Judge Kriegler stated at a May 4 press conference that political negotiation among the parties would be necessary to resolve the outstanding electoral disputes. Judge Kriegler indicated this against a background of widespread allegations of fraud and other voting and counting irregularities, particularly in the political strongholds of the ANC and the IFP in KwaZulu Natal and PWV.

Although the exact nature of any deals made between the political parties is not known, the following extract from an article in the *Weekly Mail and Guardian* offers an interesting insight:

"Challenged on the legality of the horse-trading, IEC Chairperson Judge Johann Kriegler said: 'Come now, come now, let's not get purist, let's not be overly squeamish. They are in a power game with one another and if they want to settle by withdrawing objections, that's fine. There is nothing wrong ethically or legally.'"

On May 4, *Business Day* quoted Judge Kriegler: "[The IEC has] never been asked to certify that the result is accurate. We have been asked to certify that the particular political process is substantially free and fair."

In an interview with IRI, Judge Kriegler said that deals made by political parties had not made any difference to the overall results of the election. He declared that "not one vote or one seat changed as a result of political deals."

Judge Kriegler said he had met with the political parties as well as Mr. Roelf Meyer and Mr. Cyril Ramaphosa in their dual roles as conveners of the TEC's executive committee and representatives of their respective parties. He also met with representatives of the top six parties on May 4. Each party was in a separate room of the IEC. Meetings had been held to resolve outstanding issues, such as "neatly stacked" ballot papers, boxes with broken seals, "stuffed" ballot boxes, "pirate" stations and ballots without IFP stickers.

Judge Kriegler said that, in each instance, internal decisions were made based on two criteria *that "a decision should not materially affect the final results"; and that "a decision should not result in voters being disenfranchised."*

The *Sunday Times* (May 8, 1994) noted in a long article the following:

"Just hours earlier, in smoke-filled rooms round the country, South Africa's bitter political antagonists reached an incredible consensus. Rather than subject the IEC to a critical

scrutiny that could have destroyed the election, they cut a deal among themselves on which results would be accepted and which rejected. In so doing they put the seal on South Africa's transition and released Judge Kriegler from a week of torment.

"...It was the perfect outcome: Inkatha shaded Natal; the ANC did not get a two-thirds majority, but only just; and the NP got 20 percent of the vote.

"... On Thursday [May 5], IEC commissioners met behind closed doors to adjudicate on major disputes. They discussed only written representations, a party official who followed the process said.

"They decided to reject all ballots not stamped with voting station identifiers, and gave 250,000 ballots to Inkatha because they had no Inkatha stickers on them. But they also removed 250,000 ballots from Inkatha because they came from 'pirate voting stations.' [It is noted elsewhere that the IEC claimed there was no evidence of IFP "pirate" voting stations.]

"Such 'Chinese mathematics' produced an outcome no one would contest. At Gallagher Estates on Friday [May 6], Judge Kriegler said it was not the IEC but political parties that had made deals."

Even before the IEC had officially announced the election results, President F.W. de Klerk conceded defeat to ANC President Nelson Mandela. Most voters appeared relieved and ecstatic about the "designer" results. It was apparent to veteran IRI election observers and some South Africans, however, that political party negotiations must have taken place in order "to bring home the election." In IRI's view, political parties decided to take this route in order to quickly and decisively resolve the myriad alleged irregularities and administrative problems before the tense situation exploded. One IEC commissioner told IRI: "We had to bring home the election. Otherwise there would have been civil war."

IEC Certifies Election "Substantially Free and Fair"

The IEC was required to certify the election as "substantially free and fair" within 10 days. This was to be in sufficient time to permit the seating of the National Assembly, the election of a State President and the inauguration of the State President on May 10. Any Section 45-46 complaints were to be resolved without further action or would be referred to criminal prosecution authorities as appropriate. On May 6, Judge Kriegler called a press conference to announce the IEC's decision on the election (see Appendix 19.) He said:

"...The election we offered to the people of our country was admittedly flawed in many ways, but that is peripheral -- some 20 million people of this land were granted the opportunity of a say in our future government. They have spoken and, notwithstanding manifold difficulties, the Commission is proud to be able to announce the results.

"More significantly, we have concluded that we can certify each of the ten elections [national and provincial] concerned to have been substantially free and fair. This we are able to do despite the large number of objections and complaints from various political parties...."

Conclusions: The Election and Counting Days

- ***Pre-election delays in obtaining identity documents were adequately addressed by the IEC during the election period and there were adequate safeguards against double voting.*** Many eligible voters experienced delays obtaining temporary voter cards from the Ministry of Home Affairs during the run-up to the election. IRI was not able to determine why the Ministry of Home Affairs was unable to provide these cards in a timely manner.

The IEC appeared to adequately address the problem in most areas by establishing temporary voter card stations at many voting stations. Although this makeshift solution enabled thousands to vote who otherwise would have been disenfranchised, it also opened the door for abuse by parties seeking to register underage voters.

In transitional elections, identity document distribution is often a challenge. In the case of South Africa, an added dimension is the notorious history of classifying and documenting the majority population, which may have led some to resist obtaining an identity document.

Regarding adequate safeguards to prevent double voting, the Electoral Act included a procedure wherein voters were to dip their fingers in supposedly indelible ink. As in other elections IRI has observed, the ink proved less than indelible if not properly applied on the cuticles. IRI notes that in the case of the South African electorate, the queues at most voting stations were probably a significant deterrent to double voting.

In summary, IRI was not able to determine the number of voters unable to cast ballots because of the lack of identity documents. IRI's observers never were directly told of a single incident where a voter could not eventually vote. The IEC determined that very few voters were finally disenfranchised because of identity card problems. IRI concurs with that opinion.

- ***Ballot paper security appeared to be virtually non-existent during the distribution, transportation and reconciliation periods.*** Ballot security was perhaps the gravest shortcoming in the election process. It appears clear that few controls protected ballots during the days immediately before, during and after the election. In the final analysis, IRI believes a material number of ballots were not secure throughout the process. This can be attributed to deficiencies in electoral legislation as well as administrative failures.

Despite the myriad problems with ballot security, it is at least clear that the voters' secrecy of *casting* ballots was not jeopardized.

- ***Ballot reconciliation became virtually impossible due to administrative shortcomings.*** Ballot reconciliation is standard practice in all elections and helps to ensure that only valid ballots are counted. Not only were millions of ballot papers missing on election morning, but millions were unreconciled at the close of counting.

After the election, a number of "misplaced" ballot papers eventually were found, but a still-unannounced number of ballot papers were never found. While it must be noted that many, and perhaps most, voting and counting stations were models of organization and vigilance, the omission of ballot reconciliation procedures is a serious anomaly that jeopardizes the integrity of the process.

- ***During the election period, police, military and other armed groups did not appear to intimidate or otherwise influence voters.*** In IRI's opinion, the SAP and the SADF performed in an exemplary manner during election days. Despite profound fear of election day violence, almost none occurred. This can be attributed to the goodwill and cooperation of voters and the strong but restrained participation of the security forces deployed nationwide to ensure that voters could cast their ballots free of intimidation and violence. The SADF ultimately played a more active role in voting material distribution than in voter protection.

- ***The IEC operated in a transparent manner during the pre-election and election periods.*** During the pre-election period, the IEC made an admirable attempt to operate in a transparent manner. Through the electronic and print media, Party Liaison Committee meetings, and Fact Sheets and briefings, the IEC made a comprehensive effort to communicate its activities.

Administrative transparency remained commendable when it became clear that election administration had failed in significant areas. Judge Kriegler held several press conferences to keep voters abreast of IEC efforts to address distribution and supply problems.

Day-to-day operational efficiency and management transparency were impossible for IRI, as an outside organization, to determine. IRI comments are based on interviews with IEC staff, who explained many factors that affected the IEC's ability to effectively administer the election. These factors included:

- an organizational structure that encouraged "empire-building" in each directorate rather than cooperation and communication;
- lack of middle-management skills among IEC staff;
- too many lawyers at the IEC with neither project management nor election experience;
- lack of well-defined line functions;
- lack of response to problems once they were anticipated;

- lack of understanding by key personnel exactly what was expected of them with respect to scope of work and responsibilities;
- lack of follow-through on many plans, such as distribution contingency plans;
- shortage of staff willing or able to work overtime when necessary; and
- in general, insufficient relevant technical skills and experience among key staff, including IEC commissioners.

IRI is not in a position to verify the legitimacy of the organizational criticisms listed above. Several IEC staff from different departments were consulted and expressed similar concerns. We note them herein for the purpose of future election planning.

- *Election-related disputes were not resolved in a transparent manner.* The counting and certification process lacked all transparency. Once the situation reached crisis proportion, the IEC and relevant individuals in major parties held extensive meetings to decide what to do. It is unclear exactly what compromises and agreements were made in order to address counting and certification problems in the time allowed by the Electoral Act.

The Electoral Act required that all Section 46 complaints be resolved before the results could be announced and the election certified "substantially free and fair." The entire adjudication and certification process had to be completed within 10 days after the election in order for the seating of the National Assembly and the Inauguration to take place on May 10, 1994. Two forces were in play -- the Electoral Act time constraints and the pressure of hundreds of world leaders arriving in South Africa for the inauguration. These time pressures required the IEC to resolve serious allegations in an expeditious manner.

Transparency was diminished once the counting process began. At that point, the IEC began to take advantage of authority granted to it in Sections 45-47 of the Electoral Act. Allegations such as fraud, lack of IFP stickers, "pirate" stations and "neatly stacked ballot papers" were dealt with by the IEC through meetings with the affected parties. In IRI's opinion, the eventual closed-door negotiations that took place to decide the outcome of certain disputed issues were highly unfortunate, but probably necessary in the circumstances. It is impossible to say whether election-related complaints were resolved in an objective or efficient manner. Although electoral legislation established an elaborate plan for adjudication of campaign complaints, adjudication of election complaints was stipulated to be in the hands of the IEC commissioners themselves.

In conclusion, IRI's most important election criteria eventually were met: the final election results represented the will of the majority of South Africans, and all parties accepted the results. Despite critical difficulties and accommodations, the election successfully led to a historic -- and peaceful -- transition of power.

CHAPTER VII: RESULTS AND ANALYSIS

The following analysis is based on IRI's observations during the campaign and election. IRI analysis is augmented by perspectives gleaned from Andrew Reynolds's recent book: *Election 1994*. The following analysis has resorted to utilizing the former *racial* categories because in the first *nonracial* election, these insights are interesting and relevant to political campaigning. (See Appendix 20.) Total voter turnout was 86 percent.

African National Congress

The ANC won the national election with 62.65 percent of the vote, just short of the two-thirds majority necessary for ANC Mps to draft the final constitution by themselves. The ANC's election results were markedly similar to most pre-election polls showing its support between 52 percent and 64 percent⁷³ throughout the pre-election period.

In most of the predominately rural provinces -- Northern and Eastern Transvaal, North West, Eastern Cape and the Free State -- in which the ANC's vote ranged between 75 percent and 92 percent, its share seemed to correspond with the black proportion of the regional populations.⁷⁴ Only in the Western and North Cape was there strong evidence that the ANC amassed a good number of non-black voters. In the Western Cape, for example, the ANC's 33 percent share of the vote exceeds the estimated 19 percent black population in the region. In the North Cape, the ANC gained 200,000 votes, roughly twice the estimated number of blacks in the region.

KwaZulu Natal was the one province where polls proved wrong, perhaps because the general intimidation and political intolerance in the region inhibited peoples' willingness to respond openly to polls. The ANC fared more poorly than it expected, for perhaps two reasons: lack of access to voters because of the number of no-go areas and a less-than-cohesive election campaign due to internal ANC divisions in the province. Unfortunately, the IEC cannot provide polling results at the voting station level, so comprehensive analysis is impossible.

The ANC's campaign began in late 1993 with People's Forums, a variation of town hall meetings where citizens throughout the country were invited to gather and ask questions of ANC leaders. Most of the ANC's print advertising focused on Mr. Mandela and the ANC as the only alternative to the NP government. Posters introduced the basic policy tenets of the RDP: jobs, housing, education, health, land and social welfare. Although the ANC campaign did raise these issues frequently, the general campaign message was not particularly issue-based nor, for the most part, did it attack other parties. The primary exception was the campaign waged in the Western

⁷³ The ANC's potential support registered at 70 percent in one poll in early 1994.

⁷⁴ Tom Lodge, *Election '94, South Africa: The Campaign, Results and Future Prospects*, edited by Andrew Reynolds, p. 38.

Cape, which used graphic advertising to attack President De Klerk and the NP's candidate for premier, Hernus Kriel.

Although the ANC expended a significant effort to communicate to voters its policy priorities and a plan to deliver upon campaign promises, it ultimately was the voters' overwhelming identification of the ANC with the freedom and liberation "uhuru" aspect that fueled its impressive victory. Some of the best and brightest in campaign management worldwide helped the ANC to wage a sophisticated campaign, capitalizing on the charisma and unquestionable integrity of Nelson Mandela. On election day, 12,237,655 voters remembered his historic role in bringing about freedom and dignity during their lifetime.

National Party

The incumbent NP came in second nationally with 20.29 percent of the vote, thus earning President De Klerk the new title of Deputy President under President Mandela and alongside the ANC's Deputy President, Thabo Mbeki. The NP took power in only one province, the Western Cape, with 53.3 percent of the vote over the ANC (33 percent).

According to analysts, the NP managed to solidify its support there for several reasons. Premier candidate Hernus Kriel was outgoing Minister of Police and was portrayed as a strong man who was tough on crime and committed to providing greater security in the region.⁷⁵

The NP came in second in seven of the remaining eight provinces, the exception being KwaZulu Natal. Other than the Western Cape, the NP's strongest support was in PWV (23.9 percent) and North Cape (40.5 percent). The North Cape has the second-highest percentage of Coloreds among the provinces, and analysts cite this as a primary reason for the NP's strong showing there. Nationally, the NP won an estimated two-thirds of white, Colored and Indian voters, but had a very poor showing among black voters. One source estimates that the NP and the DP together did not attract more than 2 percent of black voters.⁷⁶

The NP's underlying campaign theme was that it was a new and improved National Party and that the ANC was a dangerous party. It focused on depicting President De Klerk as the leader with "the moral courage to turn South Africa away from the abyss."⁷⁷

"South Africa is changing. We have done it" read one campaign poster. The NP also focused on the election as being about the future, not the past. In a full-page advertisement in late 1993, words from De Klerk's speech when accepting the Nobel Prize were boldly presented: "The coming election will not be about the past. It will not be about Apartheid or the armed struggle.

⁷⁵ *Die Burger*, March 17, 1994, p. 17.

⁷⁶ Giliomee, Hermann, op. cit., p. 67.

⁷⁷ Giliomee, op. cit., p. 56.

It will be about future peace and stability, about progress and prosperity, about nation-building."⁷⁸

In trying to portray the ANC as "dangerous," the NP focused on the number of communists on ANC party lists and alleged that 25 of the top 50 MP candidates were communists. (According to SACP official Jeremy Cronin, seven of the top 20, 16 of the top 50, and 34 of the 200 ANC national candidates were members of the SACP but would all be bound by ANC policies and discipline.⁷⁹)

The NP attempted to exploit the perceived weaknesses of the ANC's RDP with comments that it was a "menu without prices" and "a populist program that would distort and set back the economy."⁸⁰ At the same time, the NP declared that it, like the ANC, placed jobs and houses as top priorities, but unlike the ANC, the NP would not ruin the economy in its delivery on these promises.

The NP faced the additional challenge of a divided white population as it lost more traditional Afrikaner support to the FF, possibly compounding its earlier losses to the CP throughout the 1980s.

In summary, the NP did not succeed in convincing black voters that they should forget the past and vote for the proven leadership of the morally reborn National Party. The NP did, however, successfully sell other South African communities that the NP could be counted on for the fiscal prudence, security and moral leadership essential during the transition to nonracial democracy.

Inkatha Freedom Party

The IFP gained 10.5 percent of the national vote and 50.3 percent of the vote in KwaZulu Natal. Of the IFP's 2,058,000 national votes, 1,844,070 (90 percent) came from KwaZulu Natal province. The province's 80 percent voter turnout was the lowest in the nation.

IFP won 41 of KwaZulu Natal's 81 provincial seats. The ANC's 32 percent (26 seats) translated into roughly 40 percent of the Zulu vote with the IFP winning just over 50 percent.⁸¹ PWV was the only other province where the IFP won sufficient support to gain seats (3.7 percent for three seats).

⁷⁸ *Sunday Times*, December 12, 1993, p. 20.

⁷⁹ Giliomee, *op. cit.*, p. 61.

⁸⁰ *Die Burger*, January 27, 1994, p. 16.

⁸¹ Reynolds, *op. cit.*, p. 211.

The IFP's official campaign kicked off seven days before the election. A substantial newspaper-advertising campaign, particularly focused on Sunday papers, was waged nationwide. The week before the IFP agreed to enter the election, intriguing campaign posters were seen throughout Durban and Johannesburg: "Vote IFP...When the Time Comes." Once the IFP agreed to enter the election, these posters were replaced with new ones: "Vote IFP, The Time Has Come." One full-page ad quoted the Bible: "The First Shall Be Last," referring cleverly to the IFP's new location on the ballot paper.

Some analysts attribute the IFP's success to a "kick" in popularity resulting from its last-minute entry into the election.

Freedom Front

The FF won 2.2 percent of the national vote, placing it fourth after the ANC, NP and the IFP. The FF fared poorly at the national level, considering that it received 451,064 fewer votes than the right wing received in the 1992 referendum.⁸²

Johann van Rooyen provides interesting insights into the FF's relative failure at the polls:

"Taking only white votes into account, and assuming that 86 percent (or 2.9 million) of the total white electorate (3.4 million) actually voted, the FF received only 14 percent of the white vote nationally -- less than half the right-wing vote in the 1992 referendum. If it is assumed that the vast majority of FF votes came from Afrikaners, and 86 percent of eligible Afrikaners voted, the FF received only 27 percent of Afrikaner vote nationally."

At the provincial level, the FF came in third in six of nine provinces, receiving 14 seats in nine provincial parliaments. The discrepancy between national and provincial support for the FF indicates that 215,088 provincial supporters of the FF chose to vote for the NP or the IFP nationally.⁸³ The FF's strongest support was in PWV with 6.2 percent of the vote, and in the North Cape and Free State (6 percent each).

General Viljoen said the reason he participated in the election was to prove Afrikaner support for a *volkstaat*. He expected to demonstrate this support by securing more than one million votes nationwide. He had argued that if the FF gained 30-50 percent of the 1.8 million Afrikaner voters, that would demonstrate significant justification for a *volkstaat*. Although he won only 27 percent of the Afrikaner vote nationally, the FF did gain 41 percent of the Afrikaner vote provincially (this calculation assumes 86 percent Afrikaner turnout). Viljoen had made the argument during the campaign to vote provincially for the FF so as to make it possible to assess

⁸² Johann van Rooyen, op. cit., p. 102.

⁸³ van Rooyen, op. cit., p. 103.

the demarcation and boundaries for where the *volkstaat* might lie. The results did not make this possible, however, as no overwhelming area of support emerged.

The FF campaign focused on generating support for the *volkstaat* and for self-determination in general. Viljoen's main foe was from within other white, right-wing ranks -- particularly the CP led by Ferdie Hartzenberg. The CP was one of only two parties that finally boycotted on election day. The FF summarized the difference between itself and the NP as follows: "The FF stands for similar freedoms to the NP but offers the additional guarantee of self-determination. If the NP could not contain the ANC when in government, how will they do in opposition?"⁸⁴

Democratic Party

The DP won 1.7 percent of the national vote (338,000 votes) for a total of seven seats in the National Assembly. At the provincial level, the DP won 12 seats for a total of 538,000 votes, with most support in the Western Cape (6.6 percent) and PWV (5.3 percent).

The difference in results at the national and provincial levels indicates that 200,000 DP supporters split their vote in the apparent belief that only the NP was strong enough to protect white interests in the new South Africa, but they preferred that the DP govern at the day-to-day level. In the latter regard, it could be said that the DP was successful in its campaign message that no vote was wasted in the proportional representation election. Overall, however, the results reveal that the DP failed to persuade black, Colored and Indian voters to join forces with it despite its history of calling for a nonracial constitution that would entrench individual freedom, human rights, the rule of law and liberal economic values.

In electioneering terms, the DP was perhaps the most disadvantaged of the major parties that participated in the election. The DP was seen by many blacks, particularly those in urban areas, as an elitist party that had fought Apartheid from within the system rather than from outside it. One of the DP's most direct posters early in the campaign said "We killed Apartheid, not people." In response, some supporters of other parties questioned the courage and commitment of any party not willing to kill, if necessary, to end Apartheid. Last, and most ironic, white and black South Africans respected State President De Klerk for initiating and then following through on political reform that had been advocated consistently through the years by the DP. (At that time, of course, such reforms were strongly opposed by the NP.)

As a result of these perceptions, the DP's campaign message largely was relegated to attacking the NP and the ANC for their past human rights transgressions and the NP for its corruption and mismanagement of the economy. Rather than represent itself as a party of the future, the DP chose a backward attack. The DP also was limited in its ability to freely recruit new members in the black townships because of no-go areas and threats to its campaigners,

⁸⁴ *Rapport*, April 24, 1994.

particularly in the urban areas of Natal, large parts of the Eastern Cape and in some areas of the Western Cape.

Pan Africanist Congress

The PAC received 1.25 percent of the national vote (243,478 votes) giving it only five members in the National Assembly and three provincial Mps. The PAC's highest vote came from Eastern Cape, where it came in fourth after the DP.

The failure of the PAC was a surprise to many. Analysts attribute this primarily to the PAC's "racist" campaign and lack of organizational efficiency. The PAC's main campaign message was "Land first, the rest shall follow." The message was rarely heard in the media, however, and campaign posters were almost nonexistent. The APLA slogan "One settler, one bullet" was more often cited by the media during the campaign along with sometimes racist comments by PAC leaders. The PAC also was significantly strapped by financial problems that forced it during the heart of the campaign to work from a headquarters where the phones had been turned off and only incoming calls could be received.

IRI thanks Andrew Reynolds and the analyst contributors to "Election '94, South Africa: The Campaigns, Results and Future Prospects" for their insights, some of which IRI borrowed for this chapter.

International Republican Institute

**APPENDIX 1: Memorandum of Agreement
for Reconciliation and Peace
between the IFP/KwaZulu Government
and the ANC and Government/NP**

**MEMORANDUM OF AGREEMENT FOR RECONCILIATION AND PEACE
BETWEEN THE INKATHA FREEDOM PARTY/KWAZULU GOVERNMENT AND
THE AFRICAN NATIONAL CONGRESS AND THE SOUTH AFRICAN
GOVERNMENT/NATIONAL PARTY.**

We, the undersigned, pledge ourselves to Peace and Reconciliation in South Africa and agree to commit ourselves to the following:

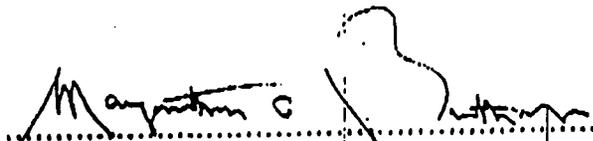
1. The Inkatha Freedom Party agrees to participate in the April 26-28, 1994 elections for both the National Assembly and Provincial Legislatures.
2. All the undersigned parties reject violence and will therefore do everything in their power to ensure free and fair elections throughout the Republic of South Africa.
3. The undersigned parties agree to recognise and protect the institution, status and role of the constitutional position of the King of the Zulus and the Kingdom of KwaZulu, which institutions shall be provided for in the Provincial Constitution of KwaZulu/Natal immediately after the holding of the said elections. The 1993 Constitution shall for this purpose be amended before 27 April in accordance with Addendum A.
4. Any outstanding issues in respect of the King of the Zulus and the 1993 Constitution as amended will be addressed by way of international mediation which will commence as soon as possible after the said elections.
5. The South African Government undertakes to place the necessary facilities at the disposal of the Independent Electoral Commission (IEC) as it may require in order to facilitate the full participation of the IFP in the April 26-28, 1994 election.
6. The undersigned parties will facilitate proper provision for:
 - i) Registration of the IFP
 - ii) The IFP Candidates lists
 - iii) Marking by voters of ballot papers.

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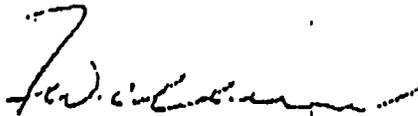
The undersigned parties hereby undertake to abide by the technical arrangements to be made by the Independent Electoral Commission to implement the matters referred to in subparagraphs (i), (ii) and (iii) above in accordance with the details set out in Addendum B.

This agreement shall be implemented with immediate effect.

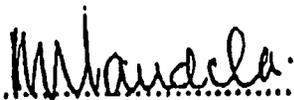
SIGNED BY:



MANGOSUTHU G BUTHELEZI
President: Inkatha Freedom Party and
Chief Minister of the KwaZulu Government



STATE PRESIDENT F W DE KLERK
South African Government/National Party



PRESIDENT N MANDELA
African National Congress



WITNESSED BY:
PROF W A J OKUMU

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19 April 1994

ADDENDUM A

Amendment of section 160 of Act 200 of 1993.

1. Section 160 of the Constitution is hereby amended by the substitution for the proviso to subsection (3) of the following proviso:

"Provided that a provincial constitution may -

- (a) provide for legislative and executive structures and procedures different from those provided for in this Constitution in respect of a province; and
- (b) where applicable, provide for the institution, role, authority and status of a traditional monarch in the province, and shall make such provision for the Zulu Monarch in the case of the province of KwaZulu/Natal."

Amendment of Schedule 4 to Act 200 of 1993

2. Schedule 4 to the Constitution is hereby amended by the addition of the following paragraph to constitutional principle XIII:

"Provisions in a provincial constitution relating to the institution, role, authority and status of a traditional monarch shall be recognised and protected in the Constitution".

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FINAL VERSION

ADDENDUM 'B'

1. The necessary amendments to the Electoral Act and the Independent Electoral Commission Act, and the regulations promulgated thereunder shall be effected to provide for the following-
 - (a) The IFP shall be entitled to register as a political party by 17:00 on Thursday 21st April and shall simultaneously submit its candidates list for the elections to be held on 26 - 28 April 1994;
 - (b) The IFP shall be eligible, with retrospective effect, to obtain funding as is available to political parties in terms of the Electoral Act;
 - (c) The ballot papers, excluding ballot papers issued at foreign voting stations, shall have an adhesive sticker affixed to the bottom of the ballot form below the last party listed which sticker shall display the IFP's name, colour, emblem, acronym and leader's photograph in the same order and form and nature as other parties;
 - (d) The actual ballot sticker to be affixed shall be the subject of further investigation and discussion by the IEC, the IFP and the National Party so as to ensure that its physical properties are adequate and minimise the risk of such sticker obscuring the National Parties' voting block and symbols;
 - (e) The ballot sticker shall be affixed by the electoral officer at the polling booth but shall be affixed prior to the issuing of such ballot paper to any voter and not in such voter's presence;
 - (f) Should the abovementioned sticker be so affixed on any ballot paper that any portion of any party's name, colour, emblem acronym and leader's photograph or voting block be materially obscured, then the ballot paper shall be recorded as a spoilt paper;
 - (g) The National Party shall be re-imbursed by the IEC for all expenses incurred by way of advertisements and printed material which urge voters to vote for the party at the bottom of the list of parties on the ballot paper.

