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IDASA

WORKING FOR DEMOCRACY

3 June 1993

The Technical Group:
    Electoral Commission and Electoral Act
c/o Mr R B Rosenthal
World Trade Centre
P O Box 307
ISANDO
1600

Dear Mr Rosenthal

The IFEE has submitted to all the members of the Multi-Party
negotiations a memorandum on some provisions for the Electoral Act.
Members of the Forum have also been consulting with various of the
Parties around the questions of voter education and electoral
preparation.

The members of the Forum requested the Secretariat to brief the Parties
at the Multi-Party negotiations on the work of the Forum and in
particular the need for non-partisan voter education.

However, I was advised that it might be more appropriate to inform you
of the existence of the Forum and of its willingness to be involved with
the Electoral Commission in its work.

As the matter is urgent I am enclosing for your information a submission
which we made to the "Goldstone Commission".

If your technical group is still deliberating these issues we will be
happy to meet with you at any convenient time.

Yours faithfully

P M Graham
Programme Director

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Memorandum on the provisions of an Electoral Act for the first universal suffrage election in South Africa

1. INTRODUCTION

The IFEE is concerned that the Electoral Act which governs the forthcoming elections should be drafted in a manner which enables members of the public and organisations of civil society to participate in what is, after all, an issue of considerable public interest.

In particular, those members of the forum who are regularly engaged in electoral education have a great deal of information about the perceptions of grass roots people and the potential pitfalls which an election might face.

Finally, it is our opinion that the formulation of the Act will have a number of implications for the cost and complexity of a national voter education programme. The more transparent, specific and straightforward the Act, the simpler and more accessible the voter education programme which will be required.

For these reasons, the IFEE has canvassed its member organisations and, on the basis of their comments, prepared a memorandum which it is submitting to all parties for information. The memorandum is not a draft Act, nor does it purport to cover all issues and eventualities. Its purpose is to suggest those aspects where a body of informed members of the public have an opinion. Those who are responsible for drafting the Act and any ensuing regulations may wish to contact the IFEE for clarification of any of the points made.

2. GENERAL PRINCIPLES

The Act should be prepared in such a way as to ensure accessibility to the vote of

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the greatest possible number of eligible voters. It should ensure that the act of voting is simple, that the rights of voters can be easily communicated to them, and that they can exercise these rights freely. At all times it should take the needs of the ordinary voter as its primary concern.

3. WHO SHOULD VOTE

In general, the principle should be to ensure that all South African citizens of 18 years and older should be allowed to vote. The fewest possible exceptions should be made in order to ensure the greatest possible legitimacy for the outcome of the election.

By citizen, we include all those resident within the 1910 borders of South Africa. There should be a single Electoral Act which includes those living in the present TBVC states.

The question of Permanent Residence status has been an area of discrimination in the past. All those who have been resident in the country for at least 5 years should now qualify for citizenship.

While there are a number of logistical problems - the siting and security of voting stations, access to prisoners by parties for canvassing, and the potential for intimidation and 'vote farming' - we believe that people in prison on election day should be allowed to vote. Incarceration is their punishment, not the forfeiture of human rights. At the very least, awaiting trial prisoners and those detained but not yet charged should be allowed to vote.

We are particularly concerned that the Electoral Act should ensure access for farm workers and mine workers to voter education and the political views of competing parties. In the context of South Africa special provision should be made in the Act and any additional regulations to ensure that this is possible.

It is our understanding that all exiles will have returned by the time of the election. Continued efforts should be made to ensure that this is done as, for a variety of reasons, we do not believe that arrangements should be made for voting outside of the country.

The normal restrictions in relation to those legally considered insane should apply.

4. HOW SHOULD VOTERS BE IDENTIFIED

Once again, ease of identification should be the overarching principle.

A variety of documents should be accepted as proof of a voter's age, place of birth and citizenship. Amongst these are the Identity Document, Passport, Birth Certificate, Baptismal Certificate, and Affidavit. Various other documents issued by state departments may be used.

Except in the case of an official ID document or passport (including those of the TBVC states), all other forms of identification should have to be verified in advance of the date of election and a temporary voter card issued by an Independent Electoral Commission. In other words, voters should be identified during the election only by official documents but should be able, in the run up to the election, to procure these cheaply and easily on the basis of a number of legitimate but more informal means.

There should be no opportunity for administrative delays to compromise the ability of any person to vote. For this reason, monitoring (including that of the issuing of standard citizenship ID applications) should be set into motion as soon as possible.

5. HOW SHOULD VOTING TAKE PLACE

5.1 Voting sites

Voting[1] Stations should be accessible - both physically and psychologically. They should be in convenient and neutral places. Thus some government buildings may be ruled out, and places such as clinics, schools, churches, and other places of public assembly may be more appropriate. Police stations should not be used under any circumstances.

As far as possible venues should be easy to secure, have sufficient shade and space for crowds, and have necessary facilities for seating, parking, ablutions, first aid, drinking water, and facilities for mothers with babies.

In rural areas voters should not have to walk for more than one hour to a station. If it is not possible to cover the area with fixed stations, mobile voting stations should be provided.

5.2 The ballot paper

Ballot papers should be carefully designed in order to ensure that they are not confusing to illiterate voters. Consideration should be given to having party names and symbols, large squares for marking, and no counterfoil

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[1]   We have discovered some confusion in people's minds between 'police stations' and 'polling stations' and recommend that the word 'vote' be used instead of 'poll' wherever possible.

number. All efforts should be made to ensure there can be no perception that a ballot paper can be identified with a voter. Recycled paper should be used if possible.

