

Path to democracy



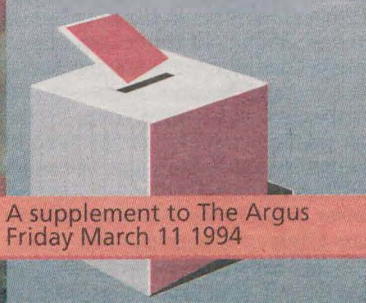
THE TONY LEON TEAM
FIGHTS FOR YOU



INDEPENDENT
ELECTORAL
COMMISSION

**A free and fair
election for all**

ELECTION '94



A supplement to The Argus
Friday March 11 1994

ELECTION '94



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Editors: Johan de Villiers, Latiefa Mobara
Art Director: Gail Irwin
Contributors: Patrick Laurence, Helen Grange, Michael Sparks, Latiefa Mobara, Jo-Anne Collinge, Ken Vernon
Artists: Gail Irwin, Shahn Irwin, Diane van Noort, Francois Smit, Davida Tanchel
Photographers: Ruvan Boshoff, Ken Oosterbroek, Peter Mogaki
 All the above of 47 Sauer Street, Johannesburg
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EYES OF THE WORLD ON SA

South Africans are not the only people who will be closely watching the outcome of the country's first fully democratic elections in April – the eyes of the world will be upon us.
 Most people will depend on the international media, expected to arrive in their thousands, to keep them informed. But a more important and much more

knowledgeable corps of watchers will be present in the form of the four multinational organisations accorded official observer status.
 The United Nations, the Commonwealth, the European Union and the Organisation of African Unity all have a vital role to play, not only in observing the entire electoral process and reporting back to

their respective superiors, but also in acting as totally impartial invigilators on the question of whether the elections have matched that mythical but commonly held concept – free and fair.
 We spoke to the four missions and asked them how they saw their role in South Africa – and what they perceived as the biggest obstacles to success.

THE UNITED NATIONS
By far the largest – and most experienced – of the observer missions will be the United Nations. By the time the April election rolls around the UN hopes to have several thousand experienced observers on the ground.

According to mission spokesman James Kanu the UN has a "proactive" interpretation of its observer role. "We see our role not only as observing the election campaign but also one of being a catalyst, promoting dialogue between warring factions and promoting change in the police and army – all by working through the peace structures." "Peace Structures", one learns, is one of the favourite catch-words of the international observers.
 Kanu says that the main focus of the UN observer teams on the ground come the end of April will be at the actual polling booths, and agrees that such a focus may miss the very real threat of covert intimidation, carried out far from the prying eyes of the UN teams.
 What will the UN be able to do about the youth shaking a box of matches at suspected opposition voters as they march off to the polls? What will it do about the youths already saying to voters that their votes are NOT secret and that retribution will follow dissenting votes?
 "No one can really prevent this happening," says Kanu, "but we will be speaking to lots of people on the ground and if we get reports, or even a feeling, of such intimidation being carried out, we will report it." Sceptics might say "So what!" After the election will the UN dare say the election was not "free and fair" on the basis of unsubstantiated reports? Isn't the operation really just a UN PR exercise?
 The answer is not really encouraging. "We are not here to enforce, only observe," Kanu says, "our only weapon is publicity and we believe no parties will wish to be reported by the UN as having been guilty of intimidation." One strength of the UN is the experience of its observer corps. People who have been involved in elections in Cambodia, Namibia, Angola, Eritrea, to name just a few operations, will be on the ground in South Africa.



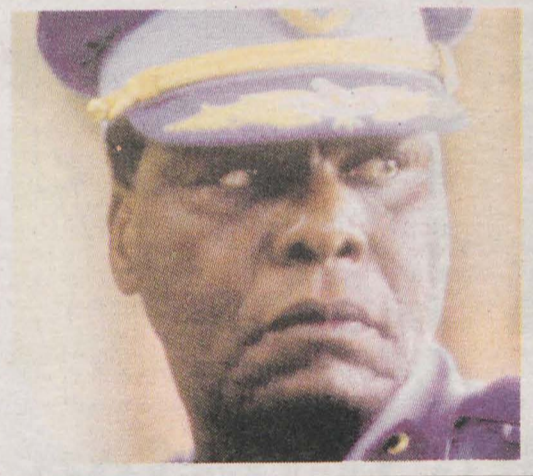
THE EUROPEAN UNION
The EU mission has been in South Africa for over 12 months, mainly to report on violence in the transition process, and as such its members are heavily weighted in favour of policemen – 13 out of 16 in fact.
 Their mission so far has been to observe the transition, help the government to reform the policing process and to assist the – you guessed it, "peace structures".
 But from the end of last month the first of more than 300 election observers began to arrive in the country. According to EU head of mission, retired German ambassador Dr Paul von Stulpnagel, they include seconded civil servants, military and police personnel and diplomats.
 Exactly how they will go about deciding if the election has been "free and fair" still has to be decided. "We are very much in touch with the local Peace Committees and in tune with what is happening on the ground," Dr von Stulpnagel says, "and we find that the local people are increasingly aware of the international presence and what it means to them."
 "But there is no criteria for "free and fair", we have to decide on the ground at the time." Dr von Stulpnagel says that the EU and other international organisations are very aware of the amount of intimidation being practised in the townships. "There are battles for turf going on, there are already 'no-go' areas, but we are not equipped to deal with this. All we can do is observe and report."

THE COMMONWEALTH
Unlike the "mass action" approach of the UN, the Commonwealth Observer Mission has adopted a more low-key approach of putting key people – usually seconded from member countries – into key situations to assist in the transition process.
 For example, it is involved in training peace marshals – once again in conjunction with the "peace structures", and has electoral experts from Australia and policing experts from Scotland Yard on its team.
 "We have expanded beyond the literal sense of observation," says spokesman Colleen Lowe-Morna, "and are trying to make a difference to the process." The same will apply to their electoral coverage.
 "We expect to have about 70 very experienced people on the ground for the election and they will travel around the polling booths," she says, "half of these will be experienced politicians and if anyone will be able to spot electoral frauds, it will be these people." The rest will be experienced international observers.
 An interesting version of the old adage of setting a thief to catch a thief? It sounds reasonable until one thinks of an Australian MP from Alice Springs wandering around the East Rand townships looking for electoral fraud.