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**APPENDIX 2: Political Parties that Participated
in the April 26-29, 1994 Election**

POLITICAL PARTIES THAT PARTICIPATED IN THE

APRIL 26-29, 1994 ELECTIONS

African National Congress
National Party
Inkatha Freedom Party
Freedom Front
Democratic Party
Pan Africanist Congress

African Christian Democratic Party
African Democratic Movement
African Moderates Congress Party
African Muslim Party
Dikwankwetla Party of South Africa
Federal Party
Green Party
Islamic Party
Keep It Straight and Simple
Luso-South African Party
Merit Party
Minority Front
The Right Party
Sports Organization for Collective Contributions and
Equal Rights
South African Women's Party
United People's Front
Wes-Kaap Federaliste Party
Women's Rights Peace Party
Workers International to Rebuild the Fourth International (SA)
Workers' List Party
Ximoko Progressive Party

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**APPENDIX 3: Political Violence Fatalities
1984-1994***

Source: South African Institute of Race Relations

*** Totals for June-August 1994 are provisional only.**

<i>Political Violence: fatalities</i>										
(1984 September to December: 149)										
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Jan	4	105	40	211	126	210	187	139	135	239
Feb	35	112	22	107	95	283	129	238	148	226
Mar	76	179	40	62	89	458	351	348	143	461
Apr	46	145	40	48	99	283	270	300	212	436
May	66	221	33	58	89	208	318	230	339	207
Jun	45	212	36	76	38	150	150	324	309	111*
Jul	96	122	39	94	96	247	164	278	547	121*
Aug	163	76	35	112	104	698	184	361	451	75*
Sep	69	40	73	108	135	417	282	339	425	
Oct	86	16	93	90	116	162	218	332	361	
Nov	101	37	89	85	129	316	283	299	351	
Dec	92	33	121	98	287	267	170	159	285	
Total	879	1298	661	1149	1403	3699	2706	3347	3706	

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**APPENDIX 4: Interim Constitution
Schedule 6, Provincial Powers**

SCHEDULE 6*Legislative Competence of Provinces*

Agriculture
Casinos, racing, gambling and wagering
Cultural affairs
Education at all levels, excluding university and technikon education
Environment
Health services
Housing
Language policy and the regulation of the use of official languages within a province, subject to section 3.
Local government, subject to the provisions of Chapter 10
Nature conservation, excluding national parks, national botanical gardens and marine resources
Police, subject to the provisions of Chapter 14
Provincial public media
Public transport
Regional planning and development
Road traffic regulation
Roads
Tourism
Trade and industrial promotion
Traditional authorities
Urban and rural development
Welfare services

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CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993
REVISED SCHEDULE 6
Legislative Competences of Provinces
(Revised Schedule 6 substituted for original use by sec 14 of Act 2 of 1994)

Agriculture
Abattoirs
Airports, other than international and national airports
Animal control and diseases
Casinos, racing, gambling and wagering
Consumer protection
Cultural affairs
Education at all levels, excluding university and technikon education
Environment
Health services
Housing
Indigenous law and customary law
Language policy and the regulation of the use of official
languages within a province, subject to section 3
Local government, subject to the provisions of Chapter 10
Markets and pounds
Nature conservation, excluding national parks, national botanical
gardens and marine resources
Police, subject to the provisions of Chapter 14
Provincial public media
Provincial sport and recreation
Public transport
Regional planning and development
Road traffic regulation
Roads
Soil conservation
Tourism
Trade and industrial promotion
Traditional authorities
Urban and rural development
Welfare services

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**APPENDIX 5: Interim Constitution,
"Adoption of a New Constitutional Text,"
Government Gazette, January 28, 1994**

Adoption of new constitutional text

73. (1) The Constitutional Assembly shall pass the new constitutional text within two years as from the date of the first sitting of the National Assembly under this Constitution. 15

(2) For the passing of the new constitutional text by the Constitutional Assembly, a majority of at least two-thirds of all the members of the Constitutional Assembly shall be required: Provided that provisions of such text relating to the boundaries, powers and functions of provinces shall not be considered passed by the Constitutional Assembly unless approved also by a majority of two-thirds of all the members of the Senate. 20

(3) If the Constitutional Assembly fails to pass a proposed draft of the new constitutional text in accordance with subsection (2), but such draft is supported by a majority of all its members, such proposed draft shall be referred by the Chairperson to the panel of constitutional experts referred to in section 72(2) for its advice, to be given within 30 days of such referral, on amendments to the proposed draft, within the framework of the Constitutional Principles, which might secure the support required in terms of subsection (2). 25

(4) An amended draft text unanimously recommended by the panel of constitutional experts and submitted to the Constitutional Assembly within the said period of 30 days, shall be considered by the Constitutional Assembly, and if passed in accordance with subsection (2), it shall become the Constitution of the Republic of South Africa. 30

(5) Should the panel of constitutional experts fail to submit within the said period of 30 days to the Constitutional Assembly an amended draft text which is unanimously recommended by the panel, or should such an amended draft text not be passed by the Constitutional Assembly in accordance with subsection (2), any proposed draft text before the Constitutional Assembly may be approved by it by resolution of a majority of its members for the purposes of subsection (6). 35

(6) A text approved under subsection (5) shall, after it has been certified by the Constitutional Court in terms of section 71(2), be referred by the President for a decision by the electorate by way of a national referendum. 40

(7) The question put before the electorate in the referendum shall be the acceptance or rejection of the text approved under subsection (5). 45

(8) The text presented to the electorate in the referendum shall, if approved by a majority of at least 60 per cent of the votes cast in the referendum and subject to subsection (13), become the Constitution of the Republic of South Africa.

(9) If the relevant text is not approved in the referendum in accordance with subsection (8), or if a new constitutional text is not passed in terms of this Chapter within the period of two years referred to in subsection (1), the President shall dissolve Parliament by proclamation in the *Gazette* within 14 days after the referendum or the expiry of the said period, whereupon an election contemplated in section 39(1)(a) shall be held. 50

(10) The Constitutional Assembly as constituted after such an election, shall pass the new constitutional text within a period of one year as from the date of its first sitting after such election. 55

(11) For the passing of the new constitutional text referred to in subsection (10) by the Constitutional Assembly, a majority of at least 60 per cent of all the members of the Constitutional Assembly shall be required: Provided that provisions of such text relating to the boundaries, powers and functions of provinces shall not be considered passed by the Constitutional Assembly unless approved also by a majority of at least 60 per cent of all the members of the Senate. 5

(12) The provisions of subsections (3) to (9) of this section and the other sections of this Chapter shall apply *mutatis mutandis* in respect of the Constitutional Assembly referred to in subsection (10) of this section. 10

(13) A new constitutional text adopted in terms of this Chapter shall be assented to by the President and shall upon its promulgation be the Constitution of the Republic of South Africa, 15

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**APPENDIX 6: Members of the
Transitional Executive Council**

MEMBERS OF THE TRANSITIONAL EXECUTIVE COUNCIL

Chairpersons

Dr. D.J. de Villiers
F.J. Gordhan
Colin Eglin
Z. Titus

Media Liaison Officer

Dr. van Heerden

Management Committee

Colin Eglin
P.J. Gordhan
Roelf Meyer
Joe Slovo
Z. Titus
Cyril Ramaphosa
E.E. Ngobeni

Law and Order

Maj. Gen. J. Nembambula, Venda Government
Peter Gastrow, Democratic Party
Lt. Col. Bohlolo, United People's Front
Lt. Gen. Louwtjie Malan, SA Government
Sydney Mufamadi, African National Congress
Gert Myburgh, National Party
Krish Naidoo, Natal Indian Congress/Transvaal Indian Congress
M.S. Gininda, Inyandza National Movement

Defense

Prof. D.M.D. Mahlangu, Ximoko Progressive Party
Brig. L. Bengu, Transkei Government
Brig. Gen. Ramushwana, Venda Government
S.J. Maake, United People's Front
Gen. Kat Liebenberg, SA Government
Joe Modise, African National Congress
Wynand Breytenbach, National Party
Ronnie Kasrils, South African Communist Party

Intelligence

Luwellyn Landers, Labour Party
Col. W.M. Ndzwayiba, Transkei Government
Lt. Gen. Bob Rogers, Democratic Party
Brig. M.W. Mokoena, United People's Front
G.H. Rothman, SA Government
Alfred Nzo, African National Congress
Fanus Schoeman, National Party
Mo Shaik, South African Communist Party

Foreign Affairs

G.T.N. Hetisani, Ximoko Progressive Party
Princess Stella Sigcau, Cape Traditional Leaders
O. Ganie, National People's Party
Prof. C.J.A. Barratt, Democratic Party
Aziz Pahad, African National Congress
Leon Wessels, National Party

Finance

John Douw, Labour Party
J.N. Reddy, Solidarity Party
Dr. Theo Alant, SA Government
Tito Mboweni, African National Congress
T.J. Ndaba, Inyandza National Movement
S.O.M. Moji, Dikwankwetla Party

Status of Women

M.Y.K. Bassier, Labour Party
M.T. Moroke, Free State Traditional Leaders
N.S. Mtsweni, Intando Yesizwe Party
Mavivi Manzini, African National Congress
Dr. Tersia King, National Party
E. Gandhi, Natal Indian Congress/Transvaal Indian Congress

Regional and Local Government and Traditional Leaders

M. Malatsi, Transvaal Traditional Leaders
Chief G.S.K. Nota, Transkei Government
Yacoob Makda, SA Government
Billy Cobbett, African National Congress
Tobie Meyer, National Party
J.S.S. Phatang, Dikwankwetla Party

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APPENDIX 7: IEC Commissioners

INDEPENDENT ELECTORAL COMMISSION

Commissioners

Chairperson, Judge Johann C. Kriegler
Vice Chairperson, Advocate E. Dikgang Moseneke

Members:

Rev. Frank Chicane
Dr. Oscar Dhlomo
Mr. Johann H. Heyns
Mrs. Rosil Jager
Ms. Dawn N.M. Mokhobo
Mr. Charles Nupen
Ms. Helen Suzman, D.B.E.
Mr. Ben van der Ross
Advocate Zack Yacoob, S.C.

International Members:

Mr. Ronald Gould, Canada
Prof. Walter Kamba, Zimbabwe
Ms. Gay McDougall, United States
Mr. Amare Teckle, Eritrea
Mr. Jorgen Elklit, Belgium

The IEC also hired, or was loaned, foreign staff members to assist with election administration.

International Republican Institute

APPENDIX 8: IEC Electoral Code of Conduct

SCHEDULE 2

(Sections 69 and 70)

ELECTORAL CODE OF CONDUCT

1. The object of this Code shall be to promote conditions conducive to the conduct of a free and fair election and a climate of democratic tolerance, in which political activity may take place without fear or coercion, intimidation or reprisals.

2. All registered parties and other persons bound by this Code shall endeavour to promote its object in order to enable free political campaigning and open public debate to take place in all parts of the Republic throughout the election period.

3. Registered parties and candidates further commit themselves—

- (a) to give wide publicity to this Code;
- (b) to promote voter education campaigns;
- (c) to condemn violence and intimidation;
- (d) to instruct their candidates, office-bearers, members and supporters accordingly; and
- (e) generally, to affirm the rights of all participants in the election—
 - (i) to express divergent political opinions;
 - (ii) to debate and contest the policies and programmes of other parties;
 - (iii) to canvass freely for membership and support from voters;
 - (iv) to hold public meetings;
 - (v) to attend public meetings convened by others;
 - (vi) to distribute electoral literature and campaign materials;
 - (vii) to publish and distribute notices and advertisements;
 - (viii) to erect banners, placards and posters; and
 - (ix) to promote free electoral campaigns by all lawful means.

4. All those bound by this Code in terms of subsection 69(1)(b), shall throughout the election period give effect to the following undertakings and stipulations:

- (a) To publicly and repeatedly condemn violence and intimidation, and to avoid the use of language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of political advantage, or for any other reason;
- (b) to refrain from any action involving violence or intimidation;
- (c) to ensure that no arms or weapons of any kind are carried or displayed at political meetings or in the course of any march, demonstration or other event of a political nature;
- (d) to refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person or party in connection with the election;
- (e) to co-operate and liaise in good faith with other parties to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political events organized by other parties;
- (f) to do nothing to impede the democratic right of any party, through its candidates, canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
- (g) to avoid plagiarizing the symbols, colours or acronyms of other parties; and to discourage and, if possible, prevent the removal, disfigurement or destruction of political campaign materials of any party;
- (h) to refrain from offering any inducement or reward to any person in consideration of such person either joining or not joining any party; attending or not attending any political event; voting or not voting (either at all, or in any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) to refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political purposes, including any offer of reward or threat of penalty;
- (j) to avoid any discrimination based on race, sex, ethnicity, class, gender or religion, in connection with the election and political activity;
- (k) in relation to the role of women—
 - (i) to facilitate full participation by women in political activities on the basis of equality;
 - (ii) to ensure free access by women to all public political meetings, facilities and venues;
 - (iii) to respect the right of women to communicate freely with political parties and organizations; and
 - (iv) generally, to refrain from forcing women to adopt a particular political position or to engage in, or to refrain from engaging in, any political activity otherwise than in accordance with their free choice;

- / in relation to the Commission—
 - (i) to acknowledge its authority in the conduct of the election;
 - (ii) to ensure the attendance and participation of representatives at meetings of any party liaison committee and other forums convened by or on behalf of the Commission;
 - (iii) to implement its orders and directions;
 - (iv) to facilitate its right of access through official monitors or other representatives to all public political meetings or other electoral activities;
 - (v) to co-operate in the official investigation of issues and allegations arising during the election period; and
 - (vi) to take all reasonable steps to ensure the safety of monitors and other representatives of the Commission from exposure to insult, hazard or threat in the course of their official duties;
- (m) to reassure voters with regard to the impartiality of the Commission, the secrecy and integrity of the ballot, and furthermore, that no one will know how any other person has voted;
- (n) to take reasonable steps to discipline and restrain their party office-bearers, employees, candidates, members and supporters from—
 - (i) infringing this Code;
 - (ii) committing any offence in terms of this Act or any other law;
 - (iii) committing any prescribed electoral irregularity; and
 - (iv) contravening or failing to comply with any provision of this Act;
- (o) to establish and maintain effective lines of communication with the Commission, and with other registered parties, at national, provincial and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office-bearers and representatives; and
- (p) to accept the final outcome of the election, and the Commission's declaration and certification of the results thereof.

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**APPENDIX 9: IRI Recommendations to IEC
Submitted on March 28, 1994**



**INTERNATIONAL
REPUBLICAN
INSTITUTE**

1212 New York Avenue, N.W.
Suite 900
Washington, D.C. 20005
Telephone: (202) 408-9450
Telex: 5106000161 (IRI)
FAX: (202) 408-9462

March 28, 1994

Honorable Johann Kriegler
Chairman
Independent Electoral Commission
Johannesburg

Dear Chairman Kriegler,

We are pleased to inform you that the International Republican Institute (IRI) has just completed a very successful electoral law review and training exercise in South Africa. We were fortunate to meet and train many of South Africa's new political parties. We would have been unable to do this without tremendous assistance from the Independent Electoral Commission. It was of invaluable help for us to meet with Commissioners Gould, Yakoob, McDougall and Teckle, as well as numerous members of the Commission staff, especially Peter Harris and Nicholas Tee. The IEC's hospitality and assistance made our review of the electoral laws and preparations much easier and the IEC's presence at many of our sessions proved immensely helpful.

In addition to thanking you for the IEC's outstanding support, we would like to present our analysis of three discrete issues in the election laws which we feel merit your attention. We have not made an exhaustive review of the electoral laws and our advice is more practical than legal. Our comments are, however, based on observations made over many years of experience in evaluating the election systems of developing democracies around the world.

We will not be surprised if the IEC has already considered these suggestions or that others may have already made them. Nevertheless, we consider them sufficiently important to present them as far in advance of the election as possible. These comments are not intended as criticisms of any of the IEC's efforts, but rather as suggestions we think could improve the efficiency and security of your upcoming elections.

1. Unused Voting Materials

It appears to us that S 38 of the Electoral Act, Part 35 of the Commission's regulations and the (draft) Handbook for Presiding Officers and Voting Officials may not provide adequate safeguards against the false voting of unused ballots in the period between the last day of the polling and the completion of the counting.

We understand your laws and procedures currently provide for recording the allotment of ballots to polling stations, the preparation of ballot paper statements, the sealing of unused ballot papers and the sealing of other equipment after the voting has finished. In our experience, however, these precautions, standing alone, do not provide sufficient physical assurance that unused ballots will not be stamped and voted after polling is over and illegally introduced into the counting process.

Our concern reflects our recognition of the following factors:

- a) there are no requirements that voters cast their ballot in a certain province or district, which would ordinarily make it easier to detect inflated vote counts;
- b) complicated audit-trail provisions are not always followed accurately by election administrators in the field, especially in rural areas or for those working in elections for the first time;
- c) the number and location of polling stations in each province may be in a state of flux right up to election day;
- d) all the materials and equipment for falsely making ballots could and probably will in many cases be kept together (and unguarded) during the counting process;
- e) it is likely that observers and monitors will naturally place a greater emphasis on guarding the filled ballot boxes rather than the unused voting materials and equipment.

Accordingly, we recommend you consider the following procedures for voiding unused ballots at the polling station after polling is concluded on the last day of voting. This is the only guarantee these ballots cannot be cast illegally later. Voiding unused ballots can be quite quick and simple: the easiest way to ensure that it is done, and done officially, is to instruct the Presiding Officer to stamp the front of every unused ballot with his official stamp much like he stamps the back of the valid ballots during voting. Another way is to tear the ballots partially, while leaving them on their stubs. Also, unused ballots should still be left attached to their ballot pack and counter foils after being voided for ease in paper management.

2. Parallel Vote Counts

After speaking with numerous political parties, the organizers of international and domestic observer missions and the monitoring division of your Commission, we are concerned that adequate parallel counting protections may not exist during part of your tabulation process. While observers, monitors and party agents are clearly involved in the district level counting process, similar involvement does not seem to be assured during the transmission and compilation of results at the provincial level.

We know you recognize that the hand-tabulation of 40 million ballots from 1200 counting stations involving more than 25 political parties running in two separate elections creates an enormous potential for fraud, arithmetic error or omissions. Exhaustion and confusion can also be expected to create ample problems in this area. Few organizations will have the capacity to monitor this activity, yet it is important that your counting be verified.

Accordingly, we recommend the IEC's monitoring division institute training procedures to conduct a parallel transmission and compilation of results from the district to provincial level. Otherwise, your safeguards for campaigning, polling and the prosecution of violence could be overpowered by errors or manipulation of this stage in your counting process. This could perhaps be done by outside monitors if it would otherwise strain the IEC's own monitor corps beyond its capacity.

3. Assistance for Small Parties

During IRI's eight months in South Africa, and especially our recent conferences with parties which are contesting their first elections, we have often discussed the unique challenges faced by small parties. In every instance, small parties have expressed frustration in approaching and understanding the IEC's operations or rules. It was evident to them as well as to us that a large part of their problem lay in knowing what to ask and of whom. Most were distressingly unaware of the existence or role of the party liaison committees.

We understand the IEC has a difficult task in disclosing rapidly changing election information and has made extraordinary efforts to make this information public. Nevertheless, the novelty of this process and the occasionally intimidating nature of large party liaison meetings make comprehending the rules particularly difficult for small parties.

IRI recommends that the IEC establish a small party "liaison" at the Commission to communicate better with the small parties. You may well find that merely establishing a phone number exclusively to answer their questions in a quick and confidential manner will serve this purpose. If such a program already exists, then it needs more publicity.

Mr. Chairman, this letter is not meant to be a criticism or an exhaustive analysis of your election process, but just an attempt to note a few key points. Given the fast pace of your work, it is quite possible that you have already considered and resolved these concerns. In any event, we would also be happy to discuss the counting process, special election day, and polling by party agents, the police and defense forces.

Please call us at your office if you would like to discuss these suggestions or this letter further. We look forward to your reply and thank you once again for the assistance your Commission provided us during our Election Law Clinic.

Craig Engle and Gordon Strauss

cc: Commissioners Gould, Yacoob, McDougall, Tekle

International Republican Institute

APPENDIX 10: IEC Ballot Reconciliation Form

ANNEXURE 5

[Regulation 35 (1)]

INDEPENDENT ELECTORAL COMMISSION

BALLOT PAPER STATEMENT BY PRESIDING OFFICER IN TERMS OF REGULATION 35 (1) OF THE ELECTORAL REGULATIONS, 1994, MADE UNDER THE ELECTORAL ACT, 1993 (ACT No. 202 OF 1993)

Voting station

Date of voting

Electoral district of

Province of

A. Ballot papers received from district electoral officer	Total number received	Ballot papers accounted for	Total number of ballot papers accounted for
Serial No. to Serial No.	(1) Total number of ballot papers issued (record serial numbers on reverse side of this statement) (2) Number of discarded ballot papers included in (1) above (3) Number of disputed papers included in (1) above (4) Total number of ballot papers placed in ballot box [(1) minus (2) + (3)] = (5) Unused ballot papers (record serial numbers on reverse side)
Total		Total	

B. Discrepancies (state full particulars)

.....

C. I hereby certify that the particulars furnished in paragraphs A and B are true and correct.

.....
Presiding Officer

Date:

International Republican Institute

APPENDIX 11: Campaign and Election Complaints

**11A: Political Party Submissions to IRI
Listed in Order of Standing in Election**

African National Congress*
National Party
Inkatha Freedom Party
Democratic Party
Pan Africanist Congress of Azania

* The six major parties -- African National Congress, National Party, Inkatha Freedom Party, Freedom Front, Democratic Party, Pan Africanist Congress of Azania -- were given the opportunity to submit reports to IRI outlining their election experiences. Although promised, reports from the African National Congress and the Freedom Front were never received. The attached memo from Essa Moosa, the African National Congress' Provincial Party Agent in the Western Cape, to the IEC's Operation Access was obtained by IRI itself and was not a formal submission by the African National Congress.

Note: IRI removed names and telephone numbers from some submissions to protect people's privacy and general safety.

African National Congress



**INTERNATIONAL
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Telex: 5106000161 (IRI)
FAX: (202) 408-9462

May 17, 1994

Mr. Popo Molefe

African National Congress
Election Commission
Shell House, Johannesburg

Dear Mr. Molefe,

As you know, the South African Election Support Project provided assistance to the formerly-disenfranchised political parties in the run-up to the April 26-28 elections.

The International Republican Institute is now in the process of producing an objective report on the campaign period, the election days and the IEC's overall administration of South Africa's first democratic elections.

In order for our report to be both accurate and equitable to the parties that contested the elections, we would appreciate it if the ANC would provide lists, statements or evidence of its experience in respect to the following election-related categories.

We would appreciate receiving the ANC's information by Friday, May 20. Please fax it to us on 339-5204 and mark it for the attention of Leigh Johnson. If you prefer, we are willing to pick up the information from Shell House. In the event that the ANC prefers not to respond, we will indicate that in the report.

Election-Related Categories

- Political Violence.
- "No Go" Areas.
- Political Intimidation.
- Election Bribery.
- Complaints lodged with the IEC.
- KwaZulu/Natal. The ANC reportedly has obtained a Court Order in respect of the election in this province. Please provide a comprehensive statement on the objectives of the Court Order and pertinent background information.

We realize our request will take time and effort on your part. We believe, however, that the ANC will welcome the opportunity to provide IRI with its views on this momentous time in your country's history.

On behalf of IRI, I would like to take this opportunity to congratulate the ANC on its election victories at the national and provincial government levels and particularly your personal victory in the North West. It was a personally rewarding experience to observe all South Africans being given the opportunity to finally exercise their democratic right.

I look forward to working again with the ANC in the future and will telephone you in the very near future.

Sincerely,



Kathi Walther
Senior In-Country Program Officer

cc: Executive Deputy President, Mr. Thabo Mbeki



**INTERNATIONAL
REPUBLICAN
INSTITUTE**

1212 New York Avenue, N.W.
Suite 900
Washington, D.C. 20005
Telephone: (202) 408-9450
Telex: 5106000161 (IRI)
FAX: (202) 408-9462

8 June 1994

Mr. Ian Robertson
African National Congress
Shell House
Johannesburg

Dear Ian:

As you know, the IRI is preparing a comprehensive report on the South African elections. We have prepared similar post-election reports in more than 50 countries worldwide. In writing these reports, it is very important to us to represent a balanced perspective of the views of all parties who wish to express an opinion or provide information to us.

We realize that the ANC is in a period of major transition and understand that looking backward is not so much a priority as looking forward. Still, my assistant Rachel Kgeledi has made repeated attempts to include any information the ANC may wish to provide about either strengths or weaknesses, violations or highlights, of the campaign and election period. I understand that you are very busy but it is now necessary for us to complete the report as the deadline is well past us. Unless we receive information by Friday 10 June, I am afraid it will be difficult to include the ANC's perspective in our report. If you need an extra day or two, please just let Rachel know and we would be happy to be as flexible as our deadlines allow.

I look forward to hearing from you soon.

Sincerely,

Kathi Walther
Project Director (IRI)

cc: Office of the State President
Office of the Deputy President

MEMORANDUM

TO: MR REILLY O'BRIEN
OPERATION ACCESS
I E C

FROM: ESSA MOOSA
ANC PROVINCIAL PARTY AGENT

24 MARCH 1994

SUBJECT: ACCESS TO FARMS IN THE WESTERN CAPE

The ANC is experiencing considerable difficulties in getting access to farms in the Western Cape. The following cases require urgent intervention on your part:

1. Heidelberg, Cape

1.1 It was reported by one of our fieldworkers namely [redacted] that farmer [redacted] of the farm [redacted] - phone number [redacted] - refuses to give our fieldworkers access to his farm. He claims that his workers are not interested in the elections.

1.2 It was reported by our fieldworker [redacted] that farmer [redacted] of the farm [redacted] - phone number [redacted] - refuses to give fieldworkers access to his farm, on the grounds that all his workers are signed-up Nationalist Party members.

Our representative in Heidelberg is [redacted] who could be reached at the following telephone numbers: [redacted]

2. Clanwilliam

2.1 It was reported by our fieldworker [redacted] that a company [redacted] which is managed by [redacted] and owned by [redacted] of the farm [redacted] - phone number [redacted] (office) or [redacted] (home) refuses to give our fieldworkers access to the farm.

2.2 It was reported by our fieldworker [redacted] that the company [redacted] managed by [redacted] of telephone number [redacted] and owned by farmer [redacted] of the farm [redacted] - phone number [redacted] - refuses to give our fieldworkers access to the farm.