5.3 Marking the ballot

The IFEE wanted to ensure that any mark which is clearly indicative of the voter's preference should be accepted. The wording of the Lesotho Election Order is interesting in this regard. Given the history of South Africa, it may not be appropriate to use the thumbprint as an alternative to marking.

Where there is more than one mark and it cannot be determined what the voter's preference is the vote should be considered spoilt.

5.4 Ensuring a single vote

Indelible marking fluid, ultra-violet lamps, a special symbol, a stamp on voter's I.D and double checking may all be used to ensure that people cannot vote more than once.

5.5 National and regional lists

In general, members of the forum felt that the act of voting should be as simple as possible and that the system of one ballot paper with electors having one vote should be used to determine national and regional representation.

5.6 Unavoidable absence from voting

There should be no provision for prior voting but for people who are unable to get to a voting station (e.g. those who are frail and bed ridden) special arrangements should be made which take account of security, secrecy and lack of intimidation.

5.7 Assistance to voters

A variety of suggestions have been made to enable assistance for the physically disabled or frail in casting their vote. Amongst these are: assistance by a family member or friend, a designated official, or a person designated by the voter. Once again, the potential for intimidation and fraud must be weighed against accessibility and the needs of the voter.

5.8 Voting by armed forces

It is not appropriate for groups of uniformed soldiers to approach the voting stations. In addition, units may be confined to barracks during the elections. Given the earlier provisos about those in prisons, special arrangements should be made for soldiers to vote.

6. ADMINISTRATION OF VOTING STATIONS

Not only should voters feel free to approach the voting stations but there should be no hindrance on their exercise of the vote once inside the station. For this reason, officials should be appointed by an Independent Electoral Commission.

Party agents and registered monitors and observers should have access to Voting Stations at all times.

Security of the Voting Stations is a matter over which there are some differences of opinion. However, a police force under multi-party control with assistance from international observers - in particular police and military personnel - should be responsible for the security of the ballot box and stations.

To prevent intimidation or the unfair soliciting of voters, political party materials and personnel apart from designated agents should be at least 100 metres away from the voting stations.

Within the voting station no party posters should be allowed. An information table should be allowed to provide voters with the necessary IEC voting information.

Control of crowds waiting to vote should be in the hands, not of police, but of neutral monitors and multi-party stewards.

Provision must be made for the welfare of election officials during the elections. Meals should be organised.

7. THE INDEPENDENT ELECTORAL COMMISSION

It is already generally accepted that an Electoral Commission will administer the elections. In our opinion this group of people should be chosen from civil society and not from those who hold party office. Its members require in the first place expertise and experience - much of which will not necessarily be of a legal nature.

The membership should therefore have a minority of people from the legal fraternity and there should be gender equality. Selection of the commission should be the responsibility of the multi-party negotiations. Names of nominees should be published for comment by the general public.

While there may be international members who provide special expertise, the chair of the commission should be held by a South African.

Decision making within this commission should be by consensus.

Accredited international and domestic monitors should have observer membership of the commission.

7.1 There should be provision for the accreditation of international and domestic monitors both for the election itself and for the campaign period. There should be active encouragement for such monitors to plan and implement co-ordinated programmes in support of the goals of the Independent Electoral Commission.

The IEC should develop a system to deal with complaints from parties and members of the public about the conduct of the elections and campaign in a remedial and prompt manner.

8. POLITICAL PARTIES

All parties, including those registered under the present Electoral Act, should register under the new provisions through the Independent Electoral Commission.

The criteria should ensure a balance between credible parties and the rights of all citizens to form and be represented by political parties of their choice. We suggest that the criteria for parties to be eligible for registration should be: not less than 10 000 signatures certified by I.D. numbers and a deposit of R25 000. There should be a penalty clause for parties that do not achieve a certain number of votes in the election.

A code of conduct for the elections should be drawn up and made legally enforceable, with appropriate penalties. Amongst the clauses should be those encouraging political tolerance and the acceptance of the results of the election if declared free and fair.

A declaration of the free and fair nature of the elections should be sought from an international monitoring programme.

9. ADDITIONAL MATTERS

9.1 Voting hours

Voting stations should be open from 6:00 to 20:00. All stations should have artificial lighting.

The elections themselves should take place over more than one day, one of the days being a holiday in order to ensure that no-one can be withheld from voting by their employment.

9.2 Public polls

The taking of public polls and the publishing of the results of polls should be restricted in the two weeks prior to the elections.

9.3 Close of campaign

Political party campaigns should end 48 hours before the beginning of the election.

9.4 Counting of votes

In general counting should take place at the voting station in order to reduce the possibility for tampering with the boxes in transit.

A clear decision must be taken on the releasing of the results, its timing and procedures. We wish to see the results released as soon as possible after the counting is concluded.

10. CONCLUSION

It is not enough in South Africa for the elections to be declared free and fair - or sufficiently free and fair. All potential voters must have been able to adequately express themselves, parties must be willing to accept the result, and the result must be easily interpreted, communicated and implemented. Everything possible must be done to ensure that the election does further the cause of democracy.

As members of civil society, the members of the IFEE intend to do our part to ensure this. Those drafting the Electoral Act should take care to remember for whom the struggle for democracy in South Africa has been waged - the citizen.

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INFORMATION ABOUT **THE INDEPENDENT FORUM FOR ELECTORAL EDUCATION**

I. Objectives of the forum

To draw together non-partisan organisations at national and regional level to provide a co-ordinated and nation wide electoral preparation programme based on existing and supplemented organisational resources.