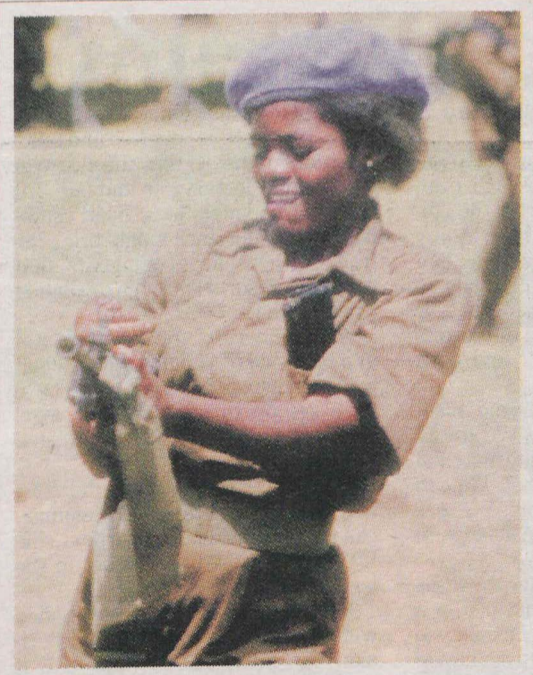
ORGANISATION OF AFRICAN UNITY
The smallest and most cash-strapped of the international observer organisations, the OAU has one major advantage – its head of mission Joseph Legwaila.
 A Botswanan, Legwaila went to school in the northern Transvaal and topped off a high rising career at the United Nations by becoming the deputy Special Representative of the UN Secretary General during the Namibian transition and subsequent election.
 As such he has a keen insight into not only the South African psyche, but also of the unique difficulties elections in this part of the world offer.
 While not dismissing the problems that covert intimidation presents, he sees as an equally large problem the fact that parties are being prevented from campaigning where and when they want to.
 "Let's face it, one of the crucial tests of a free and fair election is the right of people to vote for who they wish, and central to that is the right for parties to campaign."
 "At present can the ANC campaign in the western Transvaal farms? Can the NP campaign in Tokoza? If parties are prevented from campaigning and then lose the election they can then cry foul, and then we may face an Angolan situation." He also raises the question of just who will vote, suggesting the possibility that fewer than 50 percent of first-time black voters may be registered in time – and that no one will ever know because of the lack of a voters roll.
 It is in order to try to keep in touch with these difficulties that Legwaila intends asking the OAU for more than 100 observers – with little chance of getting even half of those.
 Despite his concerns, he says the elections are "doomed to work" – the alternative is too dangerous to contemplate.
 "All we can do is try to ascertain that all those who want to vote had a fair and free chance to do so."
 "But South Africa must not manacle itself to an unworkable definition of free and fair, the country is too big, too complicated, the time too short."
 "We can't solve any problems, South Africans have to do that. I can only say that I believe we will have made a difference simply by our presence."



In action ... members of the NPKF at De Brug outside Bloemfontein. This is one of two training sites.



NPKF chief General Gabriel Ramushwana



Feminine touch ... a woman member of the NPKF at De Brug

They'll keep the peace

All in all, there will be roughly 100 000 people – from ordinary monitors to armed security officials – working on the ground to safeguard the April election.

Having said this, it must be pointed out that this mighty army of peacekeepers will be just the visible face of the machinery in place to ensure a free and fair election.

The masterminds of the entire operation – the Independent Electoral Commission (IEC) – will be based at Kempton Park's World Trade Centre, although hundreds of organisations will be assisting to enhance the IEC's preparedness for any eventuality.

There is a contingency plan for each possible scenario in the election run-up and on voting days themselves, thus the critical roles of the ground-based election protectors have been carefully defined.

Involved are the local and foreign monitors and observers, the National Peacekeeping Force (NPKF), the SAP and ultimately, the SADF.

The IEC is expecting to deploy 9 000 trained election monitors, and have another 1 300 on standby, by the end of March. Their duties are to assist in dispute resolution and report any misconduct or breaches of the Electoral Code of Conduct.

Some of these monitors are likely to be watching events from crop-spraying aircraft circling in the sky.

The mandate of the monitors attached to the National Peace Secretariat (there will be about 10 000 countrywide) is slightly different to the IEC monitors in that their duties will entail ongoing peacekeeping efforts to prevent violence in flashpoint areas, whether election-related or not.

They will line routes and escort political leaders – and can expect assistance from IEC monitors on this front – but do not need to be conversant in the details of the electoral



Thousands of monitors and security personnel will be in place on the three voting days to ensure a free and fair election

involved in mediation or dispute resolution. These distinctions are certain to blur in practice, so it is safe to say that the main task of the monitoring/observer force as a whole is to act as the eyes and ears of the IEC so it can respond appropriately and timeously.

If there is serious violence or disruption, the security forces – namely the SAP and National Peacekeeping Force and, ultimately, the SADF – will be deployed.

It is already widely accepted that the SAP will be the main force in policing the election, since there are only little more than 5 000 NPKF members being trained at De Brug and Koeberg military bases.

Such a small force would "vanish" once deployed nationally – probably by mid-March – and is therefore more of a symbolic initiative than a real one, according to the military experts.

Notwithstanding this, the NPKF has the same mandate as the police. It will be armed and authorised to use force to control rioting and low-intensity warfare. It may also set up roadblocks, patrols and observation posts.

The SAP will be deploying about 60 000 policemen. It will be calling up 3 000 reservists, recruiting 1 000 new members and putting about 3 500 police students on duty for the election period.

It is the SAP's duty to guard the polling stations and provide security while ballot boxes are transported to safe overnight points and counting stations.

Should there be a need to augment security force presence, the SADF may be deployed.

Each roleplayer in the election will liaise continually with the others through the Independent Electoral Commission during the process, so that every situation developing on the ground is met with an appropriate response.

code. Then there are the roughly 3 000 international community observers from the United Nations, Commonwealth, European Union and Organisation of African Unity. They will complement the independently sponsored observers from foreign and local non-governmental organisations (expected to be more than 2 500).

The duty of all observers is to watch and report all activities which threaten the freeness and fairness of the election process. They would report back to their respective country's organisations and refer perceived problems to the IEC, but would not be



VOTER VIEWPOINT



John du Triou

/// I think there will be a civil war across the whole country and that blacks are going to kill white people. **///**

VOTER VIEWPOINT



Edith Molope

/// The fighting has already started and we haven't even had the election yet. This violence is a big problem when you are coming to work and there are shootings on the trains. **///**

Big bugbears: crime and violence

The biggest fears for Johannesburg residents after the election are very similar to their fears before it, and can be summed up in two words – crime and violence.

These fears were expressed by whites and blacks who were questioned recently about their concerns after the election. Invariably the possibility of being held up or attacked – whether driving on a date in the northern suburbs, or commuting by train from a township – was a major fear.

But those were not the only forms of violence that people were concerned about.

John du Triou, a homeless man in Rosettenville, said his biggest concern

was the possibility of civil war.