Our fieldworker [redacted] can be contacted at [redacted] for further particulars.

3. Malmesbury

It was reported to us by _____ that farmer _____ of the farm
 - telephone number _____ dismissed two workers namely
 and _____ after 10 years of service because they are
 supporters of the ANC.

_____ can be contacted at _____

4. Worcester

4.1 It was reported by our fieldworker, _____ that farmer _____ of the farm
 - telephone number _____ - refused to give ANC
 fieldworkers access to his farm.

4.2 It was reported by our fieldworker that farmer _____ of the farm
 - telephone number _____ - refuses to give fieldworkers
 access to the farm.

4.3 It was reported by _____ that farmer _____ of the farm
 - telephone number _____ - refuses to give fieldworkers access
 to the farm.

_____ can be contacted at _____

5. Piketberg

5.1 It was reported by our fieldworker, _____, that farmer _____ of the
 farm _____ - telephone number _____ or _____ - refused to give
 fieldworkers access to farm, citing the harvest season as an excuse. He also
 claimed that his workers are not interested. When asked about Sundays, his
 response was that Sundays are reserved for worship. When it was pointed out
 to him that his conduct is in contravention of the Electoral Act, he slammed
 down the telephone.

5.2 It was also reported by _____ that farmer _____ of the farm
 - telephone number _____ - refused to give them access
 to the farm. The farmer informed our fieldworker that he will not allow any
 political party onto his arm. He did indicate that he will allow his workers
 to attend meetings elsewhere.

5.3 It was reported that farmer _____ of the farm _____ - telephone
 - refused to give access to farm. The farmer insists that he will
 not allow political activity on his farm. He will however transport his
 workers to a venue outside the farm. This is unacceptable for two reasons:

Mass meetings are entirely inappropriate for canvassing farm workers and secondly, we need to make contact with farm workers on a regular basis.

can be contacted at No.

The incident of Malmesbury mentioned above namely the dismissals, could be referred by you to the Adjudication section of the IEC.

5. **Anglo American Farms**

Anglo American farms are putting onerous conditions to use facilities to get access to voters on their farms. Some of the clauses are in my opinion unreasonable and some of the clauses contravene the Electoral Act. They further require an indemnity of R5million which is extremely difficult to obtain. We suggest that the IEC mediate reasonable terms for getting access to their farms. We enclose herewith a copy of their agreement for your information.

I shall be pleased if you will kindly intervene as a matter of urgency to enable our workers to get access to the aforementioned farms.

-ooOoo-

National Party



National Party
Nasionale Party

Federal Council
Federale Raad

8 June 1994

Me Leigh Johnson
International Republican Institute
17th Floor
Devonshire House
49 Jorrison Street
BRAAMFONTEIN
2001

Dear Me Johnson

REPORT ON ELECTIONS

Your letter of 17 May 1994 refers.

Herewith a file with the following:

- (1) A selection of complaints to the IEC by the Federal Council of the National Party regarding the management of and irregularities during the elections.
- (2) A selection of complaints by the provincial and regional structures of the National Party to the IEC regarding the management of and irregularities during the elections.
- (3) A selection of press releases from January to May 1994 on the following subjects:
 - Political violence
 - "No-go" areas
 - Political intimidation
 - Election bribery.
- Concerning election bribery we wish to point out that the IEC themselves admitted that 45 % of votes could not be reconciled and that with 25 % of the votes some misconduct could be present (in terms of article 38 of the Electoral Act).

In conclusion we thank you for your role and involvement in the election process. We wish you the best of luck with your endeavours.

Kind regards

A handwritten signature in black ink, appearing to read 'Kobus Du Plessis', with a long horizontal stroke extending to the right.

KOBUS DU PLESSIS
DIRECTOR MANAGEMENT SERVICES



**National Party
Nasionale Party**

**Federal Council
Federale Raad**

3 May 1994

Mr. Justice J Kriegler
Chairman
Independent Electoral Commission

Dear Sir

Formal Complaint

We refer to our telefax of 30 April 1994.

We have to date not received any copies of the objections submitted by representatives of the National Party, referred to in paragraph 2(c) of your memorandum concerning formal objections. We urgently require such copies in order to amplify the formal complaint lodged in terms of section 46(1) of the Electoral Act.

We have also to date not received any of the information requested in paragraphs 6.2 and 7.3 of the formal complaint. We again request you to furnish such information as a matter of urgency.

Yours sincerely

O A W van Zyl
Executive Director



***National Party
Nasionale Party***

*Federal Council
Federale Raad*

• 3 May 1994

Mr. Justice J Kriegler
Chairman
Independent Electoral Commission

Dear Sir

FORMAL COMPLAINT

We refer to our previous correspondence in respect of the above matter.

We have to date not received the documentation tendered by you in your memorandum concerning formal complaints or the information requested by us in paragraphs 6.2 and 7.3 of the formal complaint lodged in terms of section 46(1) of the Electoral Act. We urgently require such documentation and information in order to amplify our formal complaint. The failure to furnish such documentation and information prevents the National Party to effectively pursue its complaint and could in due course further delay the finalisation of the election process.

Notwithstanding the above it remains our desire to resolve the disputes through negotiations. We will therefore continue to seek resolutions through negotiations, but failing to succeed in doing so, we will require the Commission to afford the National Party the opportunity to fully pursue its complaints regarding irregularities.

The National Party reserves its rights to take any decision of the Commission on review to the Special Electoral Court should the need arise.

Yours sincerely

A handwritten signature in black ink, appearing to read 'O A W Van Zyl', with a large, stylized flourish extending to the right.

O A W VAN ZYL
EXECUTIVE DIRECTOR

ELECTORAL ACT No. 202 OF 1993

FORMAL OBJECTION IN TERMS OF SECTION 46 OF THE ELECTORAL ACT

OLAUS ALBIN WERNER VAN ZYL (4406175077002)

hereby declare under oath in terms of Regulation 49 of the Electoral Act, Act no. 202 of 1993 ("the Act") read together with section 46 thereof, as follows:

1

I am the Executive Director of the Federal Council of the National Party with its Head Office at 1 Sanwood Park, Queen's Crescent, Lynnwood, and am duly authorised to make this declaration.

2

My postal address is:

Private Bag X 402
PRETORIA
0001

My home address is:

My telephone numbers are:

The FAX number at which I can be reached in terms of Regulation 49(5) is

I wish to lay a formal complaint in the name of the National Party against the following aspects of the election which took place on 26, 27, 28 and 29 April 1994 and which are relevant to the certification of the results thereof:-

- 3.1 The uncontrolled issuing of ballot papers, including invalid ballot papers.
- 3.2 The improper and uncontrolled handling of ballot boxes during, and after the closure of polling stations
- 3.3 The illegal issuing and acceptance of temporary voters' cards for voter identification purposes including the issuing of temporary voters' cards to unauthorized persons.
- 3.4 The reconciliation of ballot papers without proper notification to certain political parties.
- 3.5 The continuation of voting after the formal closure of polling stations in certain areas which were not included in the areas where further voting was authorized by the State President by means of proclamation.

A large number of irregularities in substantiation of the above-mentioned objections have already been brought directly to the attention of the presiding officers and district electoral officers of the Independent Electoral Commission by means of formal objections during the voting period. I have taken note of the request of the Independent Electoral Commission ("the IEC") that complaints pursuant upon section 46 of the Act must be limited to fundamental objections. I would readily accede to the request, but at present am not in possession of copies of the

relevant objections. I therefore request in accordance with paragraph 2(c) of the memorandum which the IEC issued yesterday, that copies of the objections be made available to me. On receipt of the copies I will bind a separate volume of those objections with which the National Party will persist, and will provide you with this.

5

A further problem which I have with the formulation of the complaint is that the South African Police are presently busy investigating several of the irregularities. At present I do not have information on what has already come to the fore during these investigations or what may still emerge. The investigations may however bring to light fundamental irregularities which are as yet unknown to me. Should this occur, I reserve the right to complete this complaint with the facts which may come to light during the investigations.

6

- 6.1 Information received by the National Party indicates that at numerous polling stations the IEC did not succeed in reconciling the votes as envisaged by section 43 of the Act. In numerous cases substantial differences came to the fore during such reconciliation.
- 6.2 The National Party is again resolved to limit objections which arise from this to fundamental objections. The following information is however needed by the National Party in order to enable it to formulate its objections in this regard:

6.2.1 What number of ballot papers were printed abroad in the name of IEC?

6.2.2 What number of ballot papers were printed internally in the name of the IEC?

6.2.3 What numbers of ballot papers were issued in each case to:

6.2.3.1 each voting district?

6.2.3.2 each polling station?

6.2.4 At what time and on which date were ballot papers issued to:

6.2.4.1 each voting district?

6.2.4.2 each polling station?

6.2.5 What numbers of used/unused ballot papers were returned in each case :

6.2.5.1 from each polling district?

6.2.5.2 from each polling station?

6.2.6 Complete details of what was received from every counting agent under section 44 (7) of the Act.

6.3 I wish to propose that the figures which are requested in the previous paragraph be audited by the IEC and that the result of the audit be made available to all parties after which they can proceed to formulate such objections as they consider to be fundamental. Should the IEC not consent to this, the National Party reserves the right to do its own audit and based on that, to formulate specific objections. I wish to emphasize that such an

audit is an indispensable requirement for the proper formulation of the objections, but once again give the assurance that the National Party will confine its objections in this regard to fundamental objections.

7

I now proceed to illustrate the general objections as set out above with a few specific examples:

- 7.1 On 27 April 1994 at the Lekati Primary School in the Eastern Transvaal it was found that two books of one thousand ballot papers each, were brought into the polling station, on which ballot papers prior voting had been done and which had a secret mark which did not correspond to the series;
- 7.2 The National Party of Northern Transvaal gave notice on 29 April 1994, in terms of section 45 of the Electoral Act, to the Provincial Electoral Officer of Northern Transvaal, of certain irregularities during the election. For example, it was established that 22 unsealed ballot boxes arrived at the Potgietersrus counting point. Further objections which were included in the notice and which the National Party regards as fundamental, will be apparent from the volume which is referred to in paragraph 4 above;
- 7.3 No proper controls were exercised by the IEC, its officials, or the officials of Home Affairs and/or the TBVC States regarding the issuing of temporary voters' cards. Voters' cards were issued to persons who did not qualify or did not show proper proof that they indeed were qualified to vote. Thus, for example, in the Parkdene polling station temporary voters' cards were accepted which were issued with photographs which were only attached thereto without an official stamp on the card. A formal complaint in this regard was laid before the IEC in writing, by the National Party, Boksburg. Voters' cards were also issued to children under the age of 18 on grounds

of false birth certificates. Charges have also already been handed to the IEC on the issuing and acceptance of temporary voter's cards by the IEC at for example, polling stations in Rygerpark, in the district of Swartruggens and Koster. Objections of this nature which are regarded by the National party as fundamental, will again be identified in the volume which will be handed in terms of paragraph 4 above. It is my submission that these irregular practices occurred in most if not all provinces, which practices brought about large-scale illegal voting and persons who were not entitled to participate in the election indeed voted. The objection can only be properly formulated if all application forms for temporary voters' cards are made available for evaluation. The IEC is requested to make the relevant application forms available to the National Party on an urgent basis.

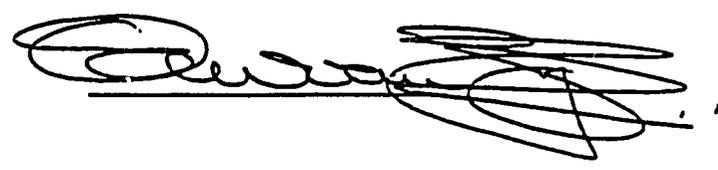
- 7.4 In the OFS as well as at three counting stations in Botchabelo, reconciliation of the ballot papers was done without advising the political parties thereof and without putting the political parties in a position to exercise control thereon.
- 7.5 In the districts of Odi-Moretele and Mmabatho in Bophutatswana, in the district of Moutsi in the Eastern Transvaal Province and in Thokoza and Kathlehong (inter alia in Polla Park and in hostels) on the East Rand and in Dundee in Natal the polling stations were re-opened and voting took place on Friday 29 April 1994. These areas lie outside the areas for which special provision was made by means of proclamation by the State President.
- 7.6 Objections to the voting in Greece are apparent from a written submission received from George D Cambanis which is attached as Addendum "A"
- 7.7 Objections with regard to occurrences in the Eastern Cape are apparent from Addenda B1 - B4 attached hereto and which are incorporated herein.

- 7.8 In the OFS polling stations were opened about which the National Party and even the SAP had no knowledge. Examples of this are Kestell and Bukutso.
- 7.9 In numerous instances ballot boxes were not properly sealed before and after voting. Examples of this are the following:
- Ecaleni Primary School
 - Rabasothe Community Hall
 - Neels Roux Hall
 - Potgietersrus where 22 ballot boxes arrived unsealed
 - Polling stations in Dzanani District Moletjie Local Government Office
 - Mnanare School
 - Maromofaa School
 - Ntwanano Primary School
 - Burgersdorp Roman Catholic Church,
 - and many others.
- 7.10 On 26 April 1994 at 11.37 at the polling station FO649, Ntsele Primary School in Evaton, the day's provision of ballot papers and other election material was delivered outside the polling station. It was done by a private Taxi LWJ 666 T, without any guidance by the IEC officials or security personnel. This taxi departed after it was unloaded. The presiding officer had to go and fetch the material after it was brought to his attention that it had been unloaded there.
- 7.11 At the Mgudlwa polling station in KwaNdebele the presiding officer threw the contents of two ballot boxes (being numbers 053758 and 0045783) which were unsealed into an unnumbered ballot box or ballot boxes. A second ballot box from the same polling station arrived at the counting station unsealed. The ballot papers in the last-mentioned ballot box did not balance and had on the back different secret stamps. The votes of the

polling station involved must in our opinion be counted separately and be left out of the final count;

7.12 Objections regarding the events at Nazrec require particular mention. It appears that numerous ballot boxes which were brought there were not properly sealed. Votes could absolutely not be reconciled. Unused ballot papers were also brought in open cardboard boxes by individuals who were clearly not connected to the IEC.

The deficient administration of the voting and the inadequate control over ballot papers, temporary voters' cards, ballot boxes and polling stations, have the consequence that the certification of the election results will, to a large degree, be influenced by the manner in which the counting of votes in accordance with section 44 of the Act are handled, and more particularly, the compliance with the stipulation that ballot papers which are "disputed" must be kept separate. It is essential that disputed ballot papers are counted separately and that the total of these ballot papers is not included in the tally which will be determined at the closure of the counting process. If this should not occur, the National Party reserves the right to formulate further objections arising from such omission.



OAW VAN ZYL

I certify that the above statement was taken by me and that the deponent has acknowledged that he knows and understand the contents of this statement. This statement was sworn to before me. All the necessary formalities were complied with.



**National Party
Nasionale Party**

*Cape Province
Kaapland*

PORT ELIZABETH

30 April 1994

THE CHAIRPERSON
INDEPENDENT ELECTORAL COMMISSION
JUDGE J KRIEGLER

FAX TO: _____

FAX NO: _____ PAGE: 5 OF: _____

ATTENTION OF: ABRIE HANEKOM

FROM: FRANS SMIT DATE: 30-4-94

COMPANY: _____

FAX NO: _____ **Post-it** Notes from 3M

and to

THE DISTRICT ELECTION OFFICER
PORT ELIZABETH

Sir,

FORMAL OBJECTION IN TERMS OF SECTION 46 OF THE ELECTORAL ACT NO 202 OF 1993

1. Please take note that an objection is hereby lodged by the National Party in terms of section 46(1) of the above act against votes cast at the polling stations listed in the letter attached hereto addressed to the Counting Officer, Port Elizabeth and dated 29 April 1994, Annexure A.
2. The grounds for the objections are as stated in the said letter.
3. We request an opportunity to present evidence at the investigation prescribed in terms of section 46(2) and shall arrange for witnesses to be available at a place and time as specified by the Independent Electoral Commission.
4. We request that the Independent Electoral Commission shall make an order in terms of section 47 of the above Act that the votes cast at the voting stations listed in Annexure A, shall not count in whole.

Yours faithfully

MR F P SMIT
PROVINCIAL ELECTION AGENT
NATIONAL PARTY

TO: THE INDEPENDENT ELECTORAL COMMISSION

FROM: THE NATIONAL PARTY OF NATAL

NATAL

Provisional formal submission in terms of Sec 47 of the Electoral Act.

Nongoma

There were 30 ballot boxes with National ballot papers and 34 ballot boxes with Provisional ballot papers which did not have any identification and could not in any way be connected to a voting station. These ballot boxes were also not properly sealed. These ballots were counted separately and marked "valid irregular".

The fact that the ballot boxes were not marked and cannot be linked to any voting station is a serious irregularity. It is submitted that the votes in these boxes should not be counted.

Merebank - (counting stations 31, 32, 33)

The ballot papers in four ballot boxes were obviously hand packed. The boxes emanates from polling station D3266 - KuhleKwethu. These ballot boxes have been registered under no's CS 31/01D, CS 31/02/D, CS 31/03/D and CS 31/04/D.

The ballot papers in these boxes should not be counted.

Malangeni Polling Station

Seven ballot boxes were found without seals and ballot papers were found inside in bundles of four to six ballot papers per bundle.

These seven ballot boxes should not be counted.

Camperdown/Hammersdale

The ballot boxes which were counted separately and held to be "non reconcilable" were boxes without any identification marks that cannot be traced to a voting station.

For the reasons set out above it is a "serious irregularity" for ballot boxes not to be identified and for that reason the aforesaid votes should not be counted.

Community Hall Newcastle

One ballot box had no identification on it and could not be traced to a polling station. The contents of that ballot box should not be counted.

Unisa Hall

The ballot papers in ballot boxes 034588 and 03452 were obviously packed and interfered with.

These ballot boxes should not be counted.

Empucukweni

Ballot boxes 032192, 032771, 032774, 032778 and 032792 were not sealed and two of them did not even have lids on them.

The contents of these ballot boxes should not be counted.

Mehwane

The following ballot boxes were without lids and could as a result not be sealed:
032227 and 032226.

These ballot boxes should not be counted.

Further submission will follow.

03 MAY 1994



**DPA SCHUTTE
CHAIRMAN NP OF NATAL**

TO: THE INDEPENDENT ELECTORAL COMMISSION

FROM: THE NATIONAL PARTY OF NATAL

NATAL

The Third formal submission in terms of Sec 47 of the Electoral Act.

Hammersdale Counting Station - No 301 and 302

I am distressed to have to raise this very serious matter in which I and the chairman, Judge Kriegler, was involved.

When reconciliation was undertaken, it turned out that there were 80 ballot boxes without any identification whatsoever and that many of these ballot boxes were not sealed. There was also another category of 300 ballot boxes which could be identified as having been used in a particular polling station. These ballot boxes, however, didn't have any forms with them and couldn't be reconciled.

A dispute arose as to how these ballot boxes should be dealt with and my advice was called for. I, in turn, phoned Judge Kriegler and his directive was that the boxes should be counted but counted separately. When I conveyed this instruction to my Party agent, he asked for a formal instruction from the IEC. I again went to Judge Kriegler and, as a result, a telephonic directive by the IEC was issued that the boxes should be counted separately. I shortly thereafter received a fax confirming the telephonic directive. Please find annexed hereto - marked "A" the relevant fax. I then also faxed the said fax to the polling station to ensure that note is taken of the directive.

Despite this directive and the strongest objections from my party representative, the contents of the 80 boxes were counted with the 300 ballot boxes which could not be reconciled and all the votes so counted were reflected as being unreconciled votes.

It has all along been held that ballot boxes that cannot be identified, especially where they are unsealed, should be rejected. It is clear that the votes falling into this category are clearly regarded as being seriously irregular and should not be counted.

It was a serious irregularity to mix these 80 boxes with boxes whose grade of irregularity is not of such a serious nature.

Please find a notification of dispute regarding the relevant boxes by my party agent, enclosed hereto marked "B".

In the circumstances I submit that it is correct and just that either all the votes identified as unreconciled be rejected or that a quarter (80 out of 300) of those votes be rejected.

The beneficiary of these votes was the ANC. I again urge the Commission to consider the submission contained in the last paragraph of the formal submission of the 4th of May 1994. That entails that if detailed disqualifications are difficult, serious consideration should be given to subtract an equal number of votes from the IFP and the ANC. The fact is many votes of both these parties were involved in serious irregularities. In the circumstances, I believe, an equal disqualification is indicated.

PRETORIA
5 MAY 1994



DPA SCHUTTE
CHAIRMAN: NP OF NATAL



ANNEXURE A

**National Party
Nasionale Party**

*Cape Province
Kaapland*
29 April 1994

The Counting Officer
PORT ELIZABETH

Dear Sir

REPORT IN TERMS OF SECTION 45(1) OF THE ELECTORAL ACT, 1993

1. Please take note that the following alleged irregularities are brought to your attention in terms of Section 45(1) of the Electoral Act:
 - 1.1 C0513 Hoza Hall War Memorial "A" Avenue, New Brighton
Ink as prescribed to mark voter's hands was not used.
 - 1.2 C2700 Fumisukoma School Motherwell
N P agents were harassed and intimidated and the National Party agent, made to "guard" outside on 27 April. On 28 April she was chased away and not allowed inside at all.
 - 1.3 C2631 Nxanelwifundo Motherwell
N P agents were harassed and intimidated.
 - 1.4 C2633 Kulile Primary School, Motherwell
N P agents were harassed and intimidated.
 - 1.5 C2632 Empumalanga School, Motherwell
N P agents were harassed and intimidated.
 - 1.6 C2623 Masangwana Higher Primary, New Brighton
N P agents were harassed and intimidated. An IEC monitor told N P agent that N P agents were not allowed there.
 - 1.7 C0502 Hostel Hall Single Mens Quarters, Kwazakhele
N P agent was intimidated.



1.8 C2710

Old Apostolic Church, Zwide

Ballot box had no sticker to indicate whether it was for National Assembly or Provincial Legislature.

A ballot box could not be sealed properly and ordinary tape was used.

1.9 C2709

Kwa-Ford New Brighton

Ballot box had no sticker to indicate whether it was for National Assembly or Provincial Legislature.

No silver foil on ballot boxes.

A policeman showed people how to remove the ink from their hands.

1.10 C2655

Phakamisa Secondary School, Zwide

IEC officers themselves voted more than once.

1.11 C2604

Methodist Church Walmer Township

Presiding Officer () reminded elderly people to vote ANC.

An elderly woman sought assistance to vote for Mr F W de Klerk. She was reprimanded and told to vote for Mr N Mandela.

When a coloured lady sought assistance to vote for the N P, she was given only a Provincial ballot paper.

An elderly coloured man who was N P, was shouted at and then told to leave.

An IEC official wrote the letters ANC in the palm of a female voter.

The ultra violet light became faulty during the afternoon of 28 April. It's use was then discontinued.

An IEC official () changed the station number on the ballot box.



**National Party
Nasionale Party**

**Cape Province
Kaapland**

B4¹⁴

-3-

1.12 C2648 Molete Higher Primary, New Brighton

Presiding officer requested members of civic association to enter the polling station and to assist in the voting process. Unauthorised persons were therefore allowed inside the voting station.

1.13 Kwazakele

The votes from the sixteen Kwazakele stations which was separately sealed by the SAP is disputed as a result of -

- (i) the removal of some of the ballot boxes to an unauthorised place, and
- (ii) the breaking of the seals and tampering with the ballot papers by IEC officials.

2. I request that you shall determine that the votes from each of the above stations shall be counted separately in order that the Commission not be precluded from making an order in terms of Section 47(1).

Yours sincerely

A handwritten signature in black ink, appearing to read 'F P Smit', written over a circular scribble.

MR F P SMIT
PROVINCIAL ELECTION AGENT

STATEMENT

- 1, _____, an adult female I.D. No. _____ make the following statement.
1. I accompanied the four teenagers in a minibus to Dr Maken Maistry voting station. Upon arrival, we were informed that we needed birth or baptismal certificates as proof if not in possession of I.D. documents.
 2. I live near the said voting station and asked the driver to take us there (to my area) so that I could obtain some birth certificates from over 18 adults.
 3. I managed to obtain two (2) birth certificates from _____ and _____ and a baptism certificate from _____. We then went back to the voting station.
 4. We then decided to initially only send _____ with the baptism certificate to see whether she will be issued with a voter card.
 5. Whilst waiting on _____ to return, some A.N.C. guys came past our vehicle. They were easily recognisable by the clothing and stickers they displayed. I called out to them and asked for assistance. I told them that we were from the Transvaal and that the 4 youngsters had forgotten their I.D.'s at home and that they were over 18 years old and wanted to vote A.N.C.
 6. I was first asked whether we had any birth certificates or baptism certificates for them to which I replied No. The man then said that he could arrange for voter cards but that it may cost R10-00 each. I told him that it was ok. He mentioned that he was an A.N.C. Party Agent at another voting station.
 7. The driver of our vehicle got out and said that he will speak to them to see if he could convince them further as they were now debating amongst themselves.
 8. They then asked the driver and the youngsters to accompany them to the voting station. I remained in the Combi with _____ and another woman.
 9. Approximately 10 minutes later I observed two officials of the IEC boarding a vehicle and making a hasty exit. It was one male and one female. I took down the registration No. of the vehicle in which they left. ND

-2-

10. Shortly after the IEC officials had left one of the ANC supporters came to the combi and told us that the three youngsters were in the process of receiving their voter cards. He thereafter drove off in a vehicle and I also recorded his vehicle's registration No. ND
11. After this the 3 youngsters returned and gave me their voter cards which I kept and later gave to

[Handwritten signature]

29 APRIL 1994

[Handwritten signature]

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RELEASE VRYSTELLING



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**NATIONAL PARTY
PRESS CONFERENCE**

WEDNESDAY 13 APRIL 1994

ON

**INTIMIDATION,
THE IEC
AND FREE AND FAIR
ELECTIONS**

It is imperative that South Africa should have a free and fair election. The National Peace Accord, the D F Malan Agreement and the Electoral Act 1993 set out in clear terms how political parties should conduct themselves to ensure free and fair elections on 26, 27 and 28 April 1994.

The National Party endeavours to conduct itself in accordance with these guidelines. We believe it is essential that, in the interest of a true democracy, the Code of Conduct should be strictly adhered to by all political parties.

Unfortunately the ANC/SACP/COSATU alliance has in the past been guilty of serious breaches of all the guidelines referred to. They are also at present flouting the provisions of the Code of Conduct which makes the holding of free and fair elections difficult, if not impossible.

We complain about the ANC's conduct on the following grounds:

ANC BREACHES OF NATIONAL PEACE ACCORD AND D F MALAN AGREEMENT

The South African Police has published statistics and has made available graphs of breaches of the National Peace Accord and the D F Malan Agreement. We annex hereto the graphs referred to. From this information, it becomes clear firstly that the National Party was not responsible for any breach; secondly, it shows conclusively which parties (especially the ANC/SACP/COSATU alliance) were responsible for most of the breaches. The ANC has been unable to honour the accords and agreements which they have solemnly undertaken to uphold.