II. Membership

Membership of the campaign is voluntary and non-binding. The members are identifying areas of the country that are not covered and stimulating organisational development in those regions. The following organisations have attended the quarterly national meetings:

AIC	African Independent Churches Research and Theological Training Institute
●	African Spiritual Church Association
BLACK SASH	
CCH	Centre for Contextual Hermeneutics, Stellenbosch University
CBM	Consultative Business Movement
CCD	Christian Citizenship Department of the Methodist Church of SA
CDS	Centre for Development Studies
CIE	Catholic Institute for Education
CPSA	Church of the Province of SA Justice and Peace
DIAKONIA	
ECF	Ecumenical Confessing Fellowship
●	Free Market Foundation
FDA	Foundation for Democratic Advancement
HAP	Human Awareness Programme
HSRC	Human Sciences Research Council
ICT	Institute for Contextual Theology
IDASA	Institute for a Democratic Alternative for SA
IMSSA	Independent Mediation Service of SA
JEP	Joint Enrichment Programme
LHR	Lawyers for Human Rights
●	Learn and Teach Literacy Organisation
MATLA TRUST	
MPD	Institute for Multiparty Democracy
●	National Land Committee
NYDCC	National Youth Development Co-ordinating Committee
SACBC	SA Catholic Bishops Conference Justice and Peace

SACC	SA Council of Churches
●	Storyteller Group
TEP	Theological Exchange Programme
●	Wilgespruit Fellowship
YCS	Young Christian Students
YWCA	Young Women's Christian Association

Regional Fora

Natal	Convener: DIAKONIA
Border	Conveners: LHR, MATLA
Western Cape	Conveners: BLACK SASH, CPSA Justice & Peace, WPCC, LEAP
Pretoria	Convener: IDASA
Bloemfontein	Convener: IDASA

Working groups

Electoral Act and Commission - lobbying and research
                Convener: PM Graham, IDASA
Voter Education Resources
                Convener: M-L Strom, TCD - IDASA
Media - including broadcasting and programming
                Convener: B Gilder, MATLA
Election Monitoring
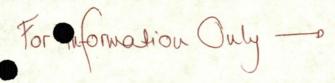   Convener: MPD, SACC, IDASA, LHR, ICT
Training
                Convener: to be decided

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WAYS AND MEANS OF CURBING THE POTENTIAL FOR PUBLIC VIOLENCE AND INTIMIDATION IN RELATION TO A NATIONAL ELECTION

Memorandum to the Commission of inquiry regarding the prevention of public violence and intimidation submitted by the Institute for a Democratic Alternative for South Africa (IDASA)

May 1993
Dr A Boraine   Executive Director
Mr PM Graham   Programme Director

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1. INTRODUCTION

5   1.1 What is IDASA

The Institute for a Democratic Alternative for South Africa (IDASA) is a non-member non-profit independent institute which promotes democracy and tolerance in South Africa. It has offices in each of the
10   major urban areas, a media department and a full time specialist Training Centre for Democracy. After operating throughout the country on projects designed to create and sustain democracy since 1986, IDASA has developed a broad range of contacts, good will and expertise in issues of democracy.

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In recent years it has involved itself in substantial projects on violence reduction and the reform of the police force. A full description of IDASA's work during 1992 is contained in the annual report which is included for the general information of the commission.

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1.2 The terms of reference for this submission

In a press statement dated March 8, 1993 the Chairman of the Commission of Inquiry regarding the prevention of public violence and
25   intimidation called for submissions on ways and means of curbing the potential for public violence and intimidation in relation to a national election.

This submission will deal with a range of matters which IDASA believes are pertinent. In addition to the particular questions raised in the statement, we will address a number of broader issues.

5   In our opinion the curbing of violence requires the combined organised efforts of all South Africans. These should be supported by an integrated programme in which there is a combination of mechanisms, institutions, education and information.

10   2. PURPOSE AND PHILOSOPHY OF THE NATIONAL ELECTION

      2.1 The responsibility of all citizens

      Although elections involve a contest between political parties, they are
15   not primarily the domain of parties but of the citizens who vote. For this reason strategies which place their reliance only on the conduct of parties and of governmental institutions to ensure a peaceful and successful election are mistaken.

20   In a number of recent cases of which Lesotho is the most recent example, the conduct of ordinary citizens has been the deciding factor in whether the elections are concluded or not.

      The Commonwealth observer mission to Kenya, for example,
25   concluded in its report The Presidential, Parliamentary and Civic Elections in Kenya, 29 December, 1992:

      Given all the serious and numerous shortcomings, the disorganisation and
      confusion that reigned in most polling stations which marred the opening of the
30   polls, the poor communication between the Electoral Commission and Returning
      Officers and between Returning Officers and Presiding Officers, the lack of co-
      ordination and inconsistencies in dealing with clear cut problems, we can only
      conclude that neither the polling day arrangements nor the polling and counting
      processes were adequately designed or carried out to meet the specific
35   situations and needs which the Kenyan electoral environment required. This,
      coupled with a serious lack of comprehensive training and civic education, led to
      the inevitable delays and confusion at the polls. If it were not for the laudable
      commitment, dedication and patience of some poll officials, party agents and, in

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particular, *the electors*, the whole process could easily have become a fiasco. Special mention must be made of the thousands of local monitors who tirelessly and vigilantly kept watch at all polling stations and counting centres. As it was, polling day and the many hours afterwards, was probably the most positive aspect of the whole electoral process.

IDASA is convinced that ordinary citizens and the voluntary institutions, organisations, and firms which they develop are one key factor in ensuring the development of a consolidated democracy. A second key factor is the development of a rational and responsive state. However, the development of a democratic constitution, a bill of rights, and even departments of state within a democratic framework will not guarantee that democracy is sustained. It has to be struggled for and won by every generation of citizens.

