

THE STAR

## REFERENDUM ARTICLE

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For South Africa, first prize would be widely acclaimed, fair and free elections on the 27th April, 1994. The worst possible case would be to have elections on that day under circumstances where the outcome is substantially questioned, both inside and outside the country. Between these two possibilities there are a few variations on worst case outcomes :

- \* to postpone elections because of the level of violence;
- \* to postpone elections because of the demonstrable absence of "sufficient consensus";
- \* to hold elections despite the levels of violence or the absence of "sufficient consensus";
- \* to explain away a postponement because the self-imposed political timetable is overtaken by an unfinished agenda.

It is not difficult to give worst case scenarios a higher probability than the achievement of the first prize. Why? Because now, six months away from the date set for the elections

- \* there is rampant criminal, factional, political and racial violence in a highly unresolved security situation;
- \* there is still a proliferation of police and public/private armed forces pursuing contradictory/diverse/competing policies of maintaining public order;
- \* there is a high level of political intimidation and racial/ethnic outbidding;
- \* politicians are already electioneering on issues that are still primarily the topics of negotiations, compromise and consensus, e.g how to maintain law and order;
- \* there is a growing popular perception that "nobody is in control", either of the country or their parties; that transition lurches from crisis to crisis and that ordinary people are being ignored. Peace day on 2 September was a massive indictment of the petty haggling, posturing and procrastination of politicians.

In other words, to hold elections under circumstances where they could become a one-off disaster is an outcome to be avoided at all costs. Despite the tireless efforts of negotiators, their

political masters do precious little to inspire us with confidence that this may not be the likely case. We will not easily be given a second chance.

Part of our difficulty is that we have allowed our transition to become much more uneven and turbulent than it need otherwise have been. We have confused the quest for legitimacy, i.e. a constitution demonstrably supported by the majority, with the need for stability, i.e. how to maintain order during and after transition. Worse, we have often equated the two, pretending that legitimacy will automatically solve the problem of stability. We think that we need only negotiate conditions for legitimacy but not for stability. This is obvious nonsense. Six months away from an anticipated election, we still have five Defence Forces with separate chains of command; many more Police Forces; at least three armed private militia who act like militant warrior classes for their own constituencies; repeated demands for unofficial self-defence units in townships in the place of police. There is, as yet, no negotiated or enforceable agreement on the status of a policeman or soldier and their respective roles during transition and we have the blatant and provocative carrying of arms by ordinary civilians without any apparent enforceable policy on the availability and possession of weapons of destruction, be they cultural or otherwise. In the absence of any negotiated agreement on the maintenance of stability, criminals, militants and racist, radical minorities, black or white, have a field day doing whatever they please. Good folks can only hold thumbs and pray for peace.

In short, legitimacy is the problem of how to satisfy the majority; stability is the problem of how to deal with recalcitrant minorities. How, in the absence of negotiated stability do we realistically hope to have fair and free elections in six months time in : Ermelo, Hendrina, Carolina, Brits, Umlazi, Ulundi, Thokoza, Thembisa, Kathlehong, Bisho, Mbatho etc.? If not, what is to be done?

The TEC Bill passed by the Multi-Party Forum contains the seed of a possible solution. Yes, some members of COSAG were not present when it was passed and the right-wing among them grumble that the Bill itself is a declaration of war. This is a worry and a flaw. But, for the first time, there is an attempt to address the problem of security/stability by attempting to control or integrate armed and police forces and even to bring about a National Peace Keeping Force. This, in itself, is not going to happen overnight and may eat into the six months before the elections. In any case, this problem is aggravated by politicians already entering into an electioneering mode and hacking away at one another on the issue of stability/security itself.

It would be disastrous to prematurely subject the fragile and emerging instruments of stability to the divisive and acrimonious partisan politics of party elections. Especially, with some parties threatening to boycott and even undermine those elections. Worse still, if these new instruments of transitional

stability should themselves become politically controversial in the run up to the elections.

And yet, the country desperately needs to test popular, non-racial participation through the vote. It would not only give an opportunity for grassroots involvement in transition, something completely lacking so far, but also allow us to learn how to technically administer a massive non-racial voting process for the first time. How can this be done without the threat of failed, disruptive elections? The TEC Bill specifically makes provision for the holding of a referendum. This may very well be the way out. Why?

A referendum is not as divisive as party politics; does not focus on partisan electioneering; there is no mad scramble for halls and venues, radio and TV time; there is no need for partisan canvassing in hostile territories where political tolerance is constantly put to the test. It is a much gentler challenge to the security forces to administer order and stability; in fact, it may be a valuable test run for them to develop their new found impartiality. At the same time, a referendum involves massive grassroots mobilisation around a central question that transcends party political support. People do not vote for parties, personalities and policies, but for a unifying central question.

On a more technical but equally important level, a referendum can enable an Independent Electoral Commission, a newly

established Media Council and the SABC to test their roles in electoral transition. Problems such as equitable access to TV, radio, voter education, voting procedure etc. can be explored under circumstances which will be far less passionate and controversial than party elections.

A referendum is certainly no cure all and undoubtedly second prize to fair and freely held general elections. But it certainly involves much less risk for the country than the probability of failed elections. The fact that it is a question and not parties and personalities at issue, holds enormous potential for national conciliation and solidarity.

The question in a referendum is obviously vital. It cannot simply be a wishy-washy, motherhood mandate capable of ambiguous interpretation. White South Africa has recently come through two of these types of referendum where it had an intense "high" and a long "down". The question must tap into an obvious desire for peace, stability and co-operation that is so clearly evident at the grassroots. At the same time, the question must relate to the fundamental groundrules for a future South African constitution and be specific enough to expose a clear difference between those who vote "no" or "yes". It has to relate to core issues which have been negotiated and around which strong differences have emerged. The outcome of the referendum must be a strong and clear instruction to those who negotiate along which path they must continue. Those who lose, must clearly see they have been marginalised on a central question without being

excluded in subsequent negotiations. The outcome of the referendum must be a clear demonstration to recalcitrant minorities that they cannot continue to hold negotiated transition to ransom by withholding participation and consent.

A question such as : "Do you want an elected Government of National Unity to finalise a Constitution with strong Regional Government for South Africa" may be a bit clumsy, but touches a lot of negotiating nerves and can no doubt be improved upon. In any case, the question, like the referendum, is something that should be the subject of multi-party negotiations.

Perhaps the greatest advantage of a referendum is that it can unleash an enormous amount of pent up energy and frustration amongst ordinary South Africans. It can help us to demonstrate our own involvement in transition and the way forward without fighting about party political winners and losers. We may even learn and promote political tolerance, and, as ordinary South Africans, hold hands for a little bit longer than those two minutes on the 2nd September this year.

(star.ref)