INCIDENTS IMPLICATING ANC

List A, annexed hereto, contains a list of incidents where members or followers of the African National Congress either intimidated, assaulted or murdered workers and members of the National Party. It also refers to incidents where houses were burnt and private property of members and workers of the National Party destroyed. The list is not exhaustive. The list contains only those incidents of which the Federal Council of the National Party are aware of. There may have been many more incidents which were either not submitted or where the National Party branches, across the country, reported their complaints directly to the South African Police, the Peace Secretariat or the IEC and which did not come to our notice. The list also does not contain incidents where the Minister of Law and Order complained about inflammatory statements that were made by candidates and members of the African National Congress. We refer in this regard specifically to songs that were sung at Hani's funeral, statements made by Peter Mokaba, Tony Yengeni, Harry Gwala, Isak Arries, Winnie Mandela, Nkabinde and Kaiser Klaas. The list also does not contain complaints regarding unlawful marches and incidents where members of the ANC were found to be in unlawful possession of police and military uniforms.

SUMMONSES ISSUED

As a result of complaints that were laid by the National Party against the ANC, summonses have been issued and served on the ANC in respect of all the Parys matters. (see list)

The Parys incidents give a clear indication of how the ANC conducts its campaign of intimidation, fear and terror. The modus operandi the ANC followed in Parys was simple and basic. Mr Ace Magashu, second on the Provincial list for the ANC in the Orange Free State, arrived at Parys on Saturday 12 March 1994. Shortly after his arrival he threatened to shoot National Party workers and supporters. He pointed a gun at some of them. He incited urged his followers to intimidate National Party workers and supporters. As a result, members of the National Party were intimidated. Various persons were assaulted and Sealanyane Bennet was murdered. Houses were burnt down and personal property was destroyed. One man can destabilise a region.

The National Party obtained an interdict against the ANC in Parys. The ANC was ordered to refrain from further intimidating National Party workers and supporters and to allow those persons, who have been driven from their homes by the ANC, to return to their homes. Although an interdict has been granted to compel the ANC to allow the National Party workers to return to their homes, many have not done so because they fear for their lives. It shows how fear can be instilled into people.

OTHER MATTERS

The following matters have been reported to the IEC but these matters have, to the best of our knowledge, not been attended to by the IEC.

- 22/2/94: Sharpville - - Intimidation and burning of clothes.
 22/2/94: Sebokeng - - Assault.
 23/3/94: Sasolburg - - Intimidated and assaulted.
 26/3/94: Bolatastat - - Shot through upper legs.
 29/3/94: Vanderbijlpark - Intimidation and posters removed.
 31/3/93: Vanderbijlpark - - Intimidation, assault and robbed.
 1/4/94: Doornkop - - House petrol bombed and shot at. Fire damage, burns.
 5/4/94: Dube-kantoor - - Intimidation.
 6/4/94: Ikageng - 80 posters destroyed.

ANC HAS EMBARKED ON A MASSIVE INTIMIDATION CAMPAIGN

The Police statistics referred to, the incidents referred to (list A) together with the reports we receive on a daily basis from field workers, leave no doubt in the National Party that the ANC has embarked on a massive intimidation campaign. The ANC is, in our view, bent on intimidating voters to vote for them. They also hope, through their intimidation campaign, to restrict and prohibit the National Party and its field workers to campaign successfully. Once a field worker has been assaulted, or once his or her house is been burnt down, or once a member or supporter of the National Party has been murdered, it takes great courage for other field workers to remain committed to his or her task. The ANC knows this and uses these strongarm tactics to create "no-go" areas and in an endeavour render the National Party's campaign ineffective.

Our belief (that the ANC has embarked on a massive intimidation campaign), is supported by the 5th report of the Institute for Multi Party Democracy that was recently tabled by R W Johnson and L Schlemmer on a survey that was done by MarkData and HSRC. We refer to page nine of this report. Table 6 shows the proportions of black voters per province who considered that various parties control the areas and had put pressure on people to vote for that party. From the figures reflected in this table, it is obvious to what extent the ANC puts pressure on (intimidates) people to vote for the ANC. (The table also refers to National Party transgressions in the Orange Free State, KwaZulu Natal and in Northern Natal. The Federal Council is unaware of any voters who were intimidated by the National Party in these provinces, and why it is alleged that the National Party has put pressure on them since we have received no complaints and no charges have ever been brought against us.)

Fact of the matter is that of all the parties, the ANC is shown to be the biggest and major perpetrator of intimidation. If 10% of all black people feel that they are being pressurised by the ANC to vote for that party, it raises cause for concern.

BOESAK AND HOLOMISA

The National Party has also brought complaints against Dr Alan Boesak and Maj Gen Bantu Holomisa. The complaints against Boesak are based on his statement:

1. That the International Monetary Fund (IMF) at the World Bank had withheld funding from South Africa because it could not trust the National Party Government;
2. That in the past eight years R350 billion had been stolen from the Government coffers;
3. That R70 billion had disappeared into the pockets of Cabinet Ministers and politicians;
4. That Cabinet Ministers and politicians are corrupt people;
5. That Cabinet Ministers and politicians stole taxpayers money;

6. That the Health Minister, Dr Rina Venter, had closed hospital beds indiscriminately;
7. That the Health Minister, Dr Rina Venter, had provided no clinics or day hospitals for the people;
8. That since 1983 not a single house had been built by the National Party Government;
9. That as the National Party was corrupt, that if it should be in charge in the Western Cape would be the only province in South Africa not to get foreign investments.

The National Party has alleged that these statements transgressed paragraph 4(d) of the Code of Conduct since the statements were false.

This matter was heard on Monday 11 April 1994 in Cape Town. The National Party based its summons on a report by L Braid of the Press Gallery Parliament Cape Town. The Tribunal held that the report by Braid, on which the National Party based its complaint, was hear-say. Braid was not prepared to put up an affidavit in support of her report. The National Party decided under the circumstances to withdraw its complaint to re-issue its summons. A fresh summons will shortly be served on Dr Allan Boesak and the ANC. Braid will be subpoenaed to give oral evidence if necessary.

The National Party has also brought an action against Maj Gen Bantu Holomisa on the grounds of his allegations that:

1. The National Party was planning to fake votes.
2. The National Party are going to get ballot papers and inflate the votes of the National Party by putting crosses next to that bald headed man.
3. The National Party was planning to ensure ballot boxes from farm areas would go to counting points with inflated votes for the National Party.
4. That the National Party alleged that these statements are in contravention of rule 4(d) of the Code of Conduct. The hearing is about to take place, Friday 15 April 1994 in East London.

The National Party had also instituted an action against the ANC in Venda some time ago. The ANC was, on 30 March 1994, found guilty by a Tribunal of having disrupted a National Party rally and having vandalised National Party posters and literature. The ANC was also found guilty of intimidation and preventing the National Party from campaigning in the Venda area. A fine of a R100 000 suspended for four months was imposed. The ANC has taken this decision on appeal and the appeal is presently being heard. Judgement of the Appeal Court is expected today.

STEPS IN REGARD TO ANC PAMPHLETS AND ADVERTISEMENTS

The National Party is at present considering taking steps in at least two matters where we believe that ANC pamphlets contravene the Code of Conduct. These complaints relate to a Xhosa pamphlet and an ANC advertisement with the headline - "Daai geld, daai geld, daai baie geld!".

HOW TO RESOLVE THE INTIMIDATION PROBLEM

Incidents referred to in list A, should not be seen as merely for the purpose of compiling a data base. Behind these statistics lies a human face, it relates to real people, their fears and aspirations and how the ANC has affected their lives. The fears, the assaults, the loss of property, the burning and the killing, in fact each incident, is a human tragedy, worth pondering on.

We receive many statements that are shocking and revolting. The mere thought that any political party could be involved, for the sake of political power, in the subjection of any human being to suffer so much pain and misery, is unthinkable. The following statement serves as an example:

STATEMENT

It was at about 3pm on Wednesday 23/3/94 in Kathlehong Ncala section when about 6 boys approached my daughter and myself. "You Nationalists what are you doing here". I said, I am canvassing for the NP. Then they said. "What is De Klerk going to do for you, because our king Mandela is doing everything for us:.

Then they started assaulting us, my daughter fought them back until she was over powered. We were transported to Kathlehong hospital, I dont know by whom. My daughter Thoko died on her arrival at the hospital. She is 26 years old. Both my

cars were smashed in the incident. The 2 cars mentioned are at my sisters place ion Dawn Park.

The ANC's unabated campaign of intimidation puts free and fair elections in jeopardy. We believe that there could be an improvement if the Tribunal and Appeal courts of the IEC fully implement the stringent penalties provided for in Section 69 of the Electoral Act. Fines of a R100 000 or orders whereby parties would forfeit the deposits or orders prohibiting parties from holding public meetings, from entering specified electoral districts or prohibiting parties from receiving funding, should be implemented.

The National Party believes that the ANC, who is no doubt guilty of gross and systematic violations of the Code of Conduct and the rights of the National Party, should be penalised severely. The National Party has suffered severe prejudice, through acts of intimidation. People like Bantu Holomisa, who has effectively prohibited the National Party from campaigning for many months in the Transkei is a point in case. Various no-go areas have been created by the ANC where the National Party has been in the past and is at present prevented from campaigning, because it has no free and safe access to those areas.

The National Party, is at present carefully considering its options in view of the provisions of Section 69(b) and (c) of the Electoral Act.

The National Party furthermore intends to bring an action against _____ in terms of Section C(ii) for an order disqualifying him as a candidate from the list of candidates of the ANC in the Orange Free State.

D	M	Y	PLACE	SOURCE	INCIDENT
3	5	82	PME	SAP	INTIMIDATION
25	6	82	PMB	NP	6 KLAGTES INTIMIDASIE
26	6	92	PMS	NP	LONG LIVE SOCCER SQUAD INTIMIDATION
12	8	92	RASERIKE	NP	ASSAULTED
10	9	92	BREYTON	NP	FATALLY WOUNDED
9	10	92	BREYTON	NP CANVASSER	LED INTO AMBUSH
10	10	92	MAMELODI	NP MAMELODI BRANCH	ASSAULTED BY ANC
11	12	92	ATTERIDGEVILLE	NP	THREATENED BY 40 YOUTHS
11	12	92	ATTERIDGEVILLE	NP MEMBERS	THREATENED VERBALLY OVER A LONG PERIOD
2	1	93		NP WORKERS	THREATENED - PETROL BOMBS
12	1	93	WITBANK	NP MEMBERS	BURNING OF HOUSE - SHOULD NOT RETURN - WIT
23	1	93	YEOWILLE	NP	INTIMIDATION - YEOWILLE
3	2	93	KRUGERSDORP	NP	WOULD DESTROY HIM AND HIS BUSINESS - KRUGE
4	2	93	BETHAL	NP	INTIMIDATED - BETHAL
12	2	93	LAUDIUM	NP CAND I	THREATENED BURN DOWN HOUSE LAUDIUM
7	3	93	BREYTON	NP CANVASSER I	ASSAULTED AND THREATENED
11	3	93	ELDORA PARK	NP PARENTS OF DECEASED	ANC TRIED TAKE OVER ARRANGEMENTS
11	3	93	JHB WEST	NP ORG.	PUSHED OFF ROAD - THREATENED
	3	93	BHOSANGUVE	NP MEMBERS	RECEIVED THREATENING CALLS
6	4	93		NP	ANC-ADVERTENSIES
7	4	93	GEORGE	NP	XHOSA PAMFLETTE - GEORGE
14	4	93	WARMBAD	NP	MATSIMBA'S HOUSE BURNT DOWN
15	4	93	DOBSONVILLE	NP OFFICES	TELEPHONE WARNINGS - STAY OUT
17	4	93	THEMBISA	NP ORG.	WAS NOT ALLOWED TO LEAVE HOME
18	4	93	ROODEPOORT	NP OFFICES	OFFICES WOULD BE DAMAGED
22	4	93	POTCHEFSTROOM	NP	HOUSE WAS BURNT DOWN
22	4	93	TEMBISA	NP ORG.	CAR PUSHED OFF ROAD
6	5	93	DE AAR	NP	GEDREIG NA VERGADERING - DE AAR
6	5	93	SOWETO	NP	INTIMIDATED
8	5	93	BOIPELLO	NP ONDERSTEUNERS	GEDREIG NA VERGADERING - BOIPELLO
12	6	93	SCHWEIZER RENEKE	NP ORG.	ATTACKED - SHOOT OUT
16	6	93	SCHWEIZER RENSKE		THREATENED TO KILL
17	6	93	ELISRAS	NP	NO FUNERALS - DECEASED MEMBER OF ANC
19	6	93	VENDA	NP MEMBERS TO SP RALLY	POSTERS TORN - SERIOUSLY THREATENED
19	6	93	WARMBAD	NP MEMBER	SON OF RAKGEMELA ATTACKED BY ANC
22	6	93	MAMELODI	NP MEMBER	MR MALEGHUTO THREATENED - BURN HOUSE
22	6	93	WARMBAD	NP	PETROL BOMB WAS THROWN TO HOUSE
25	6	93	MOOKEETS!	NP	ASSAULTED - TO HOSPITAL
10	7	93	KIMBERLEY	NP	GEDREIG - NAAMLOSE OPROEP M.S.T. PAMFLET
13	7	93	ROODEPOORT		SHE WOULD BE BURNT
19	7	93	SOWETO	NP ORG.	THREATENED WOULD COME TO HARM
26	7	93	HANOVER	NP VOORS	GENTIMIDEER - HUIS AFBRAND - HANOVER
27	7	93	SP RALLY	NP	INTIMIDATE ORGANISERS WHO ATTEND SP RALLY
1	8	93	DOUGLAS	NP VOORS	FISIES AANGERAND - DOUGLAS
4	8	93	DUNCNVILLE	NP	PEOPLE FORCIBLY REMOVED - DUNCNVILLE VEREE
5	8	93	NP KIMBERLEY	NP	6 REPORTS ON INTIMIDATION
17	8	93		NP	ONTVANG DREIGBRIEF MOET GEBIED VERLAAT
	8	93	N P EAST LONDON	NP	9 REPORTS ON INTIMIDATION
2	9	93	TEMBISA	NP ORG.	THREATENED WITH NECKLACE - TEMBISA
4	9	93	SUIJBRAAK	J D	DEATH THREAT
4	9	93	SUIJBRAAK	NP	MET DOOD GEDREIG - SUIJBRAAK
6	9	93	BRIDGTON	NP	MOET V D WESTHUIZEN SEERMAAK AS IN BRIDGTON
6	9	93	VRYSTAAT	NP ORG	MET DOOD GEDREIG - VRYSTAAT
11	9	93	WEPENER	NP ORG	MET NECKLACE GEDREIG - WEPENER
13	9	93	SEBOKENG	NP	THREATENED WITH ASSASSINATION - SEBOKENG
14	9	93	SOWETO	NP - MISS X SISTER IN LAW	WANTED INFORMATION ON D CHUENYANE
16	9	93	CAROLINA	NP	INTIMIDASIE
16	9	93	CAROLINA	NP ORG.	WARNED - LIFE IN DANGER HOUSE BURN
18	9	93	JAGERSFONTEIN	NP ORG	MET DOOD GEDREIG JAGERSFONTEIN
22	9	93	PARYS	NP WERWER	MET MES GESTEK - PARYS
22	9	93	TEMBISA	NP FIELD WORKER	THREATENED WITH NECKLACE
24	9	93	TEMBISA	NP	THREATENED WITH MURDER - TEMBISA
27	9	93	BLOEMFONTEIN	NP	THREATENED - BLOEMFONTEIN
30	9	93	EVATON	NP	WAS SACKED - EVATON SMALL FARMS
30	9	93	SOWETO	NP	STAY AWAY FROM KLIPSPRUIT IN SOWETO
4	10	93	SOWETO	NP	THREATENED TO CLEAR OUT OF SOWETO
9	10	93	NATIONAL PARTY OFS	NP	9 REPORTS ON INTIMIDATION
10	10	93		NP	BROKEN FURNITURE
12	10	93	KROONSTAD	NP ORG.	INTIMIDATED - KROONSTAD
13	10	93		NP	THREATENED ON HIS WAY TO WORK
17	10	93	SAULVILLE	NP AFFIL CWC	THREATENED TO BE KILLED - SAULVILLE
18	10	93	LINTATA	NP FIELDWORKER	THREATENED - KILLING OF INNOCENT CHILDREN IN
20	10	93	POTCHEFSTROOM	NP	THREATENING TO KILL

21	10	92	SOWETO	NP		PETROL BOME TO MR ZIZI
2	11	92	WARMBAD	NP	MEMBERS	THREATENED TO BURN DOWN HOUSES
17	11	92	BRIDGTON	NP		HET VERGADERING ONTWRIE
17	11	92	BRIDGTON	NP		MET MES GESTEEK EN BERCOF
17	11	92	BRIDGTON	NP		MAG NIE VERG BYWOON, SAAL AFBRAND
17	11	92	OUDTSHOORN	M		ASSAULT
17	11	92	OUDTSHOORN	NP		BERCOF - OUDTSHOORN
17	11	92	TEMBISA	NP	ORG	LICENCE PLATE NUMBERS BEEN CIRCULATED AT A
18	11	92	OUDTSHOORN	NP		GEDREIG EN GEVLOEK BY HUIS OUDTSHOORN
23	11	92	NTSELAMANZI	NP		AANGERAND - NTSSELAMANZI VILLAGE
30	11	92	BEKKERSDAL	NP		THREATENED SECOND TIME BURN DOWN HOUSE -
	11	92	NP CAPE PROVINCE	NP		4 REPORTS ON INTIMIDATION
12	12	92	VENDA	NP		INTIMIDATED NOT TO ATTEND MEETINGS
14	12	92	HAMMANSKRAAL	NP		FIRE SHOTS TO BE KILLED - HAMMANSKRAAL
11	17	92	TEMBISA	NP	FIELD WORKER	THREATENED - HOUSE WOULD BE BURNT - TEMBISA
8		92	NORTH RAND			SHOTS - WINDOWS BROKEN - NORTH RAND
8		92	TEMBISA	NP	ORG	ERRECT ROAD B HARASSED
21	1	94	KOKOSI	STAR	FW	CANCEL VISIT AND ATTACKED NP SUPPORTER
25	1	94	ORLANDO	CITIZEN	NP YOUTH	SHOT
28	1	94	DRIEKOPPIES	SOWETAN	FW	500 ANC TRIED TO PREVENT HIM TO SEE LOCAL C
28	1	94	PIMVILLE	CITIZEN	NP CHAIRMAN	INTIMIDATED ATTEMPTED TO FORCE WAY INTO
28	1	94	WITBANK	STAR	FW	INTIMIDATION THREATENED TO BURN DOWN H
28	1	94	WITBANK	STAR	FW	NP MAN STONED FW VISIT CAUSED ANC TO ATTAC
1	2	94	EVATON	NP	CAND	THREATENED AND HARASSED FAMILY - EVATON
10	2	94	MANDANTSANE			THREATS, TRESPASS AND DAMAGE TO PROPERTY
10	2	94	VAKKERS PLATJES	NATIONAL PARTY	TRANSSVAAL	6 REPORTS ON INTIMIDATION
10	2	94		NP	FIELD WORKER	RESIGN FROM NP - BULLET SHATTERED WINDOW
12	2	94	HEIDEDAL OFS	NP		THREATS AND DAMAGE TO POSTERS
12	2	94	MANGAUNG OFS			THREATS, HOUSE BURNT DOWN
12	2	94		NP		VERHOED OM TOESPRAAK TE LEVER
19	2	94	HEIDEDAL	S/TIMES		DROWNED HIM OUT
13	2	94	HEIDEDAL	SOWETAN	FW	700 ANC SUPPORTERS CREATED CHAOS
16	2	94				ABDUCTED AND ASSAULTED
16	2	94		NP		TOLD TO RESIGN FROM NP - ROBBED IN CAR
17	2	94	KAGISO	CITIZEN		ANC THREATENED HIM TO WITHDRAW FROM NP LI
17	2	94	OFS	CITIZEN		ANC THREATENED HIM TO WITHDRAW FROM NP LI
19	2	94	SEBOKENG	NP		THEATS OF BEING KILLED - SEBOKENG
22	2	94	EASTERN TVL	BUS DAY		NP ORGANISER MURDERED BY ANC
22	2	94	SEBOKENG	NP		ASSAULT - SEBOKENG
22	2	94	SHARPEVILLE	NP		BRANDSTIGTING - SHARPEVILLE
23	2	94	BISHO	NP		DAMES IN KANTOOR BEVEL OM TE SUIJT - BISHO
24	2	94	KIMBERLEY	CITIZEN	FW	ANC DISRUPTION CAUSED MEETING TO BE CANCE
24	2	94	KIMBERLEY	STAR	FW	ROCKS AT FISMER 3 VIOLENCE CANCELLED THREE
24	2	94	POSTMASBURG	BUS DAY	FW	CANCEL 2 RALLIES & ABANDON 1 (NP MURDER)
26	2	94		NP		ATTACKED WITH KNIVES
2	3	94	RAISETHORPE PNB	STAR	FW	NP WORKERS ATTACKED BY ANC
3	3	94	DURBAN	STAR		NP WORKER ATTACKED BY ANC IN REASETHORPE
3	3	94	KIMBERLEYU	STAR	FW FW	VIOLENCE CANCEL NP RALLY IN GALESHEWE
6	3	94	PARYS			INTIMIDASIE
6	3	94	THEMBISA			ANC FORCES HER TO RESIGN AS CANDIDATE
7	3	94	TRANSKEI	NATIONAL PARTY		REFUSED PERMISSION TO OPEN OFFICE TRANSKEI
7	3	94		NP		INTIMIDASIE
10	3	94	GIYANI GAZANKULU	CITIZEN	FW	NP SUPPORTERS PUSHED AND SPAT ON
10	3	94	LOUIS TRICHARDT		FW	ANC STONE NP & SAP
10	3	94	MESSINA	CITIZEN	FW	ANC STONE NP & SAP
10	3	94	PARYS			INTIMIDASIE
12	3	94	PARYS			BRANDSTIGTING
12	3	94	PARYS			MOORD
13	3	94	PARYS			HOUSE STONED AND SET ON FIRE
13	3	94	PARYS			INTIMIDASIE
13	3	94	PARYS			INTIMIDASIE
13	3	94	PARYS			AANRANCING
13	3	94	PARYS			MURDER
13	3	94	PARYS			INTIMIDASIE
13	3	94	THEMBISA	S/TIMES		ANC FORCES HER TO RESIGN
14	3	94	PARYS	KHANG		INTIMIDASIE
14	3	94	PARYS			AANRANDING
15	3	94	PARYS, TUMAHOLE	STAR		KILLED BY ANC 6 NP HOUSES BURNT
16	3	94	KWA-MASHU NATAL	MICHAEL		THREATS
16	3	94	WELKOM	CITIZEN		ANC DISRUPT NP MEETING DESTROY PAMPHLETS
19	3	94		NP		BAGATI'S SPEECH - DISRUPT NP ELECTION CAMPAI
22	3	94	VENTERSDORP	CITIZEN		RIGHT BOMBS NP OFFICE
23	3	94	SASOLBURG	ANDREW		INTIMIDATION AFTER JOINING THE NP - SASOLBUR
23	3	94	CCOUNTRY	BUS DAY		HAC REPCS 25 ELECT VIOL 1ST 16 DAYS MARCH
23	3	94	VOSLOOSBURG	SYLVIA		ASSAULTED

**MEDIA STATEMENT BY MR HERNUS KRIEL, NP CANDIDATE FOR WESTERN CAPE
PREMIERSHIP.**

CAPE TOWN: 1994-02-28.

Recent events have confirmed that violence has emerged as the main threat to the democratic process in South Africa.

The National Party therefore declares violence as the main enemy of democracy.

There are three main role-players who, through their political intolerance, intimidation and lack of control of supporters, have created the culture of violence in our country.

In this regard the ANC must be singled out as the main threat to the democratic process, but the IFP and the far Right-wing also seem to be vying for this position.

Together, their political intolerance and violence threatens to destabilise the transition to democracy and can if allowed to continue unchecked, create a bloodstained election.

Ten major threats to democracy have emerged during the election phase. The ANC, IFP and the far-Right play a leading or prominent role in each of them.

..These threats are:

1) **POLITICAL INTOLERANCE:** The ANC pays lip service to tolerance but it wants total power and will not tolerate opposition. This is the main cause of the power struggle between the ANC and the IFP. It is an indisputable fact that ANC supporters are killing IFP supporters and vice versa.

2) **UNCONTROLLABLE SUPPORTERS:** Both the ANC and the IFP apparently allow their supporters to kill, destroy and intimidate opponents without taking credible steps to control them. The Right-wing has also failed to control its supporters and stop far-Right terrorism.

3) **INTIMIDATION:** The ANC and the IFP seem determined not to allow free political activity in especially the townships and are therefore engaged in large-scale intimidation of voters.

4) **NO-GO AREAS:** The ANC and IFP have created no-go areas for their political opponents, especially on the East Rand. Now they are apparently trying to do the same in Bekkersdal on the West Rand.

5) **ILLEGAL WEAPONS:** The power struggle unleashed by the ANC has created an increased demand for AK-47 rifles, which they brought into the country in the first place. The ANC has resisted all attempts to place their arms under impartial control. The IFP and the far-Right are also arming their supporters on a large scale.

6) **WAR TALK:** Inflammatory statements by Right-wing leaders such as Dr Ferdie Hartzenberg and Eugene Terreblanche have pushed up the conflict potential in the country. Statements by ANC leaders such as Mr Mandela have done the same.

7) **DEMONISATION OF THE SAP:** The ANC has created a climate of hate and suspicion against the SAP which has contributed to the murder of hundreds of policemen. The far-Right is increasingly adopting the same propaganda tactics.

8) **MURDER OF POLICEMEN:** The slaughter of policemen (260 in 1993 and at least 25 in 1994) is the result of negative propaganda and the availability of AK-47's.

9) **EXTREMISM:** Terrorism from especially the far Right is increasing and is contributing to the destabilisation of the election process.

10) **MASS ACTION:** Confrontations between intolerant groups such as the ANC, IFP and AWB have shown that marches and other forms of mass action can contribute to violence.

The following question therefore arises: If the organisations referred to above use violence to either win an election or reach political objectives, how will they act after gaining victory against their political opponents and when in control of the State's security organisations?

The National Party does not:

* Launch violent mass action.

* Set up so-called "People's Courts".

* Eliminate its political opponents.

* Disrupt opponents' meetings.

* Introduce the gruesome necklace murder to South Africa.

* Intimidate people to vote NP.

* Create "Self Defence Units" which are now havens for criminals.

* Establish no-go areas for political opponents.

Unlike these other parties, the NP is the party of PEACE AND CIVILISATION.

The NP Government will use its full power during the pre-election phase to combat all forms of violence.