Hence this submission takes as its point of departure the belief that the electorate - ordinary citizens - must be empowered and must 'own' the electoral process from its inception to its conclusion.

2.2 Clarity about objectives

There must be a simple universally understood and acceptable objective for any future election. At present parties at the national negotiation forum have not reached consensus on this point. While they may well reach a compromise between the presently different positions of elections for a constitution making body which will also govern <u>and</u> a duly constituted government under an already agreed new constitution, any ambiguity about what the election will accomplish could result in tension during the campaign, in voter apathy and in confusion about the meaning of the results.

All of these could affect the levels of violence, intimidation and disruption of the polls. In the very worst scenario, certain parties may boycott the election. While this is a legitimate activity, history in South Africa suggests that such a campaign will increase the complexity of managing the election.

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2.3 Free and fair elections

There are a number of different opinions on what constitutes a free and fair election. As this is a matter which is especially vexing for international observer missions, it is worth turning to them for some comment. Cedric Thornberry provides an extensive discussion of the legal instruments and precedents from which standards have been derived for the UN summarising them after pointing out that elections do not constitute democracy in an article <u>The developing role of the United Nations in regard to the holding of free and fair elections</u> as follows:

... the validity of elections does not rest solely on the level of technical proficiency with which they are conducted. Free and fair elections require ... that other basic rights be respected during, before and after the electoral period - freedom of expression, of movement, of association and assembly; as well as the absence of barriers to the full participation of all citizens, without any form of discrimination; the absence of any form of intimidation; and the compliance overall with the rule of law.

Of course, many societies are taken the first real steps towards such a society when they declare 'foundational' elections. Thus different frames of reference are developed for different contexts. In Kenya the Commonwealth Observer Mission identified two specific criteria:

the creation of a 'level playing field' for the lawful activities of all political parties and a thorough de-linking of government affairs, personnel and resources from those of the ruling party.

In South Africa, a set of norms regarding free and fair elections will have to be developed and it will then have to become 'conventional wisdom' amongst parties, officials and citizens.

3. ORGANISED CIVIL SOCIETY

3.1 Mobilising civil society

Citizens acting on their own may make complaints, draw the attention

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of the authorities to breaches in codes of conduct, allegations of fraud and maladministration, and otherwise attempt to ensure that the elections remain free and fair. However, it is organised civil society which will have the greatest impact. The ability of the Independent Electoral Commission to mobilise the resources of organised civil society will greatly enhance the achievement of peaceful elections. For this reason it is appropriate to make some comments on a number of already existing organised efforts and the roles which they have already chosen or may choose in relation to the elections.

3.2 Organised activities

3.2.1 National Peace Accord

The NPA was established for a very specific purpose but did, in its preamble, link the achievement of its objectives to "the establishment of a multi-party democracy in South Africa". Its work will continue during the election campaign period. The various committees that make up the Peace Accord institution have not yet considered whether there is a limited lifespan to the NPA - and thus one can imagine that they will still be in place in the period after the election.

This programme will play a major role - already defined - in reducing violence and establishing peace. It should be encouraged to continue this work and not be distracted by being given additional electoral responsibilities. Apart from the fact that it does not necessarily represent all the parties contesting the elections and may never - given the difficulty of obtaining in principle agreement to sign the Accord by certain parties - its work is so important and its capacity already so stretched that it could be distracted to it's and the election's detriment.

Additionally, it cannot be assumed that the codes of conduct contained in the Accord are adequate for the staging of an election. More will be said about this matter later in the

submission.

3.2.2 Network of Independent Monitors

The Network of Independent Monitors (NIM) was established to professionalise and co-ordinate the work of non-governmental organisations involved in monitoring of the violence. Between themselves they have established a code of conduct for monitors and put about 60 full time staff into the field. The code of conduct is appended.

They have considered their role during the elections and have taken a decision to concentrate their efforts on monitoring the violence. This will mean that they will be monitoring many aspects of the campaign - especially rallies, marches and canvassing - and it will be to the advantage of the electoral process to make use of their expertise and community contacts.

NIM comprises organisations which have different monitoring approaches ranging from observation and documentation through to conciliation. They have developed a very good relationship with the NPA RDRC's outside the PWV region and likewise have developed a modus operandi with international monitors - often providing logistical support and community information and contacts.

3.2.3 Ecumenical Monitoring Programme for South Africa

EMPSA is a church based initiative which brings international church leaders to South Africa to monitor the transition to democracy. They have adopted the approach of sending monitors to an area for a number of weeks and have built up community contacts and knowledge. They operate in a mediatory and advocacy role to defuse violence and to monitor the role of the security forces and other government departments.

The programme has an office in South Africa. Their lessons in recruiting, briefing, placing and documenting the activities of international church leaders from all over the world will stand them in good stead to apply these lessons during the election campaign and the elections themselves.

3.2.4 Panel of Religious Leaders for Electoral Justice

A recent meeting of religious leaders has established a panel which will make use of a secretariat and voluntary monitors recruited through church service organisations and local churches throughout the country. The intentions of this panel are to use their status as credible religious leaders to observe the whole election - from the establishment of the Electoral Commission to the announcement of results - and adopt an advocacy role in relation to a set of values regarding democracy and justice. They are a non-partisan, independent body holding common values and therefore one can expect them to judge the actions of all parties and electoral institutions without fear or favour.