He added that he did not blame ANC president Nelson Mandela or his followers for that, but the National Party which had instilled hatred into blacks over the decades of apartheid.

Blacks and whites must learn to live together he said. He seems to be living by example since he and streetsweeper Edith Molope appear to have built up a friendship, which includes shared fears.

And it is going to get worse as political tension rises, she said, using the recent incidents in Standerton as an example.

Another concern was the effect of rightwingers like Eugene Terre-

Blanche.

"He is making black people hate whites, and that is not good. Whites must not be scared if black people touch them. The colour is not dirt, but nature. It will not come off on them," Molope said with a throaty chuckle.

Most of all Molope wanted peace – a sentiment echoed by Anna Hunt. She said that once peace existed, everything else would fall into place.

Hunt, who was interviewed in Rosebank, was particularly concerned about how the violence would affect her family. This raised the possibility of leaving the country, but that would be a last resort and something she would be loath to do, she said.

VOTER VIEWPOINT



Anna Hunt

/// Everybody must be prepared to compromise and work together to make this beautiful country of ours a success. **///**

The IEC – keeping tabs on the parties

Any party which is registered to take part in the election can be expelled by the Independent Electoral Commission (IEC) for serious contraventions of the Electoral Code of Conduct, for example initiating violence or intimidation.

According to IEC media spokesman Niki Moore any party which has decided to contest the election, automatically becomes a signatory to the code. It seeks to ensure that the April election is free and fair and to prevent intimidation.

But the IEC has been working hard to ensure that those political organisations which are not contesting the election should allow free political activity in areas which they regard as their strongholds.

So far IEC chairman Justice Johann Kriegler has been able to gain statements supporting free political activity from Inkatha Freedom Party leader Chief Mangosuthu Buthelezi and Azanian People's Organisation president Professor Itumeleng



Mosala.

According to Moore, Kriegler will continue to meet leaders of other parties who have not yet decided to contest the election, particularly parties on the white Right, and the Bophuthatswana Government.

Two investigators from the IEC probed a recent incident in Kimberley where a woman was shot dead during

a political rally.

Commissioners the Rev Frank Chikane and Dawn Mokhobo put out a strongly worded statement afterwards, warning party supporters of the powers of control of the IEC, and calling for tolerance.

The statement read in part: "We, the commission, have as one of our many tasks, a very important decision

to make on the extent to which this election has been conducted freely and fairly.

"We have the power to remove candidates from party lists. We can even remove an entire party from the ballot. We can scrap votes cast in any area where the commission had deemed the conditions of polling to have been neither free nor fair. For that matter, we can scrap the results from an entire province. And even scrap the entire election.

"These would be extreme measures. The power is there. We, the 11 South African and five international commissioners, can do that. We can make that determination. We are deeply aware of the consequences of making such decisions.

"But let that not be interpreted as implying that we would consider for a moment shirking our responsibility to make a thorough-going determination as to whether the election has been free or fair.

"It is simply to emphasise how serious the task is, and how utterly deter-

mined we are to create a climate that can yield to us the grounds to say safely, yes, the election was free and fair." In order to ensure that the IEC can declare the election free and fair, 374 electoral tribunals have been established – one for each magisterial district – where any complaints that remain unresolved through mediation can be taken.

All offenders of the Electoral Act and the Code of Conduct will be dealt with through the tribunals which have been set up to speed up the legal process regarding election-related incidents.

Monitors from within South Africa and from the international community can report individuals or parties to the IEC, which would then take up the issue through the tribunal.

If one party remains unsatisfied with the outcome, the tribunal decision can be taken on appeal. If it remains unresolved, it then goes to the courts in the normal way.

■ Electoral Code of Conduct
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BALLOT PAPER FOR PWV PROVINCIAL LEGISLATURE

(Make a cross next to the party or organisation)

BALLOT PAPER FOR NATIONAL ASSEMBLY

(Make a cross next to the party or organisation of your choice): Vote for ONE party only.

AFRICAN

DEM

NATI

PAN A

AFRICAN NATIONAL CONGRESS



ANC



DEMOCRATIC PARTY



DP



NATIONAL PARTY



NP



PAN AFRICANIST CONGRESS



PAC



These are samples and not official ballot papers

Name of party

Party symbol

Initials or abbreviated form of party

Picture of leader of the party

Put your cross in this column

INFO-FILE

- Eighty million numbered ballot papers have been ordered from the firm De La Rue of Basingstoke, London. De La Rue also printed the ballot papers for the Namibian elections.
- Printing of the papers starts on March 12 and will be completed by April 17.
- The papers, which would fill 10 Jumbo jets, will be flown to South Africa under stringent security.
- Ten different types of ballot papers will be used. Each province will use its own for the provincial legislature elections.
- The ballot paper for the National Assembly will be 60cm long. It will indicate the names of the contesting parties, identifying each by its logo and acronym, and a photograph of the party leader/s.
- Alongside each party information line will be a box in which to make a voting mark.
- The provincial legislature ballot paper will indicate only the parties that are contesting the elections in that particular province.

Where to make your X

The ballot paper given to each voter will have instructions in all 11 official languages on how to vote and what to do.

On it will be the full name and the abbreviated form of all the parties taking part in the election, their symbols and a picture of the leader of each party. Next to that will be an empty box where the voter marks his/her X, voting for the party of his/her choice.

After making his/her X, the voter places the paper in a ballot box which is later sealed in the

presence of representatives of all the parties, election monitors and observers.

Independent Electoral Commission spokesman Pieter Cronje said there is no way anyone can establish which party a person voted for. There are no numbers or any other markings which link a cast ballot to any individual.

A second ballot paper will be given to the voter after he/she has cast his/her ballot for the national assembly.

It will be used to vote for the provincial legislature.

Educating the voter

A free and fair election relies as heavily on an informed electorate as it does on the logistical preparations to safeguard voters. Massive efforts are being made, therefore, to educate voters on how to vote and the resultant responsibilities of democracy.

Voter education is being conducted mostly by local non-governmental organisations – ranging from churches to civic bodies – which are members of the Independent Forum for Electoral Education (IFEE).

IFEE's 40-plus members, together with the members of the Democratic Education and Broadcasting Initiative (DEBI, which is promoting voter education on TV and radio), are trying to reach every voter in the country before the election.

The political parties themselves are also running voter education programmes, and these will expand

as the election nears.

Programmes vary from roleplaying the voting process to distributing pamphlets publicly and in companies and institutions.

Among the more prominent DEBI and IFEE members conducting voter education are:

- Consultative Business Movement.
- Methodist Church of SA.
- Centre for Development Studies.
- Catholic Institute for Education.
- Damelin Management School.
- Free Market Foundation.
- Film and Allied Workers Organisation.
- Human Sciences Research Council.
- Institute for a Democratic Alternative for SA.
- Institute for Multiparty Democracy.
- Independent Mediation Service of SA.
- Joint Enrichment Programme.