After the elections, when it can no longer be accused of a lack of legitimacy, the NP will implement the following programme to ensure law and order:

- 1) Place heavier punishments for criminals on the lawbooks.
- 2) Recruit even more policemen and women.
- 3) Improve SAP/Community relations.
- 4) Build more prisons to jail criminals.
- 5) Equip the SAP with even better technical equipment.
- 6) Improve the training of the SAP to an even greater extent.

MAKE THE NP STRONG FOR STRONG ACTION AGAINST VIOLENCE AND CRIME.

Inkatha Freedom Party

INKATHA FREEDOM PARTY NATIONAL CAMPAIGN OFFICE

MEMO

TO: Leigh Johnson, IRI
FROM: Arthur Konigkramer, Campaign Manager
DATE: 18 May 1994
Pages: 3

ELECTION 94

The IFP has not produced any documentation specifically geared towards the headings set out in Kathi Walter's fax of 17 May, other than a list of complaints we submitted to the IEC. This is attached for your information, together with a number of faxes sent to Mr Justice Kriegler from 26 April to 9 May, and his somewhat startling reply of 9 May. My 15 May communication with Advocate Nicholas Tee should be of further interest in rounding off our communication with the IEC through the elections. I have also attached a copy of the 19 April tripartite agreement requested. On the remaining topics, I believe the following is an accurate summary of the position.

POLITICAL VIOLENCE

To all intents and purposes, and in stark contrast to what many commentators anticipated, there was virtually no political violence during the days of the election itself. This applied not only to the country as a whole, but also to specific regions where ANC/IFP conflict had been particularly bad - such as in the Reef and KwaZulu-Natal.

Though it is difficult to accurately delineate a specific campaign period, especially in an Uhuru election such as ours which is the culmination of decades of struggle politics, if we take it that campaigning started once agreement was reached on the election date - July 1993 - then the campaign period was without doubt violent. Barring the last week in which all political parties and their supporters were single-mindedly concentrating upon the elections, the campaign period was not, however, more or less violent than during the non-campaign period, for the country has been wracked with internecine conflict for far longer than the campaigning or negotiating periods.

NO-GO AREAS

Campaigning in no-go areas was all but impossible for the IFP. From an advertising perspective, we had but a few days to put together a national media campaign, and managed reasonably well. But from a mobilisation, on-the-ground perspective, in large numbers of no-go areas we were unable to either canvass for support or implement GOTV strategies for our supporters. This applied particularly throughout the urban centres of the Reef and the Durban Functional Region. Indeed, in many of the urban centres of KwaZulu-Natal we had little alternative but to effect an airdrop of over 3,5m pamphlets on the very last day

that such campaigning was still permitted, failing which the voice of the IFP would simply not have been heard.

Though the limited time at our disposal was a major constraint, the overwhelming reality we have long had to face was that of being the target of others' aggression, and the target of others' deliberately seeking our total marginalisation over a not inconsiderable period. The creation and then maintenance of no-go areas were central aspects to this strategy - stepped up from 1990 - and as far as the election was concerned, it certainly succeeded, though within KwaZulu-Natal, not to the extent anticipated by the IFP's opponents.

POLITICAL INTIMIDATION

Intimidation during the election did take place, not so much within communities, but in polling stations whose officials were in large part ANC-aligned. Some of the incidents are referred to in our submission of complaints, and typically include the following: chasing IFP party agents from polling stations; browbeating IFP party agents and overriding their legitimate complaints; permitting ANC canvassing within polling stations; encouraging voters to vote for the ANC; interfering in the secrecy aspect of voting; not applying IFP stickers or folding them over so voters would vote for another party; officials openly aligning themselves with the ANC. These all intimidated IFP-supporting voters, and cost the IFP votes.

The major intimidation, however, took place outside the polling stations and long before the election. Intimidation is the reverse side of the political intolerance coin that produced no-go areas, and has been a key facet of our political life for at least the past decade. Again, it is the IFP that has suffered from this more than any other political party.

ELECTION BRIBERY

We have no direct knowledge of election bribery. In part, this is explained by the fact that since the vast majority of IEC officials were ANC-aligned, and that at the lower levels in particular, their partiality was openly displayed, they were able to influence the conduct of the elections without having to make use of conventional bribery.

ANC DECLARING RESULTS NULL AND VOID

It is important to note that though this is an initiative of the three ANC regions in KwaZulu-Natal, it is not strongly supported by either Jacob Zuma or the ANC's national leadership. It is in essence a reflection of the deep frustration to be found in ANC circles which believed they had this province "in the bag", since the IFP and its president supposedly had negligible levels of support. Myriad opinion polls had confirmed this, thereby contributing to the sense of disbelief at losing, and by an 18% margin.

The rationale for declaring the election null and void was not this of course, but ostensibly the "massive" levels of fraud committed by the IFP. No election, and certainly no election so ill-prepared as was ours, will ever be 100% free of cheating. However, the ANC's accusations against the IFP were characteristically one-sided since many of the accusations were false and since for every ANC accusation against the IFP, the IFP could level several

against the ANC.

Unlike the ANC, which used the media to accuse the IFP of fraud and which publicised its complaints during the elections, the IFP respected the confidentiality of its complaints to the IEC, and, barring complaints directed against the IEC itself, has never made its submissions on ANC irregularities public.

Nonetheless, even before the close of voting when the trend was already evident, and when the ANC at that stage claimed that the election should be re-run, the IFP stated quite openly that it welcomed the prospect. It is our view that the 50,3% of the vote we were finally allocated is anything but a fair reflection of our support in the Province. We are convinced that had the IEC's logistics been adequate to serve the people's electoral needs, we would have obtained a far greater majority. Should the ANC and IEC wish to pursue this and should they be prepared to take due cognisance of the fraud committed elsewhere in the country (and particularly on the Reef), the IFP would probably welcome the opportunity to repeat the election.

A SYNOPSIS OF "PROBLEM" INCIDENTS/SITUATIONS REPORTED TO THE INKATHA FREEDOM PARTY ELECTION OFFICES DURING THE COURSE OF THE APRIL 1994 ELECTIONS.

Due to the forty eight hour time constraint specified in Article 46 of the relevant act, this report has only attempted to produce sufficient detail to portray the nature and magnitude of the various problems encountered. Most incidents mentioned can be further substantiated if required. (Voting station numbers, witnesses etc.)

With reference to the particular categories of information specified, their respective frequency of occurrence (as appear in this report) is as follows:

A. IFP stickers missing from ballot papers - KwaZulu/Natal	85
Rest of SA	39
Overseas	14
B. Voting stations closed for periods	109
C. No ballot papers for periods	27
D. Material and equipment problems	23
E. IEC Monitor problems	9
F. Irregularities at stations	90
G. Inequitable treatment of IFP Voting Agents	18
H. Improper interference and influence	49
I. Underage voters	10
J. Voter card shortages	16
TOTAL	489

Of most concern to the IFP are the areas A and B which must be seen in the light of potential IFP votes lost.

Regarding the issue of stickers it must be pointed out that in the majority of cases voting was allowed to continue without intervention from IEC officials. It will be seen that the voting stations concerned were often in areas of the country where the IFP is generally considered to have significant support. The IFP would therefor stand to be seriously disadvantaged if ballot papers not bearing IFP stickers were to be accepted as valid.

The second issue of concern was the loss of votes in the many areas of rural KwaZulu and Natal where voters gave up on waiting to vote due to the lengthy closures of many voting stations. There is much additional information on hand to substantiate why such a loss is factual.

30 APRIL 1994.

A sample of IFP sticker problems experienced at voting stations.

ASHVILLE SCHOOL		27/4/94	No stickers.
MTHANDENI PRE-SCHOOL		27/4/94	No stickers.
PHAMBELA SCHOOL		27/4/94	No stickers.
MBITANE PRE SCHOOL		27/4/94	No stickers.
JABUYASE SCHOOL		27/4/94	No stickers.
SITHUNDI PRE-SCHOOL		27/4/94	No stickers.
MAQUMBI SCHOOL		27/4/94	Shortage of stickers.
KWA BOVA STORE		27/4/94	Shortage of stickers.
KLOOF TOWN HALL	KLOOF	28/4/94	No regional list stickers even when asked.
LAMONTVILLE		28/4/94	No stickers.
NQUTU	KWAZULU	28/4/94	Ballot papers folded to hide IFP details.
UMLAZI	KWAZULU	28/4/94	No stickers.
UMLAZI V SECTION POLICE STATION	KWAZULU	26/4/94	No stickers.
MZINYATHI	KWAZULU	26/4/94	Told by officials to choose another party.
HLUHLUWE	KWAZULU	26/4/94	Told by officials to choose another party.
SUNDUMBILI PRIMARY SCHOOL		26/4/94	Told by officials to choose another party.
NQUTU KFC		26/4/94	Papers folded to hide IFP name.
A R HALL	UMLAZI	27/4/94	No stickers.
NORWEGIAN HALL BEREA	DURBAN	27/4/94	No stickers.
UMHLANGA ROCKS	NATAL	27/4/94	Stickers only issues on request.
DIRKIE UYS H.S.	DURBAN	27/4/94	Stickers missing on provincial paper.

**INKATHA FREEDOM PARTY
NATIONAL CAMPAIGN OFFICE**

128 Umgeni Road, DURBAN 4001; PO Box 2159, DURBAN 4000
Tel: 031 - 3096803/4/5; Fax: 031 - 3096807

FAX

TO: Mr Justice Kriegler, Chairman IEC
FROM: Mr Arthur Konigkramer, Campaign Manager
DATE: 26 April 1994
TIME: 11H15
Pages: 1

Sir

POLLING STATIONS - BALLOT PAPERS WITHOUT IFP STICKERS

The IFP is gravely troubled by the IEC's lack of preparedness for the elections, especially in KwaZulu-Natal. I shall communicate with you on this shortly. However, I must bring to your immediate attention the fact that we are being severely disadvantaged by the inadequate provisioning of certain polling stations where voting has already started.

It is of great concern is that there are polling stations that are preceding with voting despite the fact that they do not have IFP stickers on the ballot papers. The following examples were brought to our attention first thing this morning:

Lamontville (Durban)

Ballot papers had no IFP stickers. The IEC said it would replace them as soon as possible. The point is, why was voting allowed to proceed in the first place?

Alex Carriers (Pietermaritzburg)

National ballot had IFP stickers, but provincial did not. IEC is meant to be contacting our leadership in the area.

Bronkhurst Spruit

No IFP stickers on ballot papers.

IFP offices are collating information on other instances which we will send to you.

In the interests of fair and free elections, we would appreciate it if you could please send out an immediate message to all polling stations instructing those with ballot paper problems to immediately close the polling station until they are correctly stocked. Presiding Officers should also stress to all voters and party officials the reason for this step and urge that they return as soon as the problem is solved.

**INKATHA FREEDOM PARTY
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FAX

TO: Mr Justice Kriegler, Chairman IEC
FROM: Mr Arthur Konigkramer, Campaign Manager
DATE: 27 April 1994
TIME: 14H45
Pages: 1

POLLING STATIONS - BALLOT PAPERS WITHOUT IFP STICKERS

We have just received a call from a Mr Peter Hoyle (031 - 7633467, also contact Mr Andrew Brown on the same number) who has just voted at the polling station at Forest View Primary School. They have run out of stickers, but voting is continuing - officials are advising the crowd that they should proceed if they want to vote for any party other than the IFP.

This is not acceptable. IFP supporters are thus expected to move out of the queue and wait while new stickers are delivered, identifying themselves as IFP voters, while others continue voting. For IFP supporters, the vote is therefore not secret. How can their participation in the elections be fair and free if they are publicly identified by IEC officials in this manner? Mr Hoyle reported that large numbers of what he believes to be IFP voters have just arrived at the polling station.

We again ask for IEC clarity on the status of polling stations without stickers or not applying stickers. Do they or do they not stop the process until the problem is rectified?

pp AJ Konigkramer

**INKATHA FREEDOM PARTY
NATIONAL CAMPAIGN OFFICE**

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FAX

TO: Mr Justice Kriegler, Chairman IEC
FROM: Mr Arthur Konigkramer, Campaign Manager
DATE: 4 May 1994
TIME: 13H15
Pages: 2

Sir

ANC ALLEGATIONS OF IFP FRAUD

We have noted the ANC's allegations of widespread fraud by the IFP in the elections. We have levelled similar allegations against the ANC, and it is our understanding that the IEC will be investigating the allegations made by all the parties, of election irregularities.

Against this background, we are less than enamoured with the IEC's recent response to the ANC's allegations. Our expectations that the IEC would behave impartially during the elections process were rudely shattered from day 1, and we have submitted to the IEC, hundreds of complaints of logistical problems and electoral irregularities.

Yet IEC spokesman Pieter Cronje told Reuters today, not only that the IEC was investigating the ANC's allegations, but that these allegations were more serious than scores of earlier accusations of poll irregularities because they "allege something which could influence the outcome of the elections." Mr Cronje, in the name of the IEC, gives credence to ANC allegations, while effectively dismissing those of the IFP. Why is it that there is no equivalent IEC reaction to IFP allegations of fraud, in the PWV and KwaZulu-Natal in particular? Can the IEC offer us an explanation of why such blatant selectivity is still manifesting itself in the final stages of the electoral process?

We take the strongest exception to this. It should be patently obvious to anyone of integrity that we have a number of grave concerns having a direct bearing on the outcome of the elections.

These include the IEC's failure to guarantee that IFP stickers would be affixed to each and every ballot paper despite this being a precondition to our entering the elections; the IEC's refusal to instruct polling stations to cease polling until the sticker problem was resolved, despite our expressly requesting this on the morning of 26 April and twice thereafter; the IEC's inability to do sufficient to resolve the problem of TVC's, especially in IFP areas; and the IEC's inability to do sufficient to solve the crisis of polling north of the Tugela in particular. Each and every one of these has cost the IFP large numbers of votes.

2/ As far as ...

As far as the ANC is concerned, we have reported a large list of irregularities which are anything but minor. They include blatant partiality of ANC-aligned IEC officials at polling stations (persuading voters to vote ANC, folding ballot papers to hide the sticker); massive levels of under-age voting; missing ballot boxes reported in private vehicles of ANC members; ballot boxes from IFP areas stuffed with straw; issuing of ballot papers outside of polling stations by ANC members etc etc. Are these considered irrelevant by the IEC?

We are furthermore extremely perturbed by Mr Cronje's statement that disputed ballots are being excluded from the main count. It would appear to us, first, that by "disputed" Cronje means disputed by the ANC; and second that this explains why the ANC is doing everything in its power to dispute the validity of ballot boxes originating in IFP strongholds. It is precisely this ANC obduracy that has caused the crisis at Durban's Expo Centre.

We have just raised the above with Advocate Moseneke who expressed his surprise at Mr Cronje's statement. He undertook to ask Mr Cronje to issue a further statement to the effect that the IEC had received and was investigating numerous complaints of fraud relating to the ANC.

We would point out that our party has suffered enormous harm both within South Africa and abroad as a result of propaganda in which the IEC has allowed itself to become embroiled through the actions of Mr Cronje. Our victory at the polls is being portrayed as a manifestation of corruption and cheating.

**INKATHA FREEDOM PARTY
NATIONAL CAMPAIGN OFFICE**

128 Umgeni Road, DURBAN 4001; PO Box 2159, DURBAN 4000
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FAX

TO: Advocate Nicholas Tee, National Coordinator, IEC Investigations
FROM: Arthur Konigkramer, Campaign Manager
DATE: 16 May 1994
Pages: 4 plus 34

Sir

POLLING STATIONS & TVC PROBLEMS FOR THE IFP

In accordance with time constraints imposed by the Electoral Act, the IFP's National Campaign Office (NCO) on 30 April submitted to the IEC Chairman an abbreviated document listing approximately 490 irregularities and other electoral problems brought to our attention by our party agents, by voters and by members of the general public. It was by no means a complete list of all irregularities and problems, since many more only came to our attention after the 48 hour deadline.

The covering synopsis stated our view that the IEC's own logistical and other problems - particularly in rural KwaZulu - had contributed towards the IFP's electoral efforts being seriously compromised.

The IEC has consistently behaved in what we believe is a manner that prejudiced the IFP: when we requested the chairman's urgent intervention early on 26 April and twice on 27 April to prevent the processing of voters without IFP stickers first being attached to ballot papers, we were totally ignored; when gross irregularities were unearthed within its headquarters, the IEC involved only senior ANC and NP leaders in its deliberations, and not the IFP; when it was patently obvious from the start that the IEC was not running the elections as well as it should have, and that this was disadvantaging the IFP, there was a consistently inadequate public response by the IEC to the gravity of the situation; and when it was clear that there had been serious electoral problems in KwaZulu-Natal in particular, the IEC was anything but even-handed - indeed, when the ANC accused the IFP of electoral fraud, the IEC made a public statement suggesting the legitimacy of the ANC's claim, and was totally silent on its position regarding its preparedness to investigate the nearly 500 complaints the IFP had submitted to the Commission.

These incidents are particularly important given the manner in which the IEC pronounced upon the KwaZulu-Natal results and given the manner in which the IEC refused to share with the IFP important electoral information and the basis for its decision on the vote allocation. In a 9 May fax to the IFP's Campaign Manager, the IEC Chairman stated that "certain election results were modified by the Commission, in terms of the discretion afforded it by section 47 of the Electoral Act of 1993. The exercise of this discretion is not subject to review or appeal, and it is not the Commission's policy to furnish reasons for the exercise by it of such discretion to any third parties."

According to an IEC official (Sunday Times, 8 May), IEC Commissioners met behind closed doors on Thursday to adjudicate on major disputes on which they had received written representation. This resulted in the IFP being granted 250 000 votes (for papers without IFP stickers) but then having

250 000 votes subtracted (for "pirate voting stations"). In the opinion of the IEC chairman, the final outcome was determined entirely by "mathematical tallies".

It is this the IFP queries: we want to know whether the IEC was impartial or not, since, given the IEC's modus operandi to date, there was every reason to believe the IEC might unfairly favour the ANC in the adjudication process. The 50,3% of the KwaZulu-Natal vote allocated to the IFP is not, we believe, an accurate reflection of the true position of that portion of the electorate that actually voted. We were further penalised in that many of our supporters were quite simply unable to vote due to problems centred around polling stations and the issuing of TVC's. We need to know whether these issues were taken into account by the IEC Commissioners and what relative weighting was given to them in their assessment of the final vote tallies.

POLLING STATIONS

The IEC undoubtedly has more information at its disposal than does the IFP as regards the precise disposition and activities of all 1453 polling stations in KwaZulu-Natal from 26 to 29 April. However, the following points should be recognised:

First, there was a very serious communications breakdown which resulted in large numbers of voters acting on technically incorrect information. Communities often found out only once they arrived at what they thought were polling stations, that such polling stations simply did not exist. The reality from a voter's point of view was that whether a polling station did or did not legally exist was frequently a pure hit or miss affair. Voters went to polling stations whose identities were published on Monday 25 April, only to find they had been removed from the later list (particularly problematic in Ladysmith, Eshowe and Vryheid areas). Alternately, communities which had negotiated with the IEC on the location of polling stations in their regions, discovered only after the commencement of the election, that in a great many instances, the agreed upon polling stations simply did not exist (widespread, eg, in Vulamehlo and Empangeni sub-regions). In fact, the "final" list of polling stations was only available so late in the day that it was virtually impossible for the NCO to inform communities timeously of the correct location of polling stations. Moreover, despite the IEC's commitment that polling stations remain open on Friday 29 April throughout "KwaZulu", many polling stations in fact did not re-open.

Second, there were inadequate numbers of polling stations, particularly in the rural areas. It is striking that barely days before the elections, a further 600 polling stations were allocated to Transkei, which must have impacted negatively upon the IEC's ability to increase the number in KwaZulu-Natal. This meant that in many instances, the distance to the polling station far exceeded the intended 10km maximum (in many instances, voters had to travel 25km and more to vote, and in at least one instance, more than 50km). It also meant that the 3000 voters per day processing speed of each polling station was often grossly inadequate compared to the numbers of voters attempting to cast their votes. There were many polling stations in Zululand in particular, where there were tens of thousands of voters waiting to vote - many days' worth, in fact. In addition, it was noteworthy how few mobile polling stations the IEC had made provision for.

Third, polling stations frequently suffered from secondary logistical problems, particularly as regards material shortages (ink, ballot papers, ballot boxes, seals, stickers, etc). These shortages contributed towards the very breakdowns in electoral integrity which the ANC was able to inveigh against the IFP, and which the IEC subsequently upheld as justifying the IFP being severely penalised in the final vote allocation. The fact of the matter is that the IEC penalised the IFP, not for the IFP's contraventions of electoral practices, but for having to stand in and make the best of a bad situation which the IEC was unable or unwilling to resolve.

We refer the Commission to our abbreviated submission of complaints, and in addition, to the

attached items from various IFP officials in the field - covering the Newcastle, Vryheid, Eshowe and northern Zululand regions.

VOTER IDENTIFICATION

As noted in earlier communications with the IEC, we regarded the issuing of TVC's as a top priority - refer 26 April fax to IEC Chairman. In addition to the points then raised, the following should be noted:

First, the IEC's TVC-issuing plans were severely hampered by several constraints: (a) by an extremely limited R18m budget; (b) by protracted Home Affairs issuing procedures (simultaneous TVC and ID book applications were necessary prior to simplification from 27 April); (c) by logistical problems, especially film shortages. These jointly served to severely reduce the efficacy of the intended Home Affairs/IEC plan to issue TVC's to all potential voters without ID, most of whom in KwaZulu-Natal were surely IFP supporters.

Second, notwithstanding the budget allocated, and the combined Home Affairs/IEC resources, the very best case scenario the IEC could promise (on 25 April) was that approximately one third of the 1452 polling stations would be able to issue TVC's if the IEC and Home Affairs were able to marshal all the available resources. This ratio was not even remotely achieved however, and by late 27 April (fax sent to us in early morning of 28 April), only 214 TVC-issuing polling stations were operational (of which 37 had been "initiated" but were not yet operational - refer fax from Robin Palmer) - a bare 15% of polling stations. Moreover, the IEC was adamant that these be split into ANC and IFP "areas" despite the most obvious shortfall being in IFP-supporting areas - after all, the ANC had always been "in" the elections, and had had all the time needed to ensure its supporters were adequately equipped with ID.

Third, the IEC (and thus the IFP) were unable to inform voters which polling stations would be able to issue TVC's, and which could not. Though we were informed on Monday 25 April that polling stations were to issue TVC's, a list of those stations theoretically able to do so was first dispatched to us on the morning of 27 April, confirmed only on the morning of 28 April as being operational.

In reality, the IEC was quite unable to ensure that all potential voters were equipped with the requisite ID, and by the close of voting on Friday, there were hundreds of thousands of frustrated voters throughout the region who had been effectively disenfranchised.

Fourth, though there was clearly a significant level of fraud taking place, the IFP was not the major beneficiary of it. Being extremely generous to the ANC, we estimate that the latter benefited from the fraudulent issuing of TVC's by a ratio of at least 90% to the IFP's 10%. Since the IFP was supposedly not in the elections until very late, it is extremely unlikely that the fraudulent issuing of TVC's before 19 April (such as in the Stanger region, and that associated with the theft of the Home Affairs TVC machine which we claimed was in the ANC's hands) was to IFP supporters. Furthermore, the IFP discovered that many Home Affairs clerks issuing TVC's were hostile towards IFP supporters, either turning a blind eye to others' irregularities, or facilitating the issuing of TVC's to ANC supporters only. Moreover, since the majority of IEC staff were ANC-aligned and since there were many irregularities at polling stations of underage voters voting, it is extremely unlikely that ANC-aligned IEC officials would be generous towards underage IFP-supporting voters, whereas it is axiomatic that they would favour ANC voters.

Finally, though precise figures are all but impossible in the absence of a proper census, it is clear that many potential voters did not in fact vote. Pre-election estimates were of roughly 4,2m voters in KwaZulu-Natal, though once the pace of voting was established, the IEC was acknowledging a possible 6m voters in the Province (Natal Mercury, 29 April). In reality, only 3,5m votes were

counted, which suggests either wrong initial estimates, or election day difficulties with people not voting.

We believe the latter was of crucial significance. The IFP is totally convinced that lack of motivation to vote was not a significant factor among IFP supporters. Once the decision to participate was taken, every resource at our disposal was marshalled to ensure the very highest poll possible, and as far as voters with ID were concerned, we undoubtedly succeeded in creating the necessary enthusiasm to ensure a very high poll. The shortfall is accounted for by the fact that there were far too many people desperate to vote who were simply unable to do so for no reason other than that they could not get to a polling station or they did not have the necessary ID.

CONCLUSION

The IFP is not satisfied with public or private pronouncements by the IEC on the final election results. We are concerned that secrecy combined with an in-built propensity to favour the ANC, could well have been major factors in the final apportionment of votes in an unfair manner. In particular, we have no way of knowing whether the IEC made any allowance at all for problems we experienced with regard to polling stations and the issuing of ID. It is not sufficient that we are given an assurance that the mathematics of the tallies is correct and that adjustments were simply made on the basis of written representation - unless demonstrated otherwise, it would appear that two crucial problems negatively affecting our vote were ignored in the vote adjustment process.

RECOMMENDATION

Since there is prima facie evidence that the IFP was disadvantaged by the IEC's conduct of and vote-tally decisions pertaining to the elections, and since it appears that this key factor has not been included within the IEC's final tally of votes, the IFP formally requests of the IEC (1) that it explains how the final vote was obtained, and (2) that it makes a fair adjustment that adequately compensates the IFP for the loss of votes occasioned by polling station and TVC logistical problems.



INDEPENDENT ELECTORAL COMMISSION

A FREE AND FAIR ELECTION FOR ALL

41 Kruis Street, Johannesburg, South Africa • P.O. Box 1001, Isando, 1600
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FACSIMILE TRANSMISSION

**TO: MR A KONINGKRAMER
INKATHA FREEDOM PARTY
NATIONAL CAMPAIGN OFFICE
DURBAN**

**FROM: JUDGE J KRIEGLER
INDEPENDENT ELECTORAL COMMISSION
HEAD OFFICE
JOHANNESBURG**

9 May 1994

Dear Sir

RE: FINAL ELECTION RESULTS

I refer to your facsimile to me of earlier today, as well as to various other letters received from your office dated 6 May 1994 and 4 May 1994. I will attempt to address all of the issues raised by you in those letters in turn.

The IEC is not obliged to release results with reference to specific counting stations throughout the country, nor is it our policy to do so. The finally announced election results, broken down provincially, may however be obtained directly from our media department upon request.

In response to a further query raised by you, certain election results were modified by the Commission, in terms of the discretion afforded to it by section 47 of the Electoral Act of 1993. The exercise of this discretion is not subject to review or appeal, and it is not the Commission's policy to furnish reasons for the exercise by it of such discretion to any third parties.

With regard to your concerns about the capturing of result data and the discovery of evidence of tampering with our head office computer system, I assure you that the discrepancies caused by such tampering were rectified. Such rectification did in some instances lead to alterations in released results of the nature of which you complain. I assure you, however, that the Commission is satisfied that the final results as released by it are accurate.