The membership of the panel is being established during the completion of this submission. Its effectiveness as a body to cajole and encourage parties to move towards democracy both in the development of a constitution and in their behaviour and attitudes may be central giving the possibility of their influence not only on the leadership of parties but on their own members.

3.2.5 Independent Forum for Electoral Education

The IFEE draws together 33 non-governmental organisations and 9 regional forums of locally based NGO's. All the participating organisations have joined the forum on the principle of providing non-partisan electoral education in order to ensure a knowledgeable and prepared electorate and a nation wide commitment to democracy and the outcome of the elections.

Members of the forum engage in electoral preparation at a number of levels - and are the most broadly based and organised civil society grouping responding to the demands of an election. Amongst their activities are the development of voter education materials, training of people to use these materials, training of party and non-partisan monitors, the establishment of a nation wide computer network through the SA NGO network (SANGONET), lobbying around the Electoral Act, and assisting citizens to obtain their identity documents. Appended to this submission is a memorandum which, in focusing on the future Electoral Act, addresses many of the issues about which the Commission is seeking answers and we would refer the members to this document in its entirety.

The IFEE is engaged in discussions with the SABC about a voter education programme, regularly has staff of its member organisations monitoring elections outside South Africa and has established a relationship with many of the international donor agencies.

At a recent conference on election monitoring the IFEE was asked to consider developing a national monitoring programme and to discuss this with the parties, the future Electoral Commission and other interested bodies - a process in which it has begun to engage.

3.3 An integrated programme

Reducing violence during the elections requires a multi-faceted and integrated programme which does not rely on any single intervention. It should be primarily focused on empowering citizens by providing them with information and education, supportive and responsive structures, and protection. Amongst the facets of such a programme, certain issues should be taken into account.

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3.3.1 Role of the Commission of Inquiry

The Commission of Inquiry has played a useful role in calling for submissions. It plays a helpful role in identifying potential points of conflict and ensuring that the relevant bodies attend to these promptly. It is in this area that it will continue to play a useful role but, like the National Peace Accord, it may be that it does not wish to extend its terms of reference in order to remain effective in its primary tasks.

3.3.2 Programme outline

3.3.2.1 Code of Conduct for political parties

It will be essential that a Code of Conduct for political parties be established either by negotiation or by declaration of the Electoral Commission. While certain of the clauses may be drawn from the National Peace Accord in order to ensure continuity, there are a number of specifically election related issues which must be addressed. In particular, the Namibian election code is instructive. Amongst its specific clauses is one dealing with the acceptance of the results of the elections:

15. It is stated in the Settlement Proposal that: "The elections will be under the supervision and control of the United Nations in that, as a condition to the conduct of the electoral process, the elections themselves and the certification of their results the UN Special Representative will have to satisfy himself at each stage as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures take effect." Party leaders undertake to honour the outcome of free and fair elections so certified by the Special Representative of the Secretary-General of the UN.

Examples of codes of conduct are readily available and a set of these are appended.

3.3.2.2 Relation to the NPA

The NPA has established a set of multi-party structures at various levels and, in the PWV region at least, has also established a routine monitoring and marshalling programme. During the elections it is going to be essential to have good communication between the parties to resolve speedily problems which could arise between them. The existing structures may well provide a place for this were it not for the fact that all parties are not represented.

Within certain levels and programmes, there has been acceptance of the participation of non-signatories and it may therefore be possible to establish small sub-committees for remedial action on problems which arise between parties. However, playing a mediatory or adjudicatory role at this level may mean that the Accord should not get involved in administration and verification of the elections themselves.

There will, however, have to be some articulation between the NPA and other specifically electoral structures. This may merely be collegial and informal.

3.3.2.3 Rewards and sanctions

A code of conduct which has no 'teeth' is frustrating and debilitating of all the efforts of those who maintain it. In fact, without any form of sanction or reward, breaches of the Code of Conduct by one party make it extremely difficult for other parties to maintain the code. A steady upward cycle of misconduct is inevitable as parties try to maintain their credibility with constituents and advantage in the election race. This same cycle has already been seen in South Africa around the Peace Accord codes of

conduct.

For this reason, some sanctions and also some possible rewards should be built into the electoral system. Amongst the possible sanctions are fines, limiting access to the public by reducing party access to the airwaves for short periods, not allowing public rallies and so on. However, consideration should also be given to establishing rewards for periods of compliance with the code. Amongst possible options would be additional free air time, a public fund for distribution to parties for campaign expenses, and preferential coverage of meetings. Any such considerations would have to be negotiated and clearly defined - so that there was no arbitrary action which could itself lead to controversy.

3.3.2.4 Codes of Conduct for non-partisan groups

There are many organisations and groups of citizens which will take a non-partisan interest in the successful outcome of the elections. Unfortunately, South African society is characterised by parties and political movements mobilising support through what are now termed Non-Governmental and Community Based Organisations (NGO's and CBO's), through influence on formal educational institutions, churches, cultural groups, and professional societies. Where possible the same struggle has been waged even for control of para-statal or state subsidised welfare and research bodies.

This has meant that there are few generally acceptable independent bodies in the country. While some have managed to shrug off historical associations through their track record of independence, deep suspicions are likely to re-emerge during an election period so that well meaning independent programmes are compromised and

marginalised.

While Codes of Conduct cannot entirely overcome this problem, it is essential that attempts be made to create a trustworthy independent civil society. Allegiance to a code of impartiality and independence is the first step towards this - as demonstrated by the Network of Independent Monitors.

A pre-election conference for all parties and major non-partisan actors may be a second step. Before the elections begin, it will be as well to have a high level brainstorming conference - possibly under the auspices of the Electoral Commission - at which the question can be asked: "What can we do to ensure the best possible outcome for the election?" This should be done as soon as possible so that it does not become a part of any party's election strategy.