- Lawyers for Human Rights.
- Learn and Teach Literacy Organisation.
- Matla Trust.
- SA Council of Churches.
- SA Catholic Bishops Conference.
- The Union of Democratic University Staff Associations.

IFEE has established 11 regional fora of member organisations, which can be approached by any company or organisation interested in educating voters:

- The main fora are in Natal at (031) 304-8893.
- Border (0431) 43-9168.
- Western Cape (021) 685-3513.
- Pretoria (012) 342-1476.
- Free State (051) 48-4821.
- Johannesburg (011) 837-6420.
- Eastern Cape (041) 57-3029.
- Western Transvaal (018) 462-1297.
- Northern Transvaal (015) 556-3133.

Mark of recognition

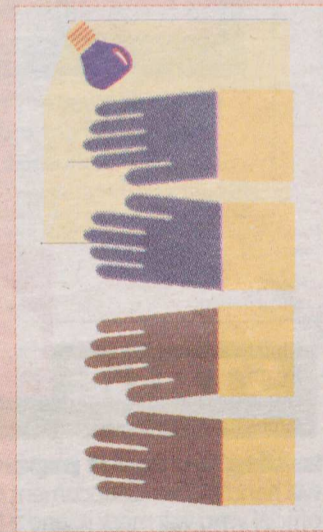
One of the most important mechanisms to ensure that no person votes more than once is by making a mark with indelible ink on every voter's hand as he/she receives his/her ballot form.

The ink was described by Independent Electoral Commission spokesman Pieter Cronje as "foolproof".

"It is a special formula that cannot be displayed or shown before the election," Cronje said.

The ink, which is invisible and non-toxic, stays on for at least seven days and is completely harmless.

Before each voter is given his/her ballot paper, his/her hands are put under an ultra-violet light which is the only way to see if there are already ink



marks. If there are no indelible ink marks, then the voter's knuckles are marked.

The voter then receives a ballot and a stamp is also made in the voter's identity document which will indent the paper, showing that the person has voted.

How to cast your 2 ballots in the voting hall

There are essentially ten stages to the voting process:

STAGE 1

Show your ID: After entering the voting station, the voter presents his/her ID or other voter eligibility document to the Voting Officer. If the identification is valid and the voter has not voted already, he/she will be allowed to proceed to the second stage.

STAGE 2

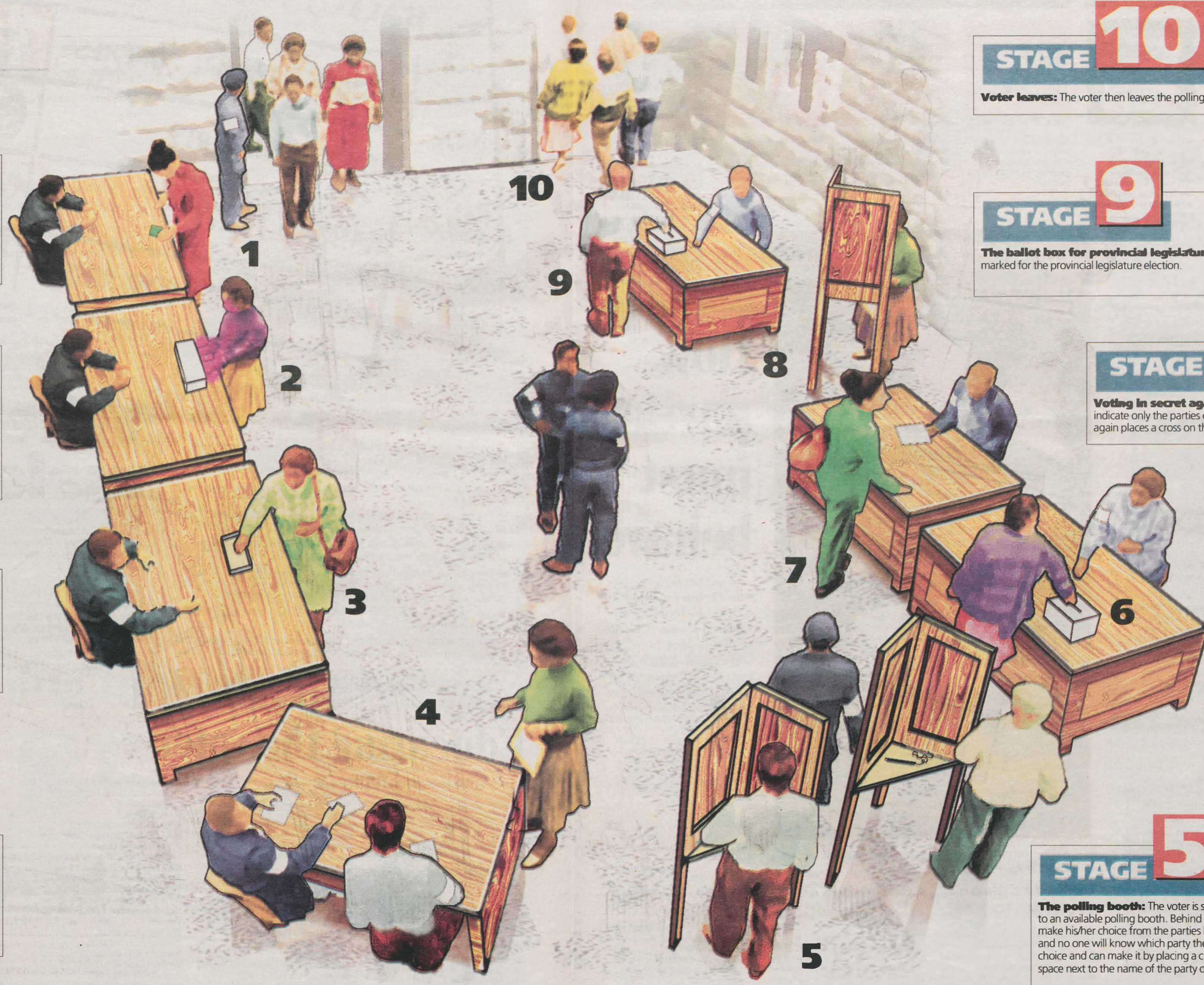
Checking hands: The voter places his/her hands under an ultra-violet lamp to make a further test if he/she has already voted. Voters who have already voted will exhibit stains on the hands which are visible only under ultra-violet light. If there are no stains, the voter will be allowed to proceed to the next stage.