With reference to your demand to inspect the tally sheets in the

IEC's possession, it is the Commission's view that all reasonable precautions were taken to ensure that final results were correct before they were released. In the circumstances, the Commission does not regard the furnishing of its documentation to third parties to be required or justified.

Finally, in response to your comments concerning the abandonment of the reconciliation procedures in certain instances and your allegation of the frauds which were able to be perpetrated as a result, I assure you that the Commission was made aware of all allegations of misconduct, both on the part of its officials and on the part of others. I assure you furthermore that these allegations were taken into account by the Commission in making its final decision.

I trust that this addresses your concerns.

Yours faithfully

JUDGE J KRIEGLER
(CHAIRPERSON)

pp: 

Democratic Party

Demokratiese Party, 5de Verdieping, Ruskin-gebou, Roelandsstraat 2, Kaapstad 8001
Democratic Party, 5th Floor, Ruskin House, 2 Roeland Street, Cape Town 8001

NASIONALE HOOFKANTOOR
NATIONAL HEAD OFFICE



Demokratiese Party
Democratic Party

9 June 1994

Ms Leigh Johnson
SA Election Support Project
JOHANNESBURG

Dear Ms Johnson

I refer to your letter of 17 May 1994 regarding a report on the election. I regret that the compilation of this report has taken longer than anticipated. Most of this information is held at regional and in some cases sub-regional level, and it has taken these regions some time to gather the information you require.

In the interests of expediting your request rapidly, I am summarizing the reports I have received to give you a composite national picture.

Political Violence

Only isolated incidents of political violence occurred against members of the Democratic Party, but these did not result in loss of life or serious damage to property.

In North West Province, a member of the Party distributing pamphlets was assaulted by members of the AWB in Vryburg. Stones were thrown at a DP campaign vehicle in Khuma township near Stilfontein and in Jouberton township near Klerksdorp.

In Eastern Transvaal Province, a member of the Party was assaulted in Jane Furse while hanging posters. His stock of posters was burned.

In Western Cape Province, several members of the youth wing were roughed up on the campus of the University of the Western Cape. The national youth secretary was mugged during this incident and personal items were stolen from her.

Two DP canvassers were stabbed while canvassing in Site 5, near Kommetjie in the Western Cape. The perpetrators, while ANC members were drunk at the time, and no political motive could be proved.

In the PWV Province, the Party's 'battle bus' was 'paint bombed'.

'No go' Areas

There were areas into which the Democratic Party was unable to gain access. These fell into two categories:

- (1) private property, on to which the owners either prohibited access to the DP (mostly farms) or alternatively imposed unrealistic or bureaucratic conditions for such access (eg universities); and
- (2) areas which were 'controlled' by opposing political organizations.

In some cases, access to such areas was facilitated by means of the IEC's 'Operation Access'. In isolated cases, the SA Police advised our members that they ought not to enter certain areas as their safety could not be guaranteed.

In the majority of cases, our members were intimidated from going into certain areas merely by the implicit threats made to them.

In the Eastern Cape, the DP received a letter from the PAC Youth warning the Party not to establish an office or to campaign in Umtata. On one occasion, the Party's 'battle bus' was chased out of New Brighton township in Port Elizabeth. The IEC declined a DP request for an escort to Njoli Square on the grounds that the Commission could not guarantee the safety of our members.

In the early part of the campaign, a meeting due to be held at Orange Farm in PWV Province was disrupted and extensive damage done to vehicles belonging to the Party and to members. The Party was subsequently not able to gain access there.

In Natal, many areas were effectively 'no go' areas because of wide-scale intimidation. This is dealt with in detail in the next section of this report.

Political Intimidation

Our members were subjected to very substantial amounts of political intimidation.

Death threats were received by one member in Brits in North West Province, and one member in Port Elizabeth, Eastern Cape Province. (He subsequently resigned to join the ANC).

In the PWV Province the house of one of our candidates was stoned, while another candidate was intimidated into withdrawing his candidature. The chairman of the Soweto branch refused to make himself available as a candidate because of threats against him and his family.

In the Eastern Transvaal Province, threats (normally involving burning down their houses) were made against members and

canvassers in Middelburg, Ogies, Mhluzi and Moutse. In one case, our members were obliged to seek refuge with relatives in Hendrina.

In Northern Transvaal, threats were made against two members in Shehego. The nature of the threats were non-specific.

In the Eastern Cape Province, two candidates did not make themselves available because of threats, while two other members were forced to relocate because of threats that their houses would be burned down.

However, by far the majority of cases of intimidation occurred in KwaZulu/Natal Province, and specific, as follows:

Intimidation of Organisers

On 1 February 1994, six organisers were taken into the employ of the Natal Midlands Region of the Democratic Party. Each was assigned tasks and goals, namely, to sign on members, establish branches and to raise the profile of the party through political activity generated by the branches.

In Ashdown (a township west of Pietermaritzburg), Sobantu (a township inside the borough of Pietermaritzburg), Pata (in Edendale, west of Pietermaritzburg) and in Nxamalala (also west of Pietermaritzburg, but in a KwaZulu area) branches were established as well as in the coloured townships of Woodlands and Eastwood. Three branches in the Indian areas were also launched.

By mid-March, a branch had been launched in the IFP stronghold of Mpumusa.

Sub-organisers were employed where branches were launched to service the branches.

These sub-organisers were the people in the firing line as the organisers had a wider area to attend to and the sub-organisers were constantly in their respective areas. The sub-organisers came under fire early in the campaign, as did members on occasion.

In Pata, after members had attended the Natal Congress of the party in Durban, they were assaulted and slapped around their faces for going to the DP Congress. The matter was taken up with the local chairman of the ANC branch, but he was unable to attend to the matter, referring us to the regional office.

The sub-organiser in Pata withstood the intimidation as long as he could, but after three weeks resigned due to threats against his family and his home. A second sub-organiser was employed in his stead. By mid-March/beginning April, he too had resigned and the branch members quietly became inactive due to pressure and

threats against them, their families and their homes. Four members were taken to the regional ANC offices and interrogated for their allegiance to the DP. This happened the day before the five people were found in the basement of the ANC offices in Johannesburg. No further active campaigning was possible in Pata for the last few weeks before the election.

An ANC member and friend of a local DP organiser, visited the DP office to see this friend in March. On his return to Dambusa (a strong ANC—stronghold west of Pietermaritzburg) the local regional secretary of the ANC attempted to shoot him in the company of Harry Gwala's bodyguards.

In Sobantu a committee was functioning well throughout February, meeting weekly and planning and executing political activity in the campaign. The sub-organiser was approached at the end of February by four MK males, one had a homemade firearm on him and he pressed this weapon against the head of the sub-organiser and threatened him not to continue to organise for the DP in Sobantu. He continued to work for the party from the office, and in other areas and in town, but was again threatened later in the campaign for helping to hang up posters with another organiser. ANC persons approached him in his Sobantu home and showed him a hand grenade and said the pin would be removed for him if he continued his work for the DP.

A fulltime organiser accompanied the sub-organiser and the organiser assigned to Sobantu to seek out a meeting with the local ANC chairman, but he was not there and a senior ANC person in the area told the three of them that the vehicle they were driving would not be safe in Sobantu after that, and that they were not welcome in the area. The matter was referred to the IEC. The committee came to hear of this, and out of fear became inactive and the campaign came to a dead end in Sobantu by the end of March.

In Ashdown, a similar pattern developed. At a house meeting residents of Ashdown asked the regional director whether they would be safe if they joined the DP, and whether the ANC would allow them to do so. Underlying these questions, was the fear that opposition would lead to victimisation and death or injury. No amount of explaining the public policy of the ANC seemed to put their fears to rest. A small committee continued in the face of this subtle intimidation. The organiser eventually came back to the office with the report that there was a plan afoot to kill him. After negotiating with the ANC local structure and getting the assurance of free and fair political campaigning he went back to work. However after another few days he reported that the threats continued, and he left the area and went into hiding. The campaign ended mid-March in Ashdown as the committee members were afraid to continue.

An active member of the DP from Ashdown was distributing posters and pamphlets in Dambuza and was assaulted by known members of the ANC. On his return to Ashdown, the news had got around and an ANC member told him he had better leave the area as no DP members were welcome in Ashdown.

In Nxamalala, where the DP had been instrumental in brokering the peace between the IFP and ANC warring factions in 1991 and assisted in the subsequent years to maintain it, the DP itself came under fire. After a meeting with the ANC chairman of the area, an agreement was reached that free and open campaigning was to be guaranteed and any breaches of this agreement were to be taken up between the parties. Within two weeks of this agreement being reached at a public meeting called by the ANC in Nxamalala, the secretary of the committee made it public that no DP members would be tolerated in the area and they had to leave. On taking this matter up with the chairman, the DP personnel were told that he was powerless and they had to approach the regional office of the ANC to sort out the problem. On approaching the regional office of the ANC there was the persistent response that they did not have time to meet with the DP - they could meet after the election.

In Mpumaza a local IFP member approached the DP organiser there and issued a veiled threat against him for working for the DP by saying he was not safe if he continued his work there. The organiser however continued to operate openly. Members of the branch, however, had to operate stealthily to seek support for the party for fear of intimidation against them and their families.

Burning/destruction of DP pamphlets

More than 400 000 pamphlets were dropped in the different areas around the Midlands to popularise the DP. Reports came back to the office regarding these drops : In Sobantu and Mpophomeni people were forbidden to touch the pamphlets under pain of punishment. Pamphlets were systematically gathered and burnt in the open. In some KwaZulu areas, people were told that if they touched those pamphlets they would not be able to vote as the pamphlets were smeared with the invisible dye used for election days.

An IEC operation access to Cedara Agricultural College was followed by ANC burning pamphlets distributed by all the opposing parties that had addressed the crowd. P Cronje had arrived late with some of his ANC comrades, and after the IEC exercise was completed he was present when the burning started.

Harassment of DP supporters

It was a regular practice for the DP to man tables throughout Pietermaritzburg. On each occasion there was active harassment

of DP supporters in town at these tables. The type of harassment included

- swearing at the members
- spitting at them
- placing 'heavies' within earshot of the table for passersby to clearly see them
- taking pamphlets from members and publicly throwing them down after crumpling them
- using racist terminology against black members

Prohibition on free and fair campaigning

The DP was effectively prohibited from campaigning freely in the black areas in the Midlands. In Hopewell, two organisers and a sub-organiser were prevented from seeing voters as they had 'not got permission from the structures of the ANC' to come into the area. Threats were made against them if they did not leave the area.

On numerous occasions, as described above, the ANC and the IFP mobilised public opinion against the DP by way of threats and implied violence. It was not unusual to find voters sympathetic to the DP. Many stories were circulated about the ballot as not being secret - there were reports of 'voter education workshops' run by these organisations where at times it was said that a camera was going to record how people vote; that the staff of the IEC would keep a record of how people voted; that the uSangoma would be able to tell how a person voted by using his/her muti; etc.

The DP was rubbished in the townships as a party involved in implementing apartheid, as participating in the raids in neighbouring countries, as perpetrating racist philosophies and of paying starvation wages while they, the capitalist party enjoyed the fruits of the land at the expense of the poor. This rubbishing was done in spite of the history of the DP, and was swallowed by the vast majority of the voters. In discrediting the DP, the leadership turned the ordinary people against even listening to the DP's side of the campaign, so bitter was the resentment built up against the party.

No go Areas

Extensive 'no go' areas were evident throughout Natal and in particular the Midlands. These included areas under the dominant control of the ANC and the IFP, namely, the greater Edendale and Vulindlela areas respectively, the rural areas of the then KwaZulu homeland and the townships under the control of the ANC. Squatter camps (informal settlements) were claimed by the ANC as their property.

Any political party described above was inviting attacks against itself, therefore the campaign was limited to campaigning in what each party considered 'safe' areas for themselves.

Election bribery

Only one incident was reported. In the Northern Transvaal, an activist was allegedly offered a house and a car if she joined the National Party. Efforts to corroborate this allegation proved fruitless.

Complaints to the IEC

It has unfortunately proved impossible to establish accurately how many complaints were lodged by the Party with the IEC. This results chiefly from the following factors:

- * some 'complaints' were misdirected, misguided, did not fall within the ambit of the Act or were frivolous
- * some complaints were lodged by persons not authorized to do so
- * some complaints were lodged with local offices of the IEC or with individual officers of the Commission rather than through the provincial or national offices

Complaints fell within three broad categories:

- * those alleging infringements of the Electoral Code of Conduct by opposing political organisations or other persons
- * those complaining about infringements of the Electoral Act by other political organizations
- * those made against the Commission itself or its officials for allegedly displaying partisanship and/or not adhering to the provisions of the Electoral Act.

These are tabulated below

<u>PROVINCE</u>	<u>CATEGORY 1</u>	<u>CATEGORY 2</u>	<u>CATEGORY 3</u>
Northern Tvl	-	-	6
North West	3	-	2
Eastern Tvl	3	0	1
RWV	7	1	35 **
Northern Cape	2	1	0
OFS	3	0	1
Western Cape	8	1	3
Eastern Cape	1	-	1
Natal	7	1	4

** Also handled some national complaints

Most provincial organizations reported that they were dissatisfied with the manner in which the IEC handled the complaints .

I trust that this information will be sufficient for your needs.

Kind regards

Yours sincerely

James Selfe

JAMES SELFE
EXECUTIVE DIRECTOR

BEST AVAILABLE DOCUMENT

Pan Africanist Congress of Azania

Submission from the Pan Africanist Congress of Azania

Political Violence

The opposite of what everyone expected on April 26-28, 1994 happened. Everyone expected a high level of violence on election days. However, it was very quiet. You could not believe this was the real South Africa, especially in the East Rand townships of the PWV.

No-Go Areas

The only so-called no-go areas were the farms in Pretoria where people were told that "you vote at your own risk and peril." That kind of remark is typical of AWB [Afrikaner Resistance Movement] people.

Political Intimidation

Some of the political parties had their stickers, T-shirts and posters within the radius of the voting stations while people were voting. Voters at Maldane in Gazankulu did not have the right of secrecy because they were given marked ballot papers, especially on the 26th, the day for special votes. At Thokoza and other hostels, people were also told which party to vote.

Election Bribery

The transport problem led to other people being told which party to vote because they used their transport.

Complaints Lodged with IEC

Most of the complaints lodged were ignored. Much depended on who complained about what party because the majority of IEC officials belonged to one party. Only complaints from that party were taken into consideration, for example, the KwaZulu/Natal issue.

There were also many complaints lodged with the IMC [Independent Media Commission]. Some of the complaints were "electioneering interviews" during the election time in the voting stations.

11B: IEC Breakdown of Political Party Campaign Complaints

Explanation of Acronyms on IEC Forms:

• IND	Individual
• UNK	Unknown
• OTH	Other
• HAFF	Ministry of Home Affairs
• INTIM	Intimidation
• VIOL. PEO.	Violence to People
• VIOL. PTY.	Violence to Property
• CAMP. CANV.	Campaign Canvassers
• V. EDC.	Voter Education
• VTING	Voting
• TVC	Temporary Voter Cards
• CH. X SCTN	Chapter 10 Section
• CODE CLSE	Code Closure
• TRNSFR AG/SAP	Transferred to Attorney General/South African Police
• TRNSFR G/STON	Transferred to Goldstone Commission

PROVINCE	NATURE OF COMPLAINT																INVESTIGATION FILES			
	INTIM	VIOL. PEO	VIOL. FTY	CAMP. CANV.	V. EDC	VTMO	ID	TVC	PORTER	TOWN COUNCIL	RES. RESY	CH. K. SETH	CODE CLSE	OTHER	OTHER	OTHER	FILES CLOSED	FILES OPEN	TRANSF. AD/SAP	TRANSF. OUT/ON
EAST CAPE																				
EAST LONDON	20	3	0	13	7	43	4	15	16	3										
PORT ELIZABETH	6	2	1	7	3	7	1	0	0	0	0	0	4	36	14	0	126	20	6	0
UMTATA	13	7	0	13	13	7	4	12	1	0	1	0	1	0	0	0	41	1	0	0
EASTERN TYL.																				
MELSBURIT	54	3	27	13	13	13	13	14	0	0	0	0	4	54	0	0	57	0	0	0
ERMELO	18	3	13	3	3	0	7	3	3	3	0	0	5	13	0	0	130	20	7	0
NATAL																				
DURBAN	78	13	0	40	3	44	0	20	0	0	0	0	0	0	0	0	74	1	1	0
Pietermaritzburg	57	4	16	0	0	0	10	1	11	0	3	0	3	4	30	0	335	0	0	0
NEWCASTLE	79	15	17	1	2	17	3	1	0	0	0	0	4	32	0	0	134	2	0	0
EMFANGEN	33	10	7	3	0	15	4	0	0	0	0	0	4	32	0	0	164	1	14	0
PORT SHEPSTONE	94	0	0	0	1	24	14	9	10	0	0	0	27	0	0	0	81	27	0	0
NORTH CAPE																				
KIMBERLEY	26	11	0	5	12	14	3	11	32	0	0	0	20	0	0	0	131	47	0	5
NORTH TYL.																				
Pieterburg	30	1	3	4	2	20	0	6	13	0	1	0	27	0	0	0	81	43	0	1
NORTH WEST																				
KLERDORP	20	0	0	0	11	127	0	7	13	0	0	0	0	43	14	0	173	23	5	2
RUSTENBURG	39	3	0	3	2	21	0	1	5	0	0	0	0	5	0	0	27	0	10	0
MAPLENG	33	3	0	2	1	2	0	6	0	0	0	0	0	0	0	0	43	11	0	0
O.F.S																				
BLOEMFONTEIN	26	7	2	20	10	11	3	5	0	0	0	0	0	0	0	0	43	11	0	0
BETHLEHEM	18	2	0	11	2	20	12	2	0	0	0	1	7	11	10	0	71	14	0	0
WELKOM	31	4	3	18	1	26	5	1	0	0	0	0	2	0	1	0	23	10	12	0
PRIV - PTA, WITS. VREDEBURG	171	41	17	73	13	34	24	21	63	0	0	0	7	13	1	0	22	22	6	0
WEST CAPE																				
CAPE TOWN	79	31	13	13	0	0	6	10	77	0	0	0	0	0	27	0	363	263	10	0
VALDOL/PRET WEST	80	2	0	12	3	63	4	0	9	0	0	0	0	0	0	0	300	10	43	0
GEORGE	1	0	0	0	2	0	1	0	1	2	0	0	0	3	11	0	120	0	7	0
NATIONAL	23	4	1	7	3	1	0	2	0	0	0	0	12	0	3	14	0	0	0	
GRAND TOTAL	2013	177	147	322	115	240	143	208	307	20	0	0	7	12	0	0	23	0	4	1
											6	205	200	441	120	20	2040	640	181	11

BEST AVAILABLE DOCUMENT

PROVINCE NT/acc/press/report.3 Ending Friday 20 April, 1994	SENT TO MEDIATION	MONTH SUCCEEDED	MONTH FAILS	PROSECUTION	MERITS COMP SUCC	MERITS RESP SUCC	FILES CLOSED COMPLAINT WITHOUT SUBSTANCE	FILES CLOSED AND/OR HIGH CO-OP	FILES CLOSED SUCCESS- FULLY MEDIATED	FILES CLOSED : PROSECUTION	FILES CLOSED OTHER REASON BY/RETO
EAST CAPE											
EAST LONDON	6	5	0	5	3	2	27	36	5	5	77
PORT ELIZABETH	4	4	0	3	1	0	7	6	4	1	0
UMTATA	0	0	0	1	1	0	31	1	0	1	20
EASTERN TVL											
MELSBRIT	3	3	0	0	0	0	43	0	3	0	23
ERINHO	3	3	0	0	0	0	32	10	6	0	26
NATAL											
DURBAN	6	6	0	3	2	1	75	115	6	0	0
PiETERMARITZBURG	0	7	1	0	0	0	41	75	0	0	0
EMPAANGEN	1	0	0	0	0	0	74	10	1	0	0
NEWCASTLE	13	13	0	0	0	0	14	0	10	0	0
PORT SHEPSTONE	20	3	47	0	0	0	10	34	3	0	37
NORTHERN CAPE											
KIMBERLEY	6	0	0	3	0	0	11	7	17	0	0
NORTH TVL											
PiETERSBURG	23	23	0	6	1	0	13	10	23	6	4
NORTH WEST											
KLERKSDORP	13	11	1	3	3	0	20	13	11	3	23
RUSTENBURG	5	5	0	0	0	0	6	0	3	0	34
MAFKENO	4	4	0	3	3	0	33	0	4	3	10
O.F.S.											
BLOEMFONTEIN	13	9	4	2	2	0	33	18	9	3	7
BETHLEHEM	7	2	3	0	0	0	32	0	3	0	3
WELKOM	5	3	0	2	2	0	27	16	3	2	3
FWV - PTA, WITS, VLER, RES.	27	24	1	7	2	3	70	105	24	2	127
WEST CAPE											
CAPE TOWN	23	14	0	13	4	3	0	11	14	13	207
VERDOLAFVY WEST	23	14	4	1	0	0	4	0	6	4	11
GEORGE	0	0	0	0	0	0	3	1	0	0	10
NATIONAL	14	11	3	1	0	1	10	0	11	1	11
GRAND TOTAL	278	176	75	50	34	10	407	407	153	43	733

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International Republican Institute

APPENDIX 12: Voter Education Organizations

VOTER EDUCATION ORGANIZATIONS

The following organizations and countries were among those involved in voter education programs in South Africa. Support was provided from the international sources including the United States, Germany, Sweden and European Union. Voter education groups included:

Independent Electoral Commission
Democracy Education Broadcast Initiative
Independent Forum for Electoral Education
Voter Education and Elections Training Unit
Matla Trust
S.A. Souncil of Churches & Women's Ministries
Institute for Contextual Theology
Institute for Multi Party Democracy
Project Vote
Young Women's Christian Association
Church of the Province of South Africa
Congress of South African Trade Unions
National Council of Trade Unions
Institute for a Democratic Alternative for South Africa
S.A. Catholic Bishop's Conference
Diakonia
KAMBRO
Karoo Resource Centre
Black Sash National Office
Community Resource and Information Centre
Legal Action Project
Methodist Church of South Africa
Theology Exchange Programme
Lawyers for Human Rights
CPSA: Diocesan Organisers for Voter Education
Foundation for Contemporary Research
Community Arts Projcct
Education Resource and Information Project
Afesis Community Advice and Resource Centre
Centre for Community and Labour Studies
Storyteller Group
National Literacy Cooperation
Quaker Peace Centre
Ecumenical Confessing Fellowship
Democratic Development Programme
Human Sciences Research Council
Helen Suzman Foundation
The National Council for the Physically Disabled in S.A.

Independent Mediatoral Service of S.A.
Afrikanse Taal en Kulturvereniging
Institute for Independent Research on Peace and Human Rights
Rural Foundation
Muslim Judicial Council
Consultative Business Movement
Street Law National Office
USWE

International Republican Institute

**APPENDIX 13: Resource Allocation
Provisions of Electoral Act**

FINANCIAL RESOURCE DISBURSEMENTS

The Electoral Act noted that the State Electoral Fund was "under the administration of the Commission and shall comply with the following requirements:

- "(a) The capital of the said Fund shall be constituted by--
 - (i) money appropriated by Parliament for that purpose, the amount of which is to be determined by the Transitional Council in consultation with the Minister of State Expenditure; and
 - (ii) such further amounts, if any, as may be contributed by donors, including foreign governments, inter-governmental and non-governmental organizations.
- "(b) The object of the said Fund shall be to provide registered parties with financial assistance for the purposes of conducting their electoral campaigns: Provided that no such assistance shall be utilized for the purposes of entertainment or for the purchasing of any immovable property."

Financial assistance was made as follows to the political parties registered to contest the elections:

- "(a) An initial grant payable to all registered parties on an equal basis and without discrimination ...
- "(b) a grant payable to such registered parties after the results of the election have been determined ..."

The Electoral Act stated that the "initial grant ... shall only be payable to a registered party if an independent opinion poll recognized and accepted by the Commission for that purpose shows that such a party has:

- "(i) ... the potential support of at least two percent of the voters for that [National Assembly] legislature; or
- "(ii) ... the potential support of at least two percent of the voters for the [provincial] legislature or legislatures concerned."

If a party was not able to produce an acceptable opinion poll, it could submit a list containing:

- "(i) 10,000 signatures of voters, of which at least 1,000 signatures shall be by voters from each of at least five provinces, if that party applies for a grant to contest the election for the National Assembly; or

- "(ii) 3,000 signatures by voters from each such province in respect of which such party applies for a grant with a view to contesting the election in such province or provinces."

Financial assistance was distributed as follows after the election:

- "(a) 50 percent shall be distributed equally among those registered parties which in terms of the total number of votes cast are entitled to at least one seat in the National Assembly or any provincial legislature; Provided that a party which contested the election for one provincial legislature only may only receive one quarter of the amount of the grant payable to a party which contested the election for the National Assembly; and
- "(b) the other 50 percent shall be payable to each such registered party proportional to the number of votes cast nationally and provincially in favor of such party."

International Republican Institute

APPENDIX 14: Bombings and Bomb Threats

SOUTH AFRICAN POLICE



SOUTH AFRICAN POLICE

TELEFAX
COVERINGSHEET

TO: INTERNATIONAL REPUBLICAN INSTITUTE

DATE: 1994-05-19

SENDER: INTERNAL STABILITY
DIVISION
HEAD OFFICE
PRIVATE BAG 241
PRETORIA

DEALT WITH: LIEUTENANT-COLONEL

NUMBER OF PAGES, COVERINGSHEET INCLUDED: _____

SUBJECT: STATISTICS AS REQUESTED

MESSAGE

1. Telephone conversation between Lt-Col Venter and your office on 18 May 1994 refers.
2. Hereby attached statistic as required by you.