3.3.2.5 Remedial actions

South Africa deserves better than to have a summative report on the elections. At present challenges to procedure are dealt with through the courts which means that a judgement on such matters as electoral fraud, maladministration and so on is only possible after the elections have been concluded. There will have to be a system for ensuring that rapid remedial action can be taken during the election period.

3.3.2.5.1 National Peace Accord

Within the existing mandate of the NPA a number of matters could be attended to, and systems have been devised for mediation, arbitration and problem solving which are slowly bearing fruit. The lack of progress in dealing with these matters through the

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courts has also encouraged parties to adopt deadlock breaking methods. It is possible to be overly optimistic about what is possible at regional and national level, however.

3.3.2.5.2 Independent Electoral Commission

An IEC may have the powers to set up administrative tribunals which will adjudicate on and produce regulations and recommendations on certain issues. Such tribunals should be able to act quickly and be in place right through the election day itself - where challenges may require decisions which affect the outcome of the count or the ability of people to go to the poll in a certain area.

3.3.2.5.3 Media publicity

Whatever remedial actions have to be taken, South Africa does have the communications infrastructure to publicise these. In addition to the normal news coverage of the elections, it will be essential that the IEC have the ability to send messages through the public media without hindrance.

3.3.2.6 Limiting violence

There is little chance that the election will be conducted without violence. What South Africa should be aiming for is a reduction of violence, measures which reduce the potential for violence, and a certainty that violence will not stop the election or discredit the result.

The National Peace Accord identified violence from a number of sources:

- the behaviour of the parties towards one another and the general public;
- the behaviour of the security forces in carrying out their designated tasks and in acting outside their terms of reference;
- violence arising out of socio-economic deprivation;

Allow us at this point a hearsay anecdote which could act as a symbolic case study for the systems of violence in South Africa.

> *Three young men burnt a tractor on a farm near a small town, so the story goes. The police made an arrest of a person who was apparently shot trying to escape. The local political youth organisation marched on the police station in protest against this. While at the police station, police spotted a second suspect - who happened to be a leader in the youth organisation - and attempted to arrest him. The crowd got restless and attacked the police, burning vehicles. The police responded and a number of young people were injured in the gunfire and some were arrested.*

> *This upset the black community who accused the police of attacking a protest march. They called for a consumer boycott. At this point, white residents of the town decided to refuse entry to the town to blacks and began patrols.*

> *All this happened over a period of two days.*

Now, we have not been able to ascertain these events. Nor is telling this story an attempt to ask the Commission to investigate. However, it rings so true, in the tragi-comic

way in which we have observed violence escalate in many places and over many different incidents to be worth telling in order to draw some ideas for how violence can be limited during the election period.

§ Firstly, there must be, in advance of any crisis, adequate communications channels between all sectors of the society and the authorities to deal with rumours, complaints and civil disturbance or crime.

§ Secondly, those in leadership positions must anticipate that, given our context, incidents will always lead to escalations unless there are already existing mechanisms for limiting damage. Local peace committees, telephone links between key leaders, liaison groups, local monitors and observers, and community conciliators or mediators are needed. Given that the police inevitably get drawn into these conflicts as one of the parties, it is often not appropriate for them to play a mediating role.

§ Thirdly, despite provocation, the police have to develop an approach to protest action, marches and demonstrations which reduces temperatures. Too often their behaviour, not necessarily malicious, contributes to an escalation of the conflict. This submission cannot go into detail here of what is a much larger subject but amongst the strategies that have been suggested include limiting the visible display of weapons, less military uniforms, tiring out crowds through patient waiting out, ensuring that any communication can be heard, ensuring crowds have ways of dispersing, always approaching them from the front and so on. The police cannot expect the same levels of discipline and professionalism from crowds - of whatever political persuasion - that the society demands from its police force and must therefore develop new ways of preventing and limiting violence.

§ Fourthly, the society in which we live has unfortunately been allowed to become extremely well armed. Conflicts which may have attained riotous proportions in any event, have now also become pitched battles and armed confrontations. Even marches that intend to remain peaceful are carried out by armed marchers - with the resultant potential for hair trigger violent confrontations. Attempts have to be made to reduce the number of weapons in private circulation.

The present strategy of substantial penalties for the possession of 'illegal' weapons will not work. Police bias in the distribution of licences will ensure that it becomes a political football with the only consequences being a better concealment of unlicensed weapons and a worse reputation of political bias for the police. Nor will rewards work under the present situation where possessing a weapon has substantial utility value, either for personal protection or for criminal intent.

At some point in the political process there will have to be a considered multi-party effort to reduce the number of weapons both licensed and unlicensed. Symbolic laying down of arms, confidence in the ability of police to provide protection, leadership public statements and actions, stronger regulatory mechanisms over import and production of certain categories of weapons, and rewards appropriate to our context (in Mocambique the strategy was 'food for weapons', here it might be 'jobs for weapons') will all be required.

§ Finally, a corps of neutral peace brokers with recognised bona fides and the ability to communicate regularly with all parties, organisations and institutions is required. In some situations ordinary people may have achieved the status within the community to gain the trust of armed

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groups and community leaders. But in many places in
South Africa we do not have such resources. Some have
suggested the model of a domestic peace keeping force
which, comprised of members of all existing policing or
5   military groups, could have a 'blue helmet' status. The
logistics of organising such a force are considerable - and
the likelihood of success questionable if analysis is done
of other peacekeeping forces internationally.