STAGE 3

Marking of hands: The voter dips his/her knuckles into a dish containing a special liquid. The voter's knuckles will be stained, but the stain will not be visible to the naked eye. This non-toxic stain will fade in about seven days.

STAGE 4

Issuing the ballot paper: The voter will hand his/her ID document or temporary voter card to an official who will mark it, and a National Assembly ballot paper will then be given to the voter with his/her ID document.



STAGE 10

Voter leaves: The voter then leaves the polling station through the designated exit.

STAGE 9

The ballot box for provincial legislature: The voter folds and places the ballot in a box marked for the provincial legislature election.

STAGE 8

Voting in secret again: The provincial legislature ballot paper will indicate only the parties contesting in that particular province. The voter again places a cross on the ballot paper for the party of his/her choice.

STAGE 7

The second ballot: The voter then moves to another table where his/her ID is checked again before a second ballot paper, this time for the provincial legislature, is handed to him/her.

STAGE 6

The ballot box: The voter places the ballot paper into a box marked for the National Assembly election.

STAGE 5

The polling booth: The voter is shown to an available polling booth. Behind the booth, unseen by anyone, the voter can make his/her choice from the parties listed on the ballot paper. The vote is secret and no one will know which party the voter voted for. The voter is allowed only one choice and can make it by placing a cross (X) or any other mark in the rectangular space next to the name of the party of his/her choice.



Will you be allowed to vote?

The following persons will be entitled to vote:



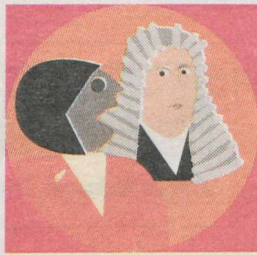
Any South African citizen aged 18 and older. Residents of the TBVC states.



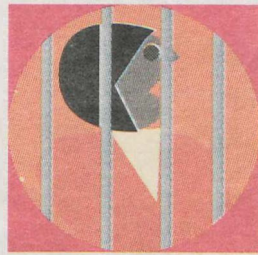
The spouse or a child of a South African citizen or former South African citizen who is a permanent resident.



Any person who has entered South Africa before December 31 1978; who has been an ordinary citizen since and who has not been declared a prohibited person.



Any person who has been declared to be of unsound mind or mentally disordered by the court.



Any person who has been detained as mentally ill under the Mental Health Act.



Any person detained under the Prevention and Treatment of Drug Dependency Act.



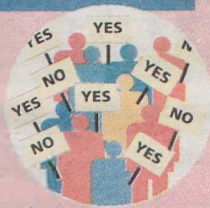
Any person serving a prison sentence for murder, culpable homicide, rape, indecent assault, childstealing, kidnaping, assault with intent to do grievous bodily harm, robbery, malicious injury to property, breaking or entering any premises with intent to commit offence, fraud, corruption and bribery.

Verboten

Public demonstrations and marches are forbidden in the period 48 hours before and until the end of the voting period.



Public meetings or rallies of a political nature will be forbidden in the period 12 hours before and until the end of the voting period.



Punishable

The following offences are punishable under the Electoral Act.

- Forcing a person through force, violence or sexual harassment to vote in a certain manner or to restrain from voting.
- Impeding in any way a person from casting his/her vote.
- Bribing persons to win their vote.
- Infringing the provisions which

- ensure the secrecy of the vote.
- The unauthorised printing, manufacture or acquisition of voting materials.
- Interfering in free political activity, canvassing and campaigning.

Persons convicted of offences under the Electoral Act face fines ranging from R 20 000 to R100 000 or prison sentences ranging from one to five years or a combination of both.

VOTER VIEWPOINT



Philip Smith

A big concern is whether the new government will be able to run the country properly without any experience. It will only be able to if everybody, including the political parties, works together. Another problem is what the unions will do and how their actions will affect the economy, but I think the economy will grow and there will be more jobs for everyone.



Not allowed ... the IEC code states that weapons may not be carried or displayed at political gatherings.

The code calls on all parties to:

- Publicly and repeatedly condemn violence and intimidation.
- Refrain from any action involving violence and intimidation.
- Ensure that no weapons are carried or displayed at political gatherings.
- Refrain from publishing or repeating false, defamatory or inflammatory allegations.

- Allow other parties the right to canvass freely for membership and support or have access to voters, to hold public meetings, to distribute literature, publish notices and adverts, put up banners, placards and posters and debate and contest the policies and programmes of rivals.
- Avoid language which instigates violence.
- Not to offer any inducements or rewards to persons to obtain their support.
- Avoid any discrimination based on