F/DIVISIONAL CHIEF:
W A VENTER

LIEUTENANT-COLONEL
INTERNAL STABILITY DIVISION

ru/260.faks

TO : LT-KOL. VENTER
 DOBPOL, ISD, HQ
 TEL : X 242

FROM: VAK KRITZINGER
 STATISTICS 'SD, HQ
 TEL : X 272

1994-05-18

STATISTICS AS REQUIRED BY YOU :

1. TOTAL AMOUNT BOMB EXPLOSIONS AND BOMB THREATS PER RESIDENTIAL AREA PER DAY FOR THE PERIOD 1994-04-01 TO 1994-05-18.

A BOMB EXPLOSIONS:

- 04-01 - OTTOSDAL
- 04-02 - LESLIE
- 04-04 - ALEXADRA (RANDBURG)
 EZIKHAWENI (EPANGENI)
- 04-11 - RUSTENBURG
- 04-14 - SANNIESHOF
- 04-17 - CHRISTIANA
 GALESHEWE (KIMBERLEY)
 NKWAZELLA (BULWER)
 VENTERSDORP
- 04-21 - HOOPSTAD
 TIKWANA (HOOPSTAD)
- 04-23 - DENEYSVILLE
- 04-24 - JOHANNESBURG
 KHAYAMNANDI (STEYNSBURG)
 POTGIETERSRUS
 QUEENSTOWN
- 04-25 - ATTERIDGEVILLE (PRETORIA)
 GERMISTON
 JAGERSFONTEIN
 RANDFONTEIN
 WESTONARIA
- 04-26 - FOUCHVILLE
 ORKNEY
 SOEKMEKAAR
- 04-27 - CARLTONVILLE
 KEMPTONPARK

04-28 - BRAKPAN
CARLTONVILLE

04-29 - BEKKERSDAL (WESTONARIA)
STUTTERHEIM

04-30 - JOUBERTON (KLERKSDORP)
KWA MAKHUTA (AMANZIMTOTI)

05-02 - POSTMASBURG

05-08 - JOUBERTON (KLERKSDORP)

05-09 - BOTHAVILLE

05-12 - BOKSBURG

05-14 - KANANA (ORKNEY)
WESTONARIA

B BOMB THREATS:

04-01 - DUNCAN VILLAGE (OOS-LONDEN)

04-07 - OOS-LONDEN

04-08 - PORT ELISABETH

04-09 - OOS-LONDEN

04-12 - ORKNEY
PORT ELISABETH

04-14 - KORSTEN (PORT ELISABETH)

04-15 - KLERKSDORP
OOS-LONDEN
UITENHAGE

04-16 - JOHANNESBURG
LICHTENBURG

04-17 - OOS-LONDEN
STRAND

04-19 - NAPIER

04-21 - BRAKPAN
NEWTONPARK (PORT ELISABETH)
RIVIERSONDEREND
STRAND

04-22 - RUSTENBURG

04-23 - FINGO (GRAHAMSTAD)
PIETERSBURG

- 04-24 - BRIDGETON (OUDSHOORN)
- 04-25 - ALIWAL-NOORD - 2
 BENONI
 BETHLEHEM
 BLOEMFONTEIN - 2
 BRAKPAN - 4
 CARLTONVILLE
 CHRISSIESMEER
 CRADOCK
 DUNOTTAR - 2
 GERMISTON - 2
 HAZYVIEW
 HEILBRON
 KEMPTON PARK - 3
 KNUSNA - 3
 KROONSTAD
 KWANOBUHLE (UITENHAGE)
 LANDSDOWNE (KAAPSTAD)
 NELSPRUIT
 ORKNEY
 PORT SHEPSTONE
 ROODEPOORT
 SAKHILE (STANDERTON)
 SECUNDA
 SPRINGS
 STANDERTON
 STRAND
 VEREENIGING - 2
 VOLKSRUST - 2
 WYNBERG KAAP - 3
- 04-26 - BENONI
 BOKSBURG - 5
 BRAKPAN - 2
 BURGERSFORT
 CARLTONVILLE - 2
 DUNCAN VILLAGE (OOS-LONDEN)
 ELDORADOPARK (SOWETO)
 EPANGENI
 ENNERDALE (VEREENIGING)
 HAZYVIEW
 HEIDELBERG (TRANSVAAL)
 JOUBERTINA
 KAAPSTAD - 6
 KEMPTON PARK - 5
 KIMBERLEY - 4
 KLERKSDORP
 KNYSNA - 2
 KOMATIPOORT
 KRUGERSDORF - 4
 LADYSMITH (NATAL)
 LENASIA (SOWETO)
 MACASSAR (SOMERSET-WES)
 MALMESBURY
 MANENBERG

MARGATE
 MATATIELE
 MIDDELBURG (TRANSVAAL)
 MITCHELLS PLEIN (KAAPSTAD) - 2
 MOSSELBAAI - 6
 MOWBRAY (KAAPSTAD)
 NELSPRUIT - 2
 NEWCASTLE - 2
 NEWTONPARK (PORT ELISABETH)
 ORKNEY
 PAARL
 PARYS
 PHALABORWA
 PIETERMARITZBURG
 PORT ELISABETH - 4
 POTGIETERSRUS
 PRETORIA - 3
 RANDFONTEIN
 RONDEBOSCH - 4
 ROODEPOORT
 RUSTENBURG - 3
 SARON
 SHARPEVILLE (VANDERBEYLPARK)
 SOMERSET-WES
 SPRINGS - 2
 STELLENBOSCH
 STRAND - 5
 SWARTKOPS (PORT ELISABETH)
 VENTERSBURG
 VEREENIGING - 4
 VOLKRUST
 WITBANK
 WORCESTER
 WYNBERG (KAAP) - 3

04-27 - ALGOAPARK (PORT ELISABETH)
 BELLVILLE
 BENONI
 BETHLEHEM
 BLOEMFONTEIN - 2
 BOKSBURG
 DELAREYVILLE
 HEIDELBERG (TRANSVAAL)
 HOPEFIELD
 KAAPSTAD - 2
 KIMBERLEY - 3
 KLAPMUTS
 KLERKSDORP
 KNYSNA - 2
 KORSTEN (PORT ELISABETH)
 KRAAIFONTEIN
 KRUGERSDORP
 KWANOBUHLE (UITENHAGE)
 KWAZAKELE (PORT ELISABETH)
 LENASIA (SOWETO)
 MAITLAND

MIDDELBURG (TRANSVAAL)
 MOSSELBAAI - 2
 NELSPRUIT
 PRETORIA
 RONDEBOSCH
 RUSTENBURG
 SEEPUNT (KAAPSTAD)
 SOMERSET-WES
 SOUTPAN
 VERULAM
 WELKOM
 WITBANK - 2
 WOODSTOCK
 ZWIDE (PORT ELISABETH)

04-28 - ALLICE
 BELLVILLE SUID
 BISHOP LAVIS
 BOKSBURG
 ENNERDALE (VEREENIGING) - 12
 ERMELO
 FORT BEAUFORT
 KEMPTON PARK
 KROONSTAD]
 KRUGERSDORP
 LADYSMITH (NATAL)
 LENASIA (SOWETO) - 2
 LYDENBURG - 2
 MANDINI
 MOUNTAIN RISE (PIETERMARITZBURG)
 NELSPRUIT
 NEWCASTLE
 OOS LONDEN
 PIETERMARITZBURG
 PORT ELISABETH - 3
 RIVIERSONDEREND
 RUSTENBURG
 SECUNDA
 VOLKSRUST

04-29 - KAAPSTAD
 KNYSNA
 KRUGERSDORP
 LOUIS TRICHARDT
 OOS LONDEN
 RANDFONTEIN - 2
 WITBANK
 WORCESTER

04-30 - CARLTONVILLE
 MOSSELBAAI
 NEW BRIGTON (PORT ELISABETH)
 NEWTONPARK (PORT ELISABETH)
 OOS LONDEN - 2
 ORKNEY
 VISHOEK

- 05-01 - KIMBERLEY
KNYSNA - 4
MOTHERWELL (PORT ELISABETH)
WORCESTER
42 ND HILL (HARRYSMITH) - 2
- 05-02 - BETHLEHEM
ODENDAALSRUS
OOS LONDEN
SOMERSET OOS
- 05-03 - DURBAN - 2
KIMBERLEY
KNYSNA
NOORDEINDE (PORT ELISABETH)
VRYBURG
WITBANK
- 05-04 - ARCADIA (PRETORIA)
KNYSNA
RIVIERSONDEREND
RONDEBOSCH
STRAND
UITENHAGE
- 05-05 - KROONSTAD
KRUGERSDORP
- 05-06 -- BREDASDORP
HOMEVALE (KIMBERLEY)
MOSELBAAI
STRAND
- 05-07 -- DE: PATCH (PORT ELISABETH)
UITENHAGE
- 05-08 -- GALESHEWE (KIMBERLEY)
KAMESH (UITENHAGE)
- 05-09 -- WOLMERHANSSTAD
- 05-10 -- WALMER (PORT ELISABETH)
- 05-17 -- KIMBERLEY
OOS LONDEN
SQUAREHILL PARK (KIMBERLEY)
- 05-18 -- STUTTERHEIM

FIGURES SUBJECTED TO CHANGE


.....VAK
f/SECTION HEAD : STATISTICS SECION, ISD, HQ
J J KRITZINGER 0456852-4

International Republican Institute

**APPENDIX 15: IRI's Election Evaluation Criteria
Submitted to IEC**

Elements of a Free and Fair Election*
Prepared for the Independent Electoral Commission of South Africa
by the International Republican Institute
March 4, 1994

Freedom for all to participate in the electoral campaign unhindered by intimidation or violence.
Representative and independent election officials at the national, regional, and local level.
Equitable opportunity for political parties to present their views at rallies and in the news media nationwide.
Efficient and non-partisan administration of the electoral process.

Announcement of the election date, voting locations, and distribution of voting materials in a timely manner.
No restrictions on freedom of speech or peaceful assembly.
Distribution of printed materials, such as publications, newspapers, posters, and other campaign paraphernalia without fear of intimidation or censorship.

Fair access to political rallies and voter education workshops to improve the opportunity for informed voting.
Access to all polling stations by party agents, domestic monitors, and international observers.
Identify documents or voter cards easily available to all eligible voters, but adequate safeguards to prevent double-voting.
Resolution of all campaign- and election-related disputes in an efficient, timely, and objective manner.

Equitable and timely access by all parties to informational, financial, and material resources as stipulated in the electoral act.

Legal redress for victims of politically motivated violence.

Enforcement of measures designed to facilitate a peaceful campaign and election days, without undue intimidation or interference by police, military, or other armed groups.

Counting and tabulation of votes in a timely manner, in the presence of party agents and accredited monitoring and observation groups.

Transparency in pre-election and post-election administration, including procurement and distribution of voting materials, resolution of electoral disputes, counting and tabulation, and announcement of results.

Independent and balanced coverage of the campaign by both private and state-owned media.

Open communication between the Independent Electoral Commission, political parties, NGOs, and observers.

No numbers on ballot papers or other identifying mark that would jeopardize a secret ballot.

Secured and properly stored ballot papers, before, during and after the election period.

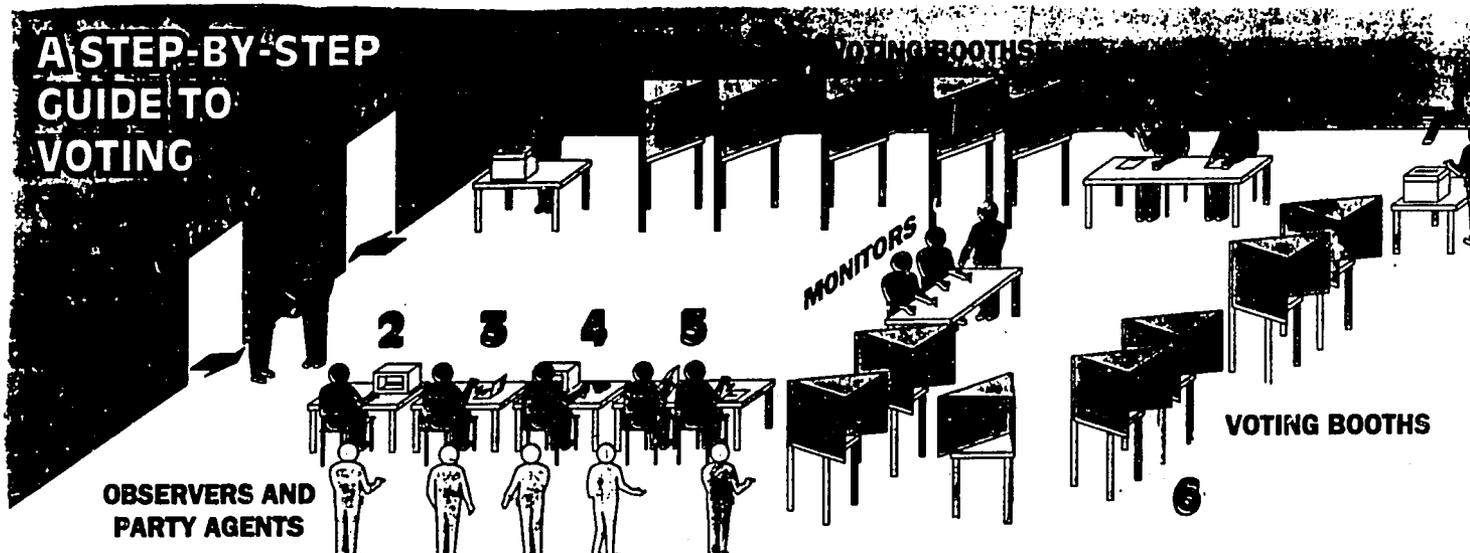
**Please note that the International Republican Institute believes that the term "free and fair" often creates widespread expectations of and demands for a "perfectly" free and fair campaign and election. As a result of our involvement in more than 40 election observation missions worldwide, it is our considered opinion that "substantially" free and fair elections "that represent the will of a majority of South Africans" is a more realistic standard. The IRI has rarely pronounced an election "free and fair" because in most campaigns and elections there are incidents that obviate the possibility of pronouncing it completely "free and fair".*

International Republican Institute

APPENDIX 16: Voting Station Set-Up

A STEP-BY-STEP GUIDE TO VOTING

VOTING BOOTHS



OBSERVERS AND PARTY AGENTS

1 An IEC official will ask you to have your ID or temporary voter card ready.

2 First put each of your hands under the special (ultra-violet) light, to show that you have not voted in this election before.

3 An official will check your documents, to make sure you are qualified to vote. She or he will stamp them with an invisible ink. If you have a temporary voter's card, the official will keep the card.

4 The official will spray the back of your hand with an invisible liquid. This spray cannot hurt you. It can only be seen under the special (ultra-violet) light. The officials will check your hand under the light again, to see if the spray shows up properly.

5 After this, you get the National Ballot Paper. The

officials will fold the ballot paper and put an official stamp on it. Then they will give it to you. Check at the bottom of the paper to see that the IFP election sticker does not intrude on the box above. If it does, this is a spoiled paper and you should be given another one.

6 The ushers will tell you which Voting Booth you should use. You will be alone when you go into the voting booth. No one will be able to see who you vote for. When you are in the booth, you should make an X or a ✓ next to the party you want to vote for. Fold your ballot again, so that the official stamp shows.

7 Go to the table with the National Ballot Box. The official there will check the back of your folded ballot paper to make sure it has the official stamp, before you put it in the box. He or she will NOT see who you voted for.

8 Next you will be given the Provincial Ballot Paper. Again, the officials will fold the ballot paper and stamp it before they give it to you. Again, check at the bottom of the paper to see that the IFP election sticker does not intrude on the box above. If it does, this is a spoiled paper and you should be given another one.

9 An usher will show you to a voting booth. Again, you will be alone in the voting booth. Make an X or a ✓ next to the party you want for the Provincial legislature.

10 When you have finished marking your ballot, fold the paper and go to the Provincial Ballot Box. The official there will check the back of your folded ballot to make sure it has the official stamp, before you put it in the box.

Graphic: FONA W/ISCH Source

BEST AVAILABLE DOCUMENT

International Republican Institute

APPENDIX 17: Observer Organizations

MONITOR AND OBSERVER ORGANIZATIONS

- National Peace Secretariat. Established during the negotiations process, the Secretariat had monitors at all pre-election campaign rallies, prayer meetings and at all voting stations during the three election days.
- IEC monitors were present in all voting stations, with the possible exception of the alleged "pirate" voting stations in KwaZulu. Special monitors were tasked with monitoring the entire electoral process, from the issuance of voter identification cards to receiving final reports from observer organizations.¹
- IEC-accredited observers from non-governmental organizations (NGO) worldwide. The U.S.-based Lawyer's Committee for Civil Rights Under Law organized all American NGO observers.
- NEON (National Election Observers Network).²
- United Nations (UN)-accredited observers.
- Organization for African Unity (OAU)-accredited observers.
- European Union (EU)-accredited observers.
- Commonwealth-accredited observers.
- South African NGOs.
- Members of the South African Defence Force (SADF) and South African Police (SAP).

¹ On May 18, 1994, IEC monitors mounted a demonstration outside the IEC's head office in Johannesburg. The monitors were protesting the fact that the IEC had paid an overtime bonus to some monitors, but refused to pay it to all monitors. The monitors felt that the IEC had set a precedent and demanded equal treatment. The IEC refused to pay the protesting monitors a bonus, but offered to provide them with written proof of their work with the IEC. The incident appeared to be another indication of the IEC's lack of management skills.

² A local network, NEON established offices in all nine regions. Following the election, NEON observers demanded additional money to the R55 per day they had been paid to cover incidental expenses. The observers said they wanted to be paid the same as IEC monitors. Faced with daily demonstrations outside of its Johannesburg office, NEON approached the IEC for financial assistance. The IEC said it was not in a position to help financially, but offered to mediate the situation.

ERRATUM: Members of the South African Defence Force (SADF) and South African Police (SAP) provided security at voting stations around the country, but did NOT monitor or observe the April 1994 elections.

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APPENDIX 18: ID Cards Issued by
Ministry of Home Affairs

Note: It is not clear from the table which numbers refer to national identification cards or to temporary voter cards.

IDENTITY DOCUMENTS

DATE	FIRST APPLICATIONS	REISSUES	ID'S DISPATCHED
1/8/92 - 31/12/92	442 275	460 647	521 526
1/1/93 - 31/12/93	1 446 509	1 205 124	2 423 075
1/1/94 - 30/04/94	1 483 796	631 559	2 116 600

1,8 Million TVC's were issued.

AJ200594

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APPENDIX 19: IEC Chairperson Kriegler Certifies Election

STATEMENT BY IEC CHAIRMAN JUDGE JOHANN KRIEGLER
CERTIFYING ELECTIONS "SUBSTANTIALLY FREE AND FAIR"

We have reached a milestone in the history of our country. Barely four years ago, after decades of strife and dissent, we struck a bold course for the future. Just over four months ago the Independent Electoral Commission was created. Its task was well nigh superhuman: to organize, administer, supervise and conduct our country's first wholly democratic elections. Many said it would be impossible -- and it very nearly was. We had the will but not the time.

The election we offered to the people of our country was admittedly flawed in many ways but that is peripheral -- some 20 million people of this land were granted the opportunity of a say in our future government. They have spoken and, notwithstanding manifold difficulties, the Commission is proud to be able to announce the results.

More significantly, we have concluded that we can certify each of the ten elections concerned to have been substantially free and fair. This we are able to do despite the large number of objections and complaints from various political parties. The campaign period was relatively peaceful. Complaints arising in this regard were investigated, mediated or prosecuted. Viewed in the context of historical animosities, political, social and ethnic, campaigning was relatively free. Through the Electoral Fund, parties were enabled to conduct effective electioneering. Our programme to provide access to so-called 'no-go' areas stretched across the land from the Letsitele Valley to the far reaches of the Richtersveld. At the same time, voter education was coordinated and directed towards those sectors of our community which needed it most. The low percentage of spoilt papers bears testimony to the success of these efforts.

A vigorous communications programme served to focus attention on the elections to establish the secrecy of the vote and in this way to counteract intimidation. Indeed, on the voting days intimidation was not a major feature.

The task of furnishing reasonably accessible yet secure voting stations proved intractable and many compromises had to be made. Political developments in a number of former self-governing or independent territories compounded the task. But we managed to pull back from disaster. By the efforts of many, both inside and outside the IEC, the electorate was still offered a reasonable opportunity to vote. When it came to counting the strain again proved too much. Once again disaster was narrowly averted and emergency measures to identify and verify approximately 40 million ballot papers were introduced.

Alleged electoral violations occurring during the voting and counting periods of the elections will be investigated and where appropriate prosecuted.

We acknowledge that the measures we took displeased many. The heart of the matter is that we were able to establish the expressed will of the people with reasonable accuracy. We are satisfied that the results we are about to announce were established in substantially free and fair elections.

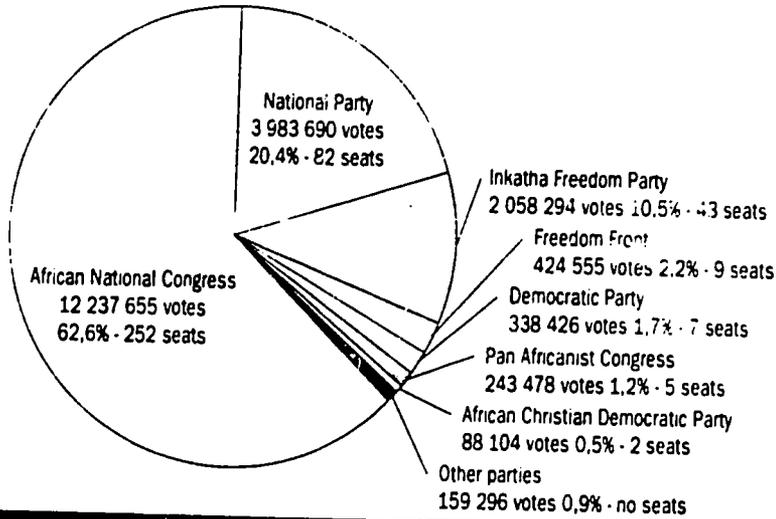
In three respects the Commission used the powers vested in it by Section 47 of the Electoral Act:

1. At the counting station in Lady Frere, Eastern Cape, there was adequate evidence that approximately 30 ballot boxes had been forcibly opened. In consequence the Commission decided to cause 50,000 votes in the Provincial Election and 50,000 in the National to be deducted from all the competing parties proportionally.
2. The unavailability of stickers at many voting stations during a part of the voting days technically rendered votes cast during such periods invalid. Special instructions were given to avoid such eventuality, which would have disenfranchised voters to the prejudice of their parties of choice. The Commission is satisfied that substantial justice would be done if the votes cast in favour of parties on such invalid ballot papers were by way of adjustment equated to the number thereof.
3. Certain counting station data relating to KwaZulu/Natal could not be verified with the requisite degree of reliability. The Commission is satisfied that it would be a fair and reasonably reliable test of the votes of that province to adjust the verifiable information proportionally to the proven support of the respective parties in the province.

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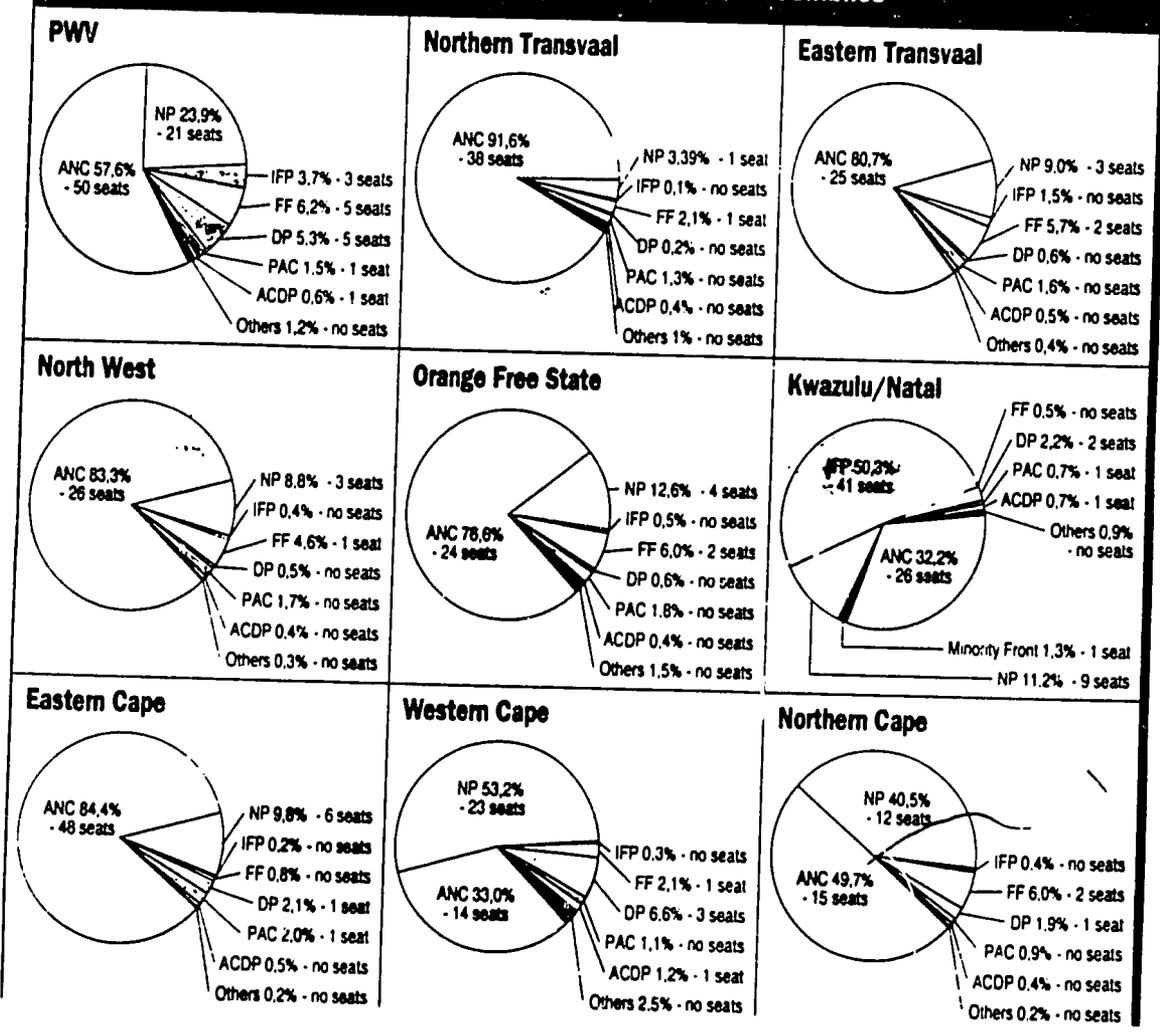
**APPENDIX 20: The Results:
The Cabinet
National Assembly
Senate
Provincial Executive Councils**