10   However there are other models. Amongst these is the
Community Relations Service set up in the USA during the
period of the civil rights movement and still operative
today. Here a relatively small group of officials was
available to fly in to a situation of violence or potential
15   violence. They have the status of the government of the
day and skills in conciliation and mediation. They are
already accepted by the various parties and have the
'clout' necessary to gain access to party officials and
state officials. It does not seem to be beyond the realms
20   of possibility for a Transitional Executive Council to
establish such a specialist group here. Unlike the
investigative wing of this Commission of Inquiry, its
officers would not be engaged in investigation and
adjudication. Their job would be communication and
25   facilitation - and like the Internal Stability Unit they need
not be everywhere all the time but could 'parachute' in to
a situation and them move out and on when appropriate.

3.3.2.7 Electoral education

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The final part of the integrated programme required
focuses on education of the citizens of the country. This
more than any other requires concerted non-partisan effort
using every means at our disposal - both the highly
35   technical and sophisticated and the 'grass roots' and
community centred.

An educated electorate will resort less to irrational behaviour, will be more likely to resist misconduct by the parties, will be more apt to draw these misconducts to public notice, and will have more commitment to participating in and accepting the outcome of the election.

It is also in our interests to have a very high and informed voter turnout in order to ensure that the chosen government has substantial legitimacy. This lack of legitimacy at present is contributing to the confusion, violence and lack of development which is making progress so difficult.

3.3.2.7.1 Voter Education

This submission is not the place to develop a programme of voter education. Rather, it is the place to motivate the need for such education and for its provision to be done by a non-partisan body. While parties may educate voters, there will always be the suspicion that this education has been propaganda. Unless there is non-partisan voter education the results of the election could be questioned by those who feel that an ignorant or intimidated electorate have been stampeded into supporting a particular party or group of parties.

There are four messages which must be conveyed to the electorate:

- Your vote is important
- Your vote is secret
- You can vote
- You must accept the result

Because it has recently come to our notice that

there are some who believe that voter education is unnecessary and that only voter information is required, it may be that a simple explanation of the implications of each of these messages is required.

- Your vote is important

A voter needs to understand the relationship between his or her vote and an elected government; the concept of representation; the link between elections and the ability of government to assist in development; the obligations placed on voters themselves: in other words concepts of democracy that go to the heart of why elections are held in the first place.

- Your vote is secret

Voters need to understand the procedures by which secrecy is guaranteed; understand the working of the voting station, counting, and the role of the Electoral Commission; develop an attitude of confidence towards civil authorities and, in some cases, even develop a concept of individual secrecy.

- You can vote

In addition to the actual mechanics of voting - being able to interpret the ballot paper, recognising the name of one's favoured party, and marking the ballot paper correctly - voters will also need to be able to differentiate between parties on the basis of their policies and candidates. Thus deciding who to vote for requires certain generalised political literacy skills which cannot be left to the responsibility of the parties.

● You must accept the result

Subject to an election being free and fair, voters have to learn to accept the results. This requires tolerance of other parties; understanding that elections confer contingent consent; accepting that citizens, parties and organisations not represented in government can nevertheless play an important role in influencing a modern democracy; and learning that victory does not entitle one to oppress the vanquished.

These message thus require educational strategies, which forums such as the Independent Forum for Electoral Education mentioned above have developed to some degree of sophistication. Although it will be the responsibility of the Electoral Commission to ensure an educated electorate gets to the polls, we believe it would be in the best interests of the country if a group such as the IFEE was encouraged, and if necessary, certificated to continue its efforts under the IEC

3.3.2.7.2 Election Management

A peaceful election will be enhanced by an election run with few hitches and a sense by all the parties that they are 'in with a chance'. So a second level of education is required, that of election management.

Firstly, parties must feel that they are able to compete with one another on a relatively even footing. Election machines which run smoothly, communicate well with potential voters, achieve public profiles and generally are well organised are

likely to make the supporters of that party less irrational, less likely to resort to misconduct, and less likely to envy and attempt to disrupt other parties. Given our knowledge of how often violence flows from mismanagement and disorganisation, we should ensure that parties receive - if they require it - the necessary election management training.

Secondly, South Africa has not conducted an election of such a magnitude before. Indeed, it still does not know exactly what the magnitude of this election is likely to be. A large number of actual voting station officials are going to be required. Stewards (or marshals) are going to need to control queues. The police are going to have to adopt specialist functions. All these groups are going to require education, including information about their roles, standards of behaviour, and back up in case of problems.

3.3.2.7.3 Party 'watchers'

Finally, it is likely that parties will be required to place their own officials in voting stations to certify the results. Such people will be drawn from local communities. Training them will have the additional outcome of adding knowledgeable resources to all areas in which voting stations will be found. A programme to conduct this training is already being negotiated by the parties with the assistance of IDASA. A copy of the proposal for such training is appended.

4. REQUESTS FROM THE COMMISSION

In the press statement issued by the Chair of the Commission of Inquiry a

number of questions were asked. In order to assist the Commission, we have listed these below and will provide specific answers, in some cases referring to points already made.

5   4.1 Rules of conduct and procedures

         4.1.1 Parties

10   Reference has been made to the preparation of a new Code of Conduct for elections and a number of examples are appended to this submission.

         4.1.2 Security forces

15   While the codes of conduct developed by the National peace Accord provide an adequate guide to the conduct of the security forces, it would be essential to develop a simple point by point code which can be read and understood by all personnel and by members of the public.

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         Questions of command and control, already under discussion at various levels, will have to be clarified.