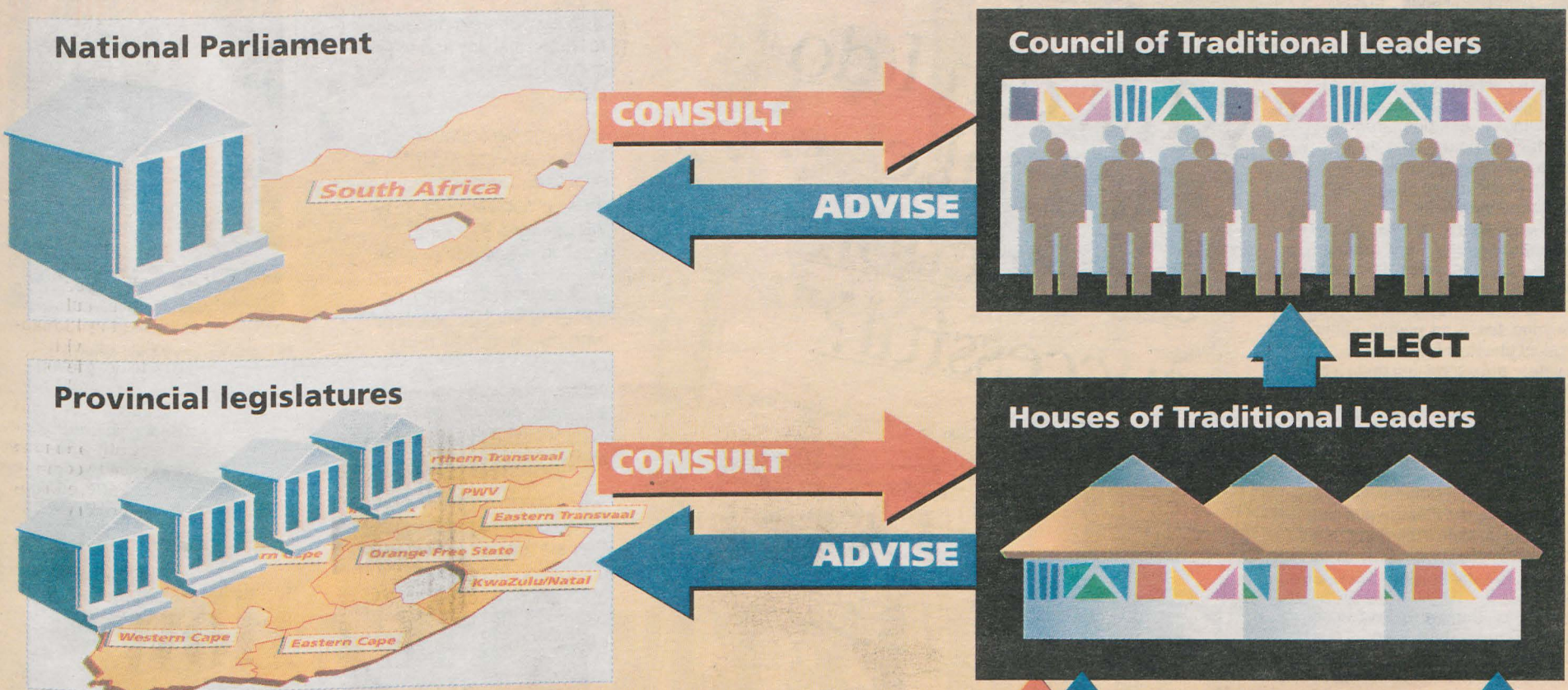
How parties must behave

All parties registered for the election are bound by the Electoral Code of Conduct. The purpose of the code is to promote conditions which will allow for free and fair elections and for a climate of political tolerance.

- race, sex, ethnicity, class or religion with regard to the elections and political activity.
- Facilitate the full and equal participation of women in the electoral or political processes.
- Accept the final outcome once the election has been declared free and fair.
- Take decisive steps to restrain members and officials who infringe the code.
- Inform voters of the steps taken to ensure the secrecy of the vote.



THE TRADITIONAL FACTOR



The future of traditional leaders

Modern democracy crosses paths with indigenous custom in Chapter 11 of the Interim Constitution, which gives traditional leaders a voice in the new scheme of government.

Beyond the local level, however, traditional leaders will play a strictly advisory part in the making of policy and laws in specified fields.

The April election has only an indirect bearing on the establishment of structures through which the chiefs will register their views.

So how does the "traditional" pyramid - which rests on traditional authorities and local government at the base, and rises through provincial Houses of Traditional Leaders and up to a national Council of Traditional Leaders - come into being?

The Interim Constitution specifies that traditional authorities which observe a system of indigenous law and are "recognised by law immediately before the commencement of this constitution" will continue to perform the powers and functions vested in them by law and tradition.

This obviously includes the tribal authorities which have existed in the homelands. While some of these are seen as legitimate expressions of African tradition and governance, others have been tainted and totally discredited by their role in the maintenance of grand apartheid and have little popular support.

Whether they are revered or reviled, these traditional authori-

ties will continue to exercise limited but real power over the people who live within their jurisdiction. Their authority covers those areas of life considered to be governed by indigenous law and customs.

Indigenous law has a definite legal meaning, just as the English Common Law has. It consists of the customs and practices of tribes and tribal decision-making structures as interpreted by the courts over decades. Such matters as tribal governance, relationships within the tribe, land allocation, family and gender relations and inheritance rights are usually covered by indigenous law.

In addition, if a traditional authority falls within the jurisdiction of an elected local government, then the traditional leader is entitled to be an ex officio member of the town council and will be eligible for election to any office within the council.

At the provincial level, where traditional leaders cease to have hands-on access to government, the constitution allows for considerable regional variation in forming Houses of Traditional Leaders.

Such a House is to be set up in every province where traditional authorities exist. It will exist purely to advise the provincial legislature on matters relating to "traditional authorities, indigenous law and traditions and customs of traditional communities within the province".

There is no set formula for the creation of the House of Traditional Leaders. The constitution allows that representatives to

this House may be either elected or nominated by the people who live within their jurisdiction.

Further provisions on the composition and workings of the House are to be contained in provincial legislation, which must be passed in each region within six months of the election of the first provincial premier.

Once formed, the Houses of Traditional Leaders will form an electoral college to choose the national Council of Traditional Leaders.

This council will comprise a chairperson and 19 other representatives and it will fulfil an advisory role in relation to the national Parliament.

At both provincial and national levels the traditional structures must be consulted prior to the passing of legislation which affects customary practices or indigenous law.

However, at neither level do the chiefs have the power to actually block legislation. The most they are able to do is to delay the process for up to 60 days.

The constitution stipulates that indigenous law "shall be subject to regulation by law". Certain provisions in the interim Bill of Rights - especially the equality clause - could impinge on the direct exercise of power by traditional authorities within their own communities. The question remains whether such rural communities will have the capacity to wield the Bill of Rights as the shield which it is intended to be.



VOTER VIEWPOINT



Vanessa Hunt

I worry about getting a job after university this year. You keep on hearing about affirmative action and there is already a shortage of jobs. I was in Maputo at the beginning of last year and all you see there is rundown, dirty streets and empty shops. I don't want Johannesburg to look like that.

It's all about hope and tolerance

The country needs far more than crosses on ballot papers if it is to have a successful election.

This is the belief which led to the establishment of the non-partisan Business Election Fund (BEF), which is financing a massive communications campaign to reach almost the entire electorate in fewer than nine weeks.

Fund organisers stress that many organisations are doing extremely valuable work in voter education. However, they believe that their role in educating for the election goes beyond teaching people about the physical placing of the vote.

The vote – and exercising that right – represents an entire value system, they believe. A democratic value system, which includes such principles as freedom of association, freedom of choice and the secrecy of the ballot.

And this is where business sees its role – to promote the climate and the value system which will carry us through the election, and allow us to prosper in the new South Africa beyond April.

A patron of the fund, Professor Wiseman Nkuhlu, has said: "The most important things in our campaign are the values we are trying to carry through, past the election, into a new South Africa."

Chairman of the fund Mike Rosholt sees business putting "... its substantial weight behind a non-partisan campaign which will ensure a fair election, with as widespread support and participation from all sectors of our diverse society as possible".

Businesses big and small, he said, needed to contribute to a broad national role. They all had a critical interest in promoting a successful and demonstrably free election. This was the essential first step to a stable and prosperous future.

"They need at the same time to encourage a 'bridging' climate of tolerance so that, after the election, the nation can achieve a sustainable economic growth path." Rosholt was adamant that business could not, as it was inclined to do in the past, stand aside from the socio-political and racial dynamics of the country and concentrate all its efforts on economic

“What can I do to make the election successful?”

If you've ever asked yourself this question, here are six practical answers.