Parties, votes and seats in 'the National Assembly

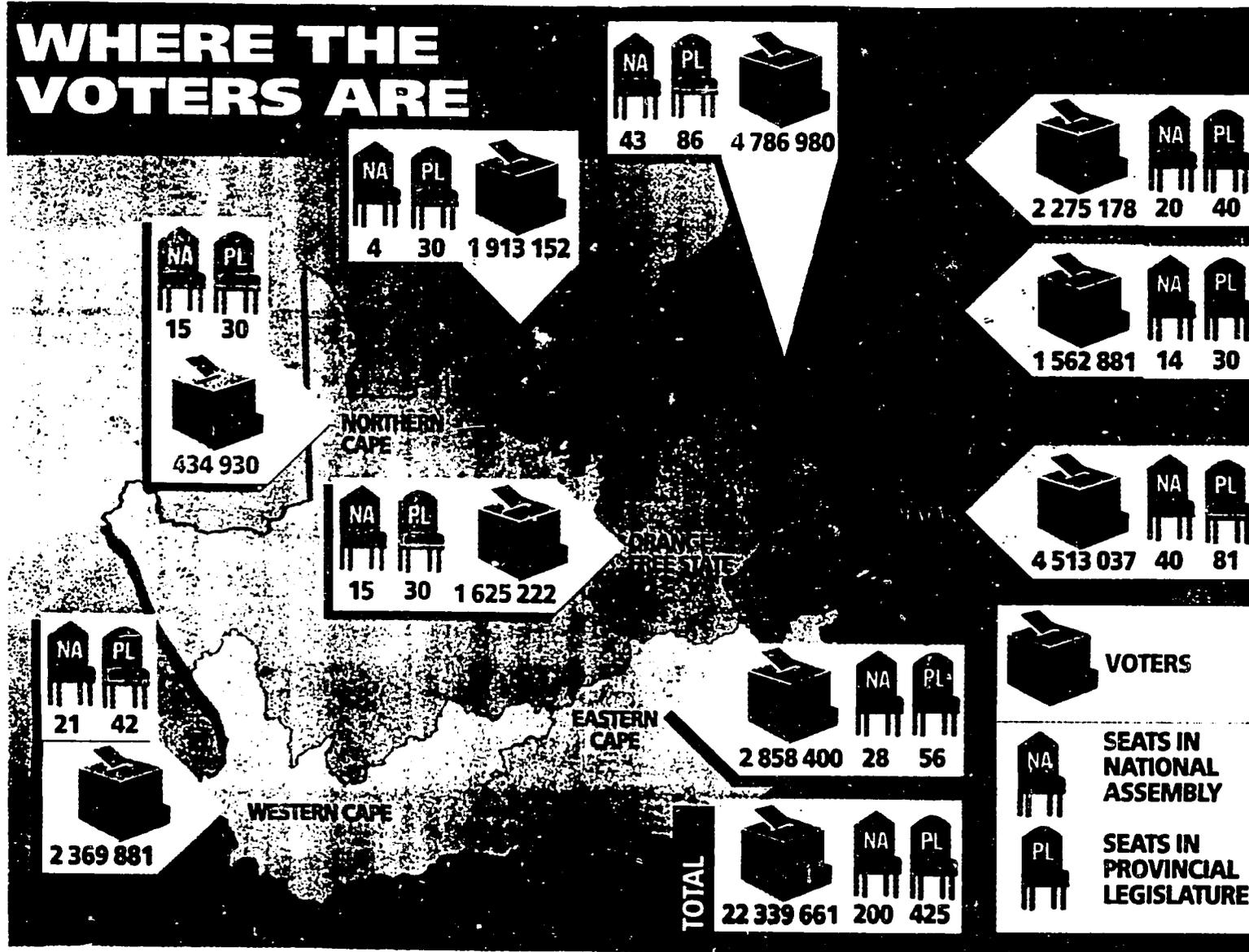


- Other parties are:
- Soccer Party
 - Keep It Straight and Simple Party
 - Women's Rights Peace Party
 - Workers' List Party
 - Ximoko Progressive Party
 - Africa Muslim Party
 - African Democratic Movement
 - African Moderates Congress Party
 - Dikwankwella Party of South Africa
 - Federal Party
 - Luso-South African Party
 - Minority Front Party

Parties and seats in the Provincial Assemblies



WHERE THE VOTERS ARE



 **VOTERS**

 **SEATS IN NATIONAL ASSEMBLY**

 **SEATS IN PROVINCIAL LEGISLATURE**

**Government of National Unity: The Cabinet
as of May 10, 1994**

President: Nelson Mandela, ANC

First Executive Vice President: Thabo Mbeki, ANC

Second Executive Vice President: F.W. de Klerk, NP

Justice: Dullah Omar, ANC

Deputy: Chris Fisser, NP

Defense: Joe Modise, ANC

Safety & Security: Sidney Mufamadi, ANC

Deputy: Joe Matthews, IFP

Education: Sibusiso Bengu, ANC

Deputy: Renier Schoeman, NP

Trade & Industry: Trevor Manuel, ANC

Foreign Affairs: Alfred Nzo, ANC

Deputy: Aziz Pahad, ANC

Labor & Manpower: Tito Mboweni, ANC

Posts, Telecommunications & Broadcasting: Dr. Pallo Jordan, ANC

Health: Nkosazana Dlamini Zuma, ANC

Transport: Mac Maharaj, ANC

Provincial Affairs & Constitutional Development: Roelf Meyer, NP

Deputy: Valli Moosa, ANC

Land Affairs: Derek Hanekom, ANC

Deputy: Tobie Meyer, NP

Public Enterprises: Stella Sigcau, ANC

Public Service & Administration: Dr. Zola Skweyiya, ANC

Housing: Joe Slovo, South African Communist Party (SACP)

Public Works: Jeff Radebe, ANC

Correctional Services: Siphon Mzimela, IFP

Finance: Derek Keys, Independent. (Resigned July 5, 1994)

Finance Minister as of October 1994: Chris Liebenberg, Independent

Deputy: Alec Erwin, ANC

Agriculture: Dr. Kraai van Niekerk, NP

Deputy: Thoko Msane, ANC

Sport & Recreation: Steve Tshwete, ANC

Home Affairs: Mangosuthu Buthelezi, IFP

Deputy: Penuell Maduna, ANC

Water Affairs & Forestry: Prof. Kader Asmal, ANC

Environment & Tourism: Dr. Dawie de Villiers, NP

Deputy: Bantu Holomisa, ANC

Mineral & Energy Affairs: Pik Botha, NP

Welfare & Population Development: Abe Williams, NP

Deputy: Sankie Nkondo, ANC

Arts, Culture, Science & Technology: Dr. Ben Ngubane, IFP

Deputy: Winnie Mandela, ANC

Minister without Portfolio: Jay Naidoo, ANC

**Members of Parliament Elected to the 400-Member National Assembly
as of April 29, 1994**

African National Congress (ANC), 252 MPs

Firoza Adam
Omar Mohamed Ahmed
Jonathan Doneley Arendse
Abdul Kader Asmal
Sponono Francina Baloyi
Fezile Bhengu
Sibusiso Mandlenkose Bhengu
Mnyamezeli Shedrack Booie
Thozamile Botha
Brian Percy Bunting
Ismail Mahomed Cachalia
Yunus Ismail Carrim
Ohm Collins Chabane
Judy Chalmers
Patrick Chauke
Lalo Chiba
Moses Mabokela Chikane
Mietha Patricia Coetzee
Max Coleman
John Anthony Copelyn
Pierre Carel Cronje
David John Dalling
Mavuthu Kingi David Davhana
Robert Haydn Davies
Johannes Hendrik de Lange
Phillip David Dexter
Zingile Alfred Dingani
Bathabile Olive Dlamini
Christopher Dlamini
Geoffrey Quinton Doidge
Mabone William Duna
Dirk Cornelis du Toit
Ebrahim Ismail Ebrahim
Erwin Alexander
Litsela Macdonald Fanie
Felix Christopher Fankomo
Tshanuwani Simon Farisani
Ethesian Fazzie
Jennifer Ferguson
Nkosinathi Benson Fihla
Gregory Abraham Fredericks

Ela Gandhi
Sipho Joseph Gcabashe
Cikizwa Ivy Gcina
Mluleki Editor George
Mabuhuza Simeon Gininda
Frene Noshir Ginwala
Marcel Jonathan Golding
Terence Goniwe
Alwyn Dennis Goosen
Pravin Jamnadas Gordhan
Pregaluxmi Govender
Archibald Jacob Gumede
Nonkumbi Bertha Gxowa
Fatima Hajaig
Derek Andre Hanekom
Nomatyala Elizabeth Nangana
Limpheo Hani
Peter Alroy Charles Hendrickse
William Andrew Hofmeyr
Barbara Anne Hogan
Bantubonke Harrington Holomisa
Sango Patekile Holomisa
Devikarani Prsicilla Jana
Essop Essak Jassat
Daniel Alexander Jordaan
Pallo Jordan
Ronald Kasrils
Ahmed Mohamed Kathrada
Nkenke Nathaniel Kekana
Galas Josias Kgauwe
Baleka Kgositsile
Mahlomola Johnson Khasu
Ncumisa Kondlo
Zoliswa Albertina Kota
Nnoseng Ellen Kate Kuzwayo
Luwellyn Tyrone Landers
Serake Jakob Leeuw
Mpetjane Kgaogelo Mpetjane
Mbengeni Gilbert Ligege
Desmond Lockey
Hermanus Gabriel Loots
Samuel Kolman Louw
Janet Yetta Love
Brigitte Sylvia Mabandla
Rejoice Thizwilondzi Mabudafhasi
Ntombile Mabude

Lindiwe Mabuza
Manana Catherine Mabuza
Sakumzi Justice Macozoma
Penuell Mpapa Maduna
Magashe Titus Mafolo
Sathyandranath Ragunanan Maharaj
Amos Fish Mahlalela
Gwendoline Lindiwe Mahlangu
Mninwa Johannes Mahlangu
Ndaweni Johannes Mahlangu
Senzangakhona James Mahlangu
Makatse Sophia Maine
Nozuko Temperance Majola
Ntate John Makume
Sampson Phathakge Makwetla
Sekhopi Molisaotsile Malebo
Lorna Maloneyh
Meisi Maureen Malumise
Nelson Rolihlahla Mandela
Nomzamo Winnie Mandela
Moegammad Salie Manie
Trevor Andrew Manuel
Nosiviwe Noluthando Mapisa
Gill Marcus
Frances Beatrice Marshoff
Benedict Anthony Duke Martins
Themba Mveli
James Maseko
Happy Joyce Mashamba
Joseph Ntshikiwane Mashimbye
Piet Mathebe
Jongizizwe Moses Mayekiso
Hlamalani Wendy Mayimele
Thabo Mvuyelwa Mbeki
Tito Titus Mboweni
Membathisi Mphumzi Mdladlana
Mthawelanga Webster Mfebe
Jacob Simon Mgidi
Smangaliso Mkhathshwa
Thandi Ruth Mkhwanazi
Phumzile Gloria Mlambo
Andrew Mlangeni
Garth Piet Mngomezulu
Lulu Louis Aaron Mnguni
Peter Moatshe
Johannes Modise

Lewele John Modisenyane
Samuel Edwin Moeti
Maite Emily Mohale
Ismail Jacobus Mohamed
George Mokope Mohlamonyane
Peter Ramoshoang Makoba
Modise Casalis Mokitlane
Dundubela Aubrey Mokoena
Mathupa Lameck Mokoena
Rapulane Sydney Molekane
Geraldine Joslyn Moleketi
Bernard Gilbert Molewa
Jan Hendrik Momberg
Ruth Segomotsi Mompoti
Sediane Danny Montsitsi
Mohammed Vusi Moosa
Elias Mosunkutu
Mandisi Bongani Mpahlwa
Angela Thokozile Msane
Meinrad Mendi
Themba Boyi Msimang
Linda Morris Mti
Thenjiwe Ethel Mutso
Fholisani Sydney Mufamadi
Gezane Michael Mushwana
Yvette Lillian Myakaytaka
Jayaseelan Naidoo
Billy Nair
John Henry Nash
Zandisile Increase Ncinane
Sister Beranrd Ncube
David Ndawonde
Muzivukile Curnick Ndlovu
Andries Carl Nel
Munyadziwa Alpheus Netshimbupfe
Lindiwe Benedicta Ngwane
Makwena Lydia Ngwenya
Joseph Mbuku Nhlanhla
Nkosinathi Phiwayinkosi Nhleko
Carl Gerhardus Niehaus
Makhosazana Abigail Alicia Njobe
John Kgoana Nkadimeng
Thomas Titut Nkobi
Sokhaya Abraham Nkomo
Sankie Dolly Nkondo
Duma Moses Nkosi

Tsediso Emmanuel Ntaopane
Bongi Maria Ntuli
Mababolo John Nwedamutswu
Samuel Dickenson Nxumalo
Nomzansi Dorothy Nyemnbe
Bonginkosi Emmanuel Nzimande
Alfred Baphethuxolo Nzo
Daniel April
Andrew Olifant
Gaolatlhe Godfrey Oliphant
Abdulah Mohamed Omar
Aziz Goolam Hoosein Pahad
Essop Goolam Pahad
Grace Naledi
Mandisa Pandor
Jeffrey Brian Peires
Elizabeth Dipuo Peters
Nomasonto Emmah Phakathi
Ian Munro Phillips
Stephen Phohlela
Jeffrey Thamsanqa Radebe
Cyril Ramaphosa
Mawalal Ramgobin
Molapatene Collins Ramusi
Ismail Richards
Selby Simeon Ripinga
Gregory Rockman
Nozizwe Charlotte Routledge
William Peter Rowland
Ebrahim Saloojee
Rashid Ahmed Mahmood Saloojee
Jennifer Ann Schreiner
Mpho Innocent Scott
Priscilla Sindisiwe Sekgobela
Jacob Sello Selebi
Mittah Selekyanya Seperepere
Reginald Kenneth September
Jan Lodewyk Hoek Serfontein
Mongane Wally Serote
Boma Edna Edith Sethema
Johannes Mandla Shabangu
Susan Shabangu
Tinyiko Phillia Shilubana
Ntiti Gertrude Shope
Ntombi Regan Shope
Stella Sigcau

Alice Nothembisa Sigcawu
Mdumiseni Richard Sikakane
Lindiwe Sisulu
Max Vuyisile Sisulu
Nontsikelelo Albertina Sisulu
Sidney Themba Skweyiya
Joseph Slovo
Buyelwa Patience Sonjica
Makhenkesi Arnold Stofile
Raymond Sorrel Suttner
Adelaide Frances Tambo
Elizabeth Thabethe
Moosa Tiry
Mantombazana Edmie Tshbalala
Ntshadi Martha Tseole
Tovkowani Josephine Tshivhase
Stephen Vukile Tshwete
Mary Elizabeth Turok
Ismail Vadi
Randall Paul Zachariah van der Heever
Jan van Eck
Melanie Verwoerd
Mthunzi Isaac Vilakazi
Bavumile Herbert Vilakazi
Valerie Viljoen
Lulama Marythesesa Xingwana
Tony Sithenibiso Yengeni
Dingaan Amos Zitha
Mangisi Cephas Zitha
Mcwayiseni Israel Zulu
Nkosazana Clarice Zuma

National Party (NP), 82 MPs

Theodorus Gerhardus Alant
Jacobus Theron Albertyn
Marthinus Stephanus Appelgryn
Margaretha Johanna Badenhorst
Dirk Michael Bakker
Ben Zoetzee Bester
Andries Stephanus Beyers
Pule Isaac Bikitsha
Adrian Blaas
Roelof Fredrik Botha
Wynand Nicolas Breytenbach
Sheila Margaret Camerer

Glen Morris Edwin Carelse
Esme Joy Chait
Lerate David Chuenyane
Hendrik Jacobus Coetsee
Pieter Willem Coetzer
Pauline Wilhelmina Cupido
Samuel Johannes de Beer
Frederick William de Klerk
Dawid Jacobus de Villiers
Jacobus Johannes Dowry
Christian Loedolff Fisser
Andrew Fourie
Barend Leendert Geldenhuys
Cyril Maurice George
Ntsiza John Gogotya
Devagie Govender
David de Villiers Graaff
Rudolph Hendrik Groenewald
Melt van Schoor Hamman
Francois Paul Jacobsz
Derek Lyle Keys
Tersia Johanna King
Nicolaas Jacobus Janse van Rensburg Koornhof
Trevor Donald Lee
Jacobus Wilhelmus le Roux
Dan Willington Makhanza
Theunetta Johanna Malan
Zwelinjani Kortman Mangaliso
Johan Andre Marais
Pieter Gabriel Marais
Johannes Wessels Maree
Nana Eneria Masango
Mario George Masher
Petrus Arnoldus Matthee
Anthon Tobias Meyer
Roelof Petrus Meyer
Zenani David Mnguni
Abdul Ganie Mohamed
Gert Benjamin Myburgh
Adrian Hermanus Nel
Johannes Jacobus Niemann
Kuku Winnie Nqwemesha
Tembile Charles Ntsizi
Willem Adriaan Odendaal
Gerhardus Cornelius Oosthuizen
Desmond Kanaprekancen Padiachey

Izak Jacobus Pretorius
Jakobus Albert Rabie
Nyambeni George Ramaremsa
Bhadrakumar Ghaloo Ranchod
Rodney Tyrone Rhoda
Pieter Willem Saaiman
Renie Stephanus Schoeman
Emanuel Andreas Schoeman
Stefanus Johannes Schoeman
Daniel Pieter Antonie Schutte
Hendrik Albertyn Smit
Pieter Johannes Steenkamp
Daniel Myburgh Streicher
Frederik Johannes van Deventer
Frederik Jacobus van Heerden
Marthinus Christoffel Johannes van Schalkwayk
Anna van Wyk
Isak Dawid van Zyl
Armiston Watson
James Charles Norval Waugh
Peter Johannes Welgemoed
Leon Wessels
Abraham Williams
Christiaan Allen Wyngaard

Inkatha Freedom Party (IFP), 43 MPs

Michael Abrahams
Ahmed Ally
Hendrik Jacobus Bekker
Bhekizwe Pillemon Biyela
Mangosuthu Gatsha Buthelezi
Mohamed Farouk Cassim
Walter Sidney Felgate
Elred Thomas Ferreira
Xolile Faith Gasa
Mhlabunzima Wellington Hlengwa
Ziba Bonginkosi Jiyane
Thembinkosi Samson Khoza
Eric James Lucas
Bhekizizwe Nivard Luthuli
Dennis Rheinallt Madide
Inka Mars
Vincent Joseph Matthews
Registone Roy Mbongwe
Lindiwe Rosebud Mbuyazi

Jurie Hendrik Wynand Mentz
Senzo Brian Mfayela
Mangaqa Albert Mncwango
Mandla David Msomi
Lionel Percival Mtshali
Sipo Elijah Mzimela
Madala Abram Mzizi
Velaphi Bethuel Ndlovu
Hermanthkumar Murilal Neerahoo
Baldwin Siphon Ngubane
Harriet Ngubane
Themba Jeremiah Nkosi
Biyiswe Maureen Nzimande
Kisten Rajoo
Sybil Ann Seaton
Eileen Eidana Nkosi Shandu
Lalitha Singh
Ben Molebane Skosane
Jan Hendrik Slabbert
Peter Francis Smith
Jacobus Hercules van der Merwe
Jeanette Ntombizodwa Vilikazi
Suzanne Christina Vos
Gavin Gower Woods

Freedom Front (FF), 9 MPs

Willem Abraham Botha
Willem Jacobus Botha
Joseph Chirole
Pieter Willem Grobbelaar
Petrus Johannes Groenewald
Leon Louw
Cornelius Petrus Mulder
Pieter Willem Adriaan Mulder
Constand Laubscher Viljoen

Democratic Party (DP), 7 MPs

Kenneth Michael Andrew
Colin Wells Eglin
Michael James Ellis
Douglas Harvey Munro Gibson
Jacobus Adriaan Jordaan
Anthony James Leon
Mudene Smuts

Pan Africanist Congress (PAC), 5 MPs

Patricia de Lille
Zamekile Dutwana Dyani
Ahmed Gora Ebrahim
Clarence Mlamli Makwetu
Richard Khaliphile Sizani

African Christian Democratic Party (ACDP), 2 MPs

Louis Michael Green
Kenneth Raselabe Mesho

Senators Appointed to the 90-member Senate

PWV Province

ANC: Joyce Kgoali, Simon Makana, Henry Makgothi, Mohseen Moosa, Indres Naidoo, Rita Nzanga

NP: Dr Gerard Koornhof, Dr Marais Org

DP: William Mnisi

FF: Carl Werth

North West Province

ANC: Olive Khobe, Themba Makhuba, Michael Mohammed, Kereng Mothoage, Dr Sam Motsuenyane, Solomon Rasmeni, Victor Sifora, Enver Surty

NP: Louis Swanepoel

FF: Dries Bruwer

North Transvaal Province

ANC: Nelson Diale, Sentle Fenyane, George Mashamba, Chief M. Mashile, Elphus Mogale, Sello Moloto, Lawrence Mushwana, Irene Mutshila, Bishop Tolo, King K. Tsivase

East Transvaal Province

ANC: Mohammed Bhabha, Lassy Chirwayo, Thembeke Gamdana, Stephanus Grove, William Lubisi, J.L. Mahlangu, Jackson Mthembu, Boy Johannes Nobunga

NP: David Malatsi

FF: Rossier de Ville

KwaZulu/Natal Province

IFP: Geoffrey Bhengu, Dr Rabi Nowitz, Philip Powell, Naren Singh, Musa Zondi

ANC: Dr Siyabonga Cwele, Prof. Ernest Mchunu, Jabu Sosibo

DP: Errol Moorcroft

NP: Sathie Naidoo

Orange Free State Province

ANC: Dennis Bloem, Winkie Direko, Holoma Lebona, Cheryl Lausberg, Kimmy Lusabe, Anthony Marais, Barnard Mononyane, Caleb Motshabi, Lintoe Taynyane

NP: Kobie Coetsee

East Cape Province

ANC: Rev Allan Hendrickse, Emmcie Lamani, Govan Mbeki, Nolutando Mdutyana, Alfred Metele, Wilton Mkwai, Robert Nogumla, Templeton Tonjeni, Vuyiswa Tyobeka

NP: Ray Radue

West Cape Province

NP: Cornelius Ackermann, Stanley Fisher, Charles Redcliffe, Alex van Breda, Mark Wiley, Abraham Williams

ANC: Joe Foster, Bulelani Ngcuka, Christmas Tinto

DP: James Selfe

North Cape Province

ANC: Khuza Bogacwi, Yolande Botha, Evelyn Lubidla, Julius Mongwaketse, Mohamed Sulliman

NP: Abraham Balie, Attie Jooste, Adriaan van Niekerk, Dr Kraai van Niekerk

FF: Gen. Tiene Groenewald

Provincial Governments of National Unity: The Cabinets

PWV Province

Premier, Tokyo Sexwale, ANC
Health, Amos Masondo, ANC
Public Safety & Security, Jessie Duarte, ANC
Urban/Rural Development & Environment, Sicelo Shiceko, ANC
Education, Mary Metcalfe, ANC
Local Government & Housing, Dan Mofokeng, ANC
Economic Affairs, Jabu Moleketi, ANC
Sport, Recreation, Arts & Culture, Peter Skosana, ANC
Agriculture & Conservation, John Mavuso, NP
Public Transport & Roads, Olaus van Zyl, NP
Social Welfare, Sakkie Blanche, NP

KwaZulu/Natal Province

Premier, Dr Frank Mdlalose, IFP
Housing & Local Government, P.M. Miller, IFP
Finance, Auxilliary Affairs (including
Public Works), Racing, Wagering,
Gambling & Casinos, S.J. Mhlungu, IFP
Economic Affairs & Tourism, J.G. Zuma, ANC
Health, Z.L. Mkhize, ANC
Agriculture, G.S. Bartlett, NP
Police Services, Rev. C.J. Mtetwa, IFP
Nature Conservation, Environment Affairs
& Traditional Authorities, Inkosi M.J. Ngubane, IFP
Welfare & Pensions, Prince G.L. Zulu, IFP
Education & Culture, V.T. Zulu, IFP

North Transvaal Province

Premier, Ngoako Ramatlhodi, ANC
Economic Affairs, Commerce & Industry, Thaba Mafumadi, ANC
Education & Culture, Dr Aaron Motsoaledi, ANC
Land, Housing & Local Government, J. Dombo, ANC
Agriculture & Forestry, Prof. Tiny Burgers, ANC
Environment & Water, Maris-Stella Seexwale-Mabitje, ANC
Health & Welfare, Dr Joe Phaahla, ANC
Public Works, Dikeledi Magadzi, ANC
Police & Protection Services, Seth Nthai, ANC
Finance & Expenditure, Edgar Mushwana, ANC
Public Transport, Johan Kriek, FF

East Transvaal Province

Premier, Matthew Phosa, ANC
Economic Affairs, Jabulani Mabena, ANC
Finance, Jacques Modipane, ANC
Local & Regional Government, January Che Masilela, ANC
Housing, Craig Padayachee, ANC
Law & Order, Steve Mabona, ANC
Environmental Affairs, David Mkhwanazi, ANC
Road & Transport, Lackson Mathebula, ANC
Education, David Mabuza, ANC
Agriculture, Dr Lucas Nel, NP
Minister without Portfolio, Steve Mbuyisa, ANC

North West Province

Premier, Popo Molefe, ANC
Finance, Martin Kuscus, ANC
Agriculture, Rocky Malebana-Metsing, ANC
Transport, Rev. Johannes Tselapedi, ANC
Public Works, Zacharia Tolo, ANC
Health, Dr Paul Sefularo, ANC
Education, Mamokoena Gaoretelelwe, ANC
Justice, Satish Roopa, ANC
Housing, Darkie Afrika, ANC
Public Media, Riani de Wet, ANC
Economic Affairs, Amie Venter, NP

Orange Free State Province

Premier, Patrick Lekota, ANC
Finance & Expenditure, Tate Makgoe, ANC
Education & Culture, Saki Belot, ANC
Police Services, Lizzie Kubushe, ANC
Public Works & Roads, Gregory Nthatisi, ANC
Health & Welfare, Seniorita Ntlabathi, ANC
Agriculture & Environment, Cas Human, ANC
Economic Affairs, Ace Magashule, ANC
Local Government Management, Ouma Motsumi, ANC
Housing, Vax Mayekiso, ANC
Public Transport, Louis van der Merwe, NP

East Cape Province

Premier, Raymond Mhlaba, ANC

Finance, Provincial Expenditure, Shepherd Mayatula, ANC

Economic Affairs, Smuts Ngonyama, ANC

Education & Culture, Neela Hoosain, ANC

Police & Justice, Malizo Mpehle, ANC

Local Government, Housing & Traditional Authorities, Maxwell Mamase, ANC

Public Works, Tobile Mahlahlo, ANC

Planning & Development, Ezra Sigwela, ANC

Health & Welfare, Trudy Thomas, ANC

Transport, Mandisa Marasha, ANC

Agriculture, Forestry & Water, Tertius Delpont, NP

North Cape Province

Premier, Manne Amsley Dipico, ANC

Economic Affairs, Trade & Industry, Goolam Akharwaray, ANC

Education & Culture, Tina Joemat, ANC

Health & Welfare, Dr Modise Matlaopane, ANC

Local Government, Housing & Land Reform, Ouneas Dikgetsi, ANC

Police Services, Peter Gelderbloem, ANC

Agriculture, Jacobus Marais, NP

Finance, Jan Brazelle, NP

Public Works, Peggy Hollander, NP

Transport, Charl van Wyk, NP

Unspecified, Prof. Jozef Henning, FF

West Cape Province

Premier, HERNUS KRIEL, NP

Housing & Leader of the House, Gerald Morkel, NP

Finance, Expenditure & Service Commission, Kobus Meiring, NP

Agricultural Development, Lampie Fick, NP

Local Government & Development Planning, Peter Marais, NP

Education, Training & Cultural Affairs, Martha Olckers, NP

Police Services, Patrick McKenzie, NP

Economic Affairs, Dr Allan Boesak, ANC

Roads, Transport & Public Works, Leonard Ramatlakane, ANC

Health & Social Services, Ebrahim Rasool, ANC

Environmental Affairs, Nature Conservation & Tourism, Lerumo Kalako, ANC