Exercise your rights. You vote as a person. Who ever was your vote goes, you will help decide the future of South Africa. For a healthy democracy, we need a substantial percentage of voters representing a wide cross-section of voters.

Encourage others to vote. In your daily life, talk to the people you meet. Tell them why it's important to vote. You don't have to talk party politics. Some people may not have ID documents, or they may never have voted, so help them.

Help rally fears. Many people are scared to vote. They believe that voters will find out who they voted for, and punish them for it. They are frightened of intimidation, and possible violence at polling stations. So reassure these people that their vote is totally secret. No one can ever find out who they voted for. Also, there will be thousands of independent observers, ministers and peacekeepers to make sure that the election is absolutely free and fair.

Spread a spirit of tolerance. In a democracy, all people have a right to their political opinions, and are free to speak their minds. And all political parties have a right to hold meetings to peace. Even if we don't agree with each other, we should respect each other's rights. And one of our most important rights is the right to vote. So help spread a spirit of tolerance. Do not do anything to scare the other person's point of view. But always discourage talk of violence.

Be optimistic. Although we have a bitter month, our leaders have negotiated with one another to bring us to the threshold of a new national future. Because the truth is, we all depend on each other. History has shown us that no one group can survive on its own. So, whatever the outcome of the election, rejoice that at last South Africa will be governed democratically.

Be helpful. There are many ways in which you can contribute to a successful election. So offer your services. Spread useful information. And help people who want to vote get to the polling booths on election day.

PARTICIPATION GOODWILL PROSPERITY

We stand at the threshold of a new land. Now it is up to us. Let every voter be a building block. Let our tolerance and goodwill cement and unite our country. On the 27th and 28th of April, as the world watches, let us build a great nation.

Providing answers ... a BEF poster with a positive message

growth.

To carry the BEF message to the entire electorate requires a huge, and unusual, communications initiative. The BEF is running probably the largest, most intensive publicity campaign yet seen in Africa. And it involves unconventional means of communicating, since over half the population is illiterate or semi-literate and great numbers live in rural areas out of reach of newspapers and television.

Conventional media are certainly part of the plan. TV will reach more than 80 percent of the white, Asian and coloured people and 34 percent of black citizens. Radio messages – broadcast in 11 languages from 27 radio stations – will reach a greater audience, particularly among blacks.

But the campaign will also make use of advertising cards on trains, billboards and leaflets. Music cassette tapes in 19 000 taxis will be heard 22 million times a month.

THE AIMS

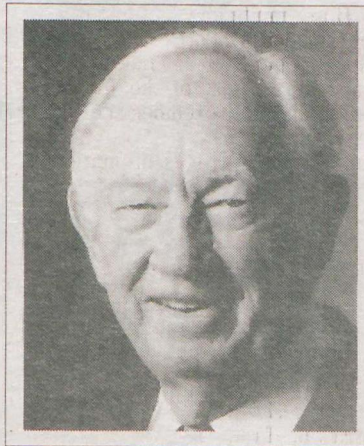
TO encourage a climate for hope, stability and tolerance – before and after the election.

TO urge participation in the election process. But if some people decide not to vote, as is their democratic right, they will be urged to accept the result in everybody's interest.

TO remind all voters – no matter what their beliefs or who they support – that democracy is about giving each elected government a chance, and about accepting the decision of the majority.

TO impress on every voter, in every corner of the land, that they are entitled to freedom of choice and freedom of association. And that the secrecy of their vote is guaranteed.

The BEF will promote the vision of a demonstrably free and fair election, and stress its positive potential for every citizen in increased prospects for economic growth – investment, jobs, houses, and a better lifestyle for all.



BEF chairman Mike Rosholt



BEF patron Wiseman Nkuhlu



BEF patron Dave Brink

VOTER VIEWPOINT

Yvonne Chaka Chaka

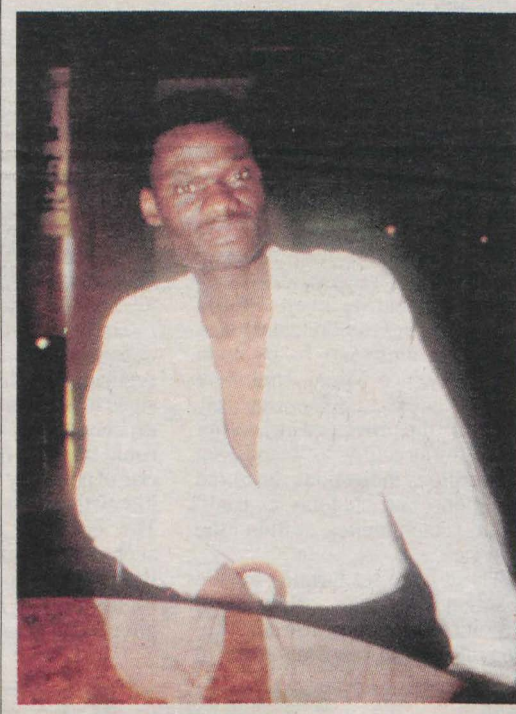
Whoever takes over the government has seen how rundown many parts of Africa are, so I am sure they won't want to see this country also destroyed. The leaders must also not be greedy and line their pockets. But we must give them a chance. Then, if they mess it up, we can always vote them out of power – that is what democracy is all about.



VOTER VIEWPOINT

Sam Khaba

I worry whether everyone, particularly those parties that don't do well, will accept the results of the election. I worry about the small parties on the Right and their search for a volkstaat, also the Zulu kingdom, and what will happen if people don't get what they want. I worry about the high expectations of the black masses and how they are going to be met, especially with all the foreign currency that is leaving the country.





No unanimity at the World Trade Centre in Kempton Park on South Africa's transition to democracy

The multiparty Negotiating Council joyously celebrated its adoption, after months of political bargaining, of the Interim Constitution on November 17 last year.

But the rejoicing was premature: the success, trumpeted as miraculous by exuberant commentators, was qualified.

Compared to the Convention for a Democratic South Africa (Codesa) – which ended in acrimonious deadlock and the withdrawal of the ANC – the Negotiating Council had achieved spectacular successes.

They were, however, marred by the withdrawal, first, of the Inkatha Freedom Party and the Conservative Party and, then, of the Bophuthatswana and Ciskei governments.

The withdrawal of these dissenting parties long before the November 17 celebrations meant that the multiparty negotiations had failed in one aspect: they had not achieved unanimity on how South Africa's transition to democracy should be made or, critically, on the constitution under which the first fully democratic government would exercise power.

If Codesa failed because of a deadlock between, primarily, FW de Klerk's National Party and Nelson Mandela's African National Congress, the Negotiating Council failed, at least partially, because of differences between the majority of representatives and the Freedom Alliance.

The mechanism which enabled the negotiating process to proceed the second time round, the controversial device of "sufficient consensus", was in itself an admission of failure and a contradiction in terms.

As observers noted at the time, the talk of "sufficient consensus" was like the young women who admitted to being a "little bit pregnant". The negotiations had either obtained consensus or they had not.

The deficiencies in the agreements forged in the depleted



Listening . . . Joe Slovo (ANC), Benny Alexander (PAC) and Roelf Meyer (Government)

NEGOTIATIONS setbacks and successes

Negotiating Council became apparent shortly before Christmas when there was a last-minute bid to persuade the Freedom Alliance partners to rejoin the process and take part in the April election for a government of

national unity.

These discussions came to naught. The ANC, backed by the NP, demanded a prior commitment by the FA to accept the Transitional Executive Council and participate in the April election; the FA declined to comply, arguing that its willingness to participate was dependent on the outcome of negotiations.

The FA's demands centred on two issues: demands for greater regional or provincial autonomy under the Interim Constitution; guarantees that these regional powers would not be

downgraded by the popularly elected constituent or constitutional assembly after the April election when it drafts a permanent – as distinct from interim – constitution.

Specifically the FA demanded:

- Exclusive powers for provincial governments in 34 spheres, including education, health, taxation and police, without them being subject to supervision by the central government.
- The right of provinces to write their own constitutions, subject only to the rider that they are consistent with the more than 30 constitutional principles listed in the Interim Constitution.
- An assurance that provincial powers – as demanded by the FA and not

as listed in the unamended Interim Constitution – would not be reduced by the constitutional assembly.

The situation was later confused by controversy over whether or not there should be a double ballot in the April poll, one for central government and one for provincial government. It was not, however, a core FA alliance demand. It only became an issue late last year when the draft Interim Constitution was amended, in an NP-ANC deal, to provide for a single ballot.

By February 12 it was clear that South Africa was heading for a major crisis; on that date the FA parties failed to register for the April election, thus signalling their intention to boycott it.

At the same time there were signs of growing restiveness in FA ranks. Unable to achieve their objective of a "true federation" – a constitutional arrangement in which provinces would have real and exclusive power – FA members raised the option of secession from a united but non-federal South Africa.

On January 17, the Zulu King, Goodwill Zwelithini, gave notice of his intention of proclaiming the restoration of the pre-colonial Zulu kingdom as an independent polity.

At about the same time the Afrikaner Volksfront established a Volks Verteenwoordigende Raad as a counter to the Transitional Executive Council and as an embryonic parliament of a Afrikaner volkstaat.

A little later Bophuthatswana's leader, Lucas Mangope, warned that he would resist any bid to unilaterally end Bophuthatswana's independence. "We will fight fire with fire," he declared.

A much heralded initiative by Nelson Mandela on February 17 failed to break the deadlock; on closer examination it was a representation of a package of proposals tabled by De Klerk's negotiator, Roelf Meyer, two weeks earlier and rejected as insufficient to establish a genuine federal system by the FA.

The chances of an inclusive settlement seemed remote as the countdown to the election began to gather momentum.

Not even amendments to the Interim Constitution, or the Nelson Mandela/Mangosuthu Buthelezi accord of March 1, seem enough to end the stalemate.

THE CHANGES

THE WTC DEAL 22/12/93

- Single-ballot paper for national and provincial vote
- Province called Natal
- Limited taxation powers for provinces
- No reference to volkstaat
- Would have allowed constituent assembly to reduce powers of provinces
- Self-determination for groups not contemplated
- Powers for provinces concurrent to central government
- Limited provision for provinces to write own constitutions

MORE RECENT DECISIONS 21/2/94

- Two ballot papers
- Province called KwaZulu / Natal and provinces can change their names
- Variety of amendments to extend province's taxation powers
- Creation of 20-person volkstaat council to pursue creation of volkstaat
- Constitutional principle guarantees powers will not be "substantially inferior"
- Constitutional principle recognising right to self-determination in a "territorial entity"
- Provinces will effectively have exclusive powers in all areas of competence
- Provinces can create own executives and legislatures

The Freedom Alliance says the changes are a distortion of FA proposals. The Interim Constitution is still "fatally flawed", the powers to go to

provinces are inadequate and there is no guarantee that a volkstaat will be established. The FA has yet to react to the move on concurrent powers.

VOTER VIEWPOINT



David Preller

"The biggest problem is going to be finding the time to take advantage of all the opportunities that will present themselves, and knowing which are the best ones to take. But I do worry about the size of the bureaucracy increasing dramatically, making business more difficult. We are also somehow going to have to accommodate those people who do not have proper education or opportunities. This will be particularly difficult because of the high expectations of the new electorate."

Can you be sure the election will be free and fair?

Read the facts, and take heart.

Your vote is secret

You make your vote in a private and safe place. Nobody can see you voting.

Your name is not on the voting paper, and you vote simply by making a cross. Then you put your voting paper in a box which has been locked before the election and will only be opened when the voting is over.

Nobody can make you tell them who you have voted for. So you're free to vote for whichever party you choose.

Observers will ensure fair play

On the 27th and 28th of April, the eyes of the whole world will be on South Africa. And many thousands of impartial people have been appointed to make sure that the election is free and fair.

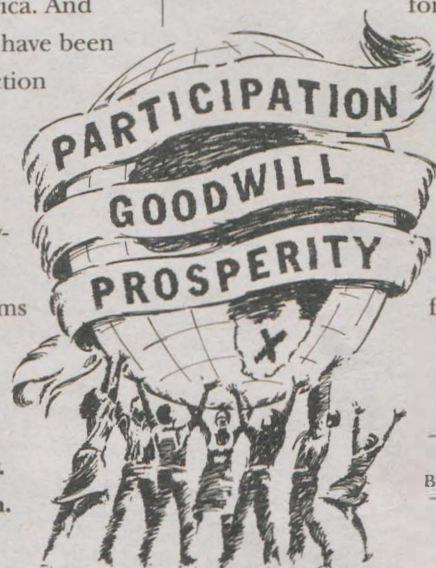
A neutral referee, the Independent Electoral Commission, will be assisted by monitors to see that everything is carried out according to the rules. There will be also observer teams

from the United Nations, the Commonwealth, the European Community, and the Organisation for African Unity.

With all these people watching, and strong penalties for any form of intimidation, there is no reason to be afraid to vote.

Because every vote is, truly, a vote for freedom from fear.

We stand at the threshold of a new land. Now it is up to us. Let every vote be a building block. Let our tolerance and goodwill cement and unite our country. On the 27th and 28th of April, as the world watches, let us build a great nation.



**BUSINESS STANDS FOR
BUILDING A GREAT NATION**