         Issues relating to the conduct of the security forces, to a
25   settlement of various ongoing 'armed struggles' and so-called private armies, and a resolution of the status of armed forces in general must be dealt with before the election takes place.

         4.1.3 The Independent Electoral Commission

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         The establishment of an Electoral Commission is the single most important activity to be undertaken in preparation for the election. They must have the ability to set in motion the various tasks which must be undertaken before the election can take
35   place. And the more time they have, the better.

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Apart from the actual formation of the IEC, the manner of appointment must be such that they have the highest level of acceptance and respect from all sectors of the society as well as the parties.

During their term of office, they will be expected to make many and rapid decisions. The terms under which decisions are taken must be specified in advance - as this often delays their progress considerably. Unanimity might be desirable, because it ensures that all possible options are explored. Majority might be more feasible.

In our opinion the IEC should not consist of citizens holding party office. The nominations, if done by the political parties, should be available for public comment. The Chair should be South African.

In order to conduct its work, the IEC will have to set up a secretariat and possibly regional offices. However, in our opinion, given the shortness of time and the multiplicity of tasks, certain functions should be distributed on an agency basis to outside organisations. We would caution against the employment of private sector consultants, who are themselves often forced to make contact with those organisations and individuals in the NGO and research sectors already skilled in the electoral process.

4.1.4 Non-partisan monitoring agencies

We have referred to the need for making use of the good offices of organisations and networks which already exist in this field. However, a professional national domestic monitoring programme which associates itself with the goals of the IEC and is accredited by the IEC must be put in place. It may be that this is merely a co-oalition of existing agencies; it may be that it acts as a link between these existing agencies and programmes and

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the IEC but also deploys its own monitors.

Whatever the case, it will be necessary that the Electoral Act allow for non-partisan domestic monitoring, that such monitoring be accredited by the IEC and that monitors be allowed free access to the whole electoral process, including observation of the activities of the IEC itself.

4.2 Time period for voting

After consideration of the options available, it seems that the main reasons for suggesting an extended period of voting are to ensure that everybody gets to the polls and that no-one can be stopped from voting by his or her employer. It would be possible to meet both these reasons by having a single day with extended voting hours. This would do away with the risks of guarding ballot boxes and voting stations overnight.

Of course, travel at night is not easy in some parts of the country. And voting stations will in any event require security while the count is undertaken.

Therefore we would be marginally in favour of a single extended day, subject to the proviso that arrangements ensure that everyone who needs and wants to vote can vote. The Electoral Act should make provision for voting to remain open until those who are in the queue at closing time complete their vote.

4.3 Location of polling stations

The Independent Forum on Electoral Education, whose memorandum on the Electoral Act is appended, make a number of points about the siting of stations. They should be accessible both physically and psychologically to all voters. Where possible, voters should not be at risk when travelling to stations. In rural areas, stations should be close enough to voters that no-one need walk for more than one hour to

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reach them.

Certain stations may need to be mobile. In these cases consideration should be given to using vehicles in which officials, party 'watchers' and marshals can ride. In certain areas, it might be possible to make use of a train.

At all times, locations should be political neutral. If necessary, local communities may be consulted over a number of options. This could have the effect of increasing the commitment to the security of these stations.

4.4 Security and policing of stations

The existing police will have to play a role during the elections (see below). However, given our context it is not appropriate for them to be present in voting stations. In some countries, and appropriately in our case, police are not allowed to come within a specified distance - often 100m or 200m - and may only come closer at the express request of the presiding officer in the voting station.

Routine crowd control and queuing details are handled by locally chosen and trained marshals or, if the word has taken on political bias, stewards. These have the advantage of being known, of being staff of the IEC rather than the State, and of being unarmed.

In general, preventive measures should be the order of the day - careful siting, good crowd control, facilities for crowds, punctilious and expeditious officials, and a public address system should it be necessary to communicate with those waiting.

All voting stations should have communications with district or regional IEC officials. No presiding officer should be out of touch during the election.

4.5 Conduct and procedures relating to counting

Counting should take place in the voting stations. Boxes should never have to move without a count, audit and certification of the count having taken place. An initial informal communication of the result to any observers and, if possible, to IEC officials will help to ensure checking of the results when tallies are done at higher levels.

One possible problem with this method, which is now widely used, is that certain geographic areas might come to be identified as dominantly one or other party leading to possible post election victimisation. It is likely that this fact will already be widely known in any event, and this seems less of a risk than moving uncounted ballot boxes around the country.

A second problem arises if the count is conducted in a voting station within a geographic area dominated by one party, where no other party or observers are present. Two means exist for dealing with this problem: election day officials may be bused in to such areas rather than drawn from local people; these voting stations may be identified in advance and specifically placed on the schedule of independent observers.

4.5.1 Parallel counts

It is now customary in many elections to conduct a parallel count based on a sample of the voting stations and conducted not by the IEC but by independent observers. This parallel count is used to test the reliability of the final result and may also be used to prepare parties and officials for a possible surprise outcome so that the necessary measures can be taken to maintain calm and limit objections.

Given the sophistication of our infrastructure, a parallel count is feasible here.

Linked to a parallel count may be the need for an independent

evaluation of the computer software being used to collate the
results arriving from voting stations.

4.6 Relevant measures following the conclusion of the elections

4.6.1 Announcement of results

The normal practice in South African elections has been to
announce results constituency by constituency, with public
comment on these from the first. This system can be used
because there are some precedents and patterns of voting.
However, proportional representation produces other demands.

In Angola, results were announced as they became available -
which was from the closest and predominantly urban voting
areas. Here MPLA support was high and so extrapolations made
from a minuscule sample frightened many unsophisticated
voters into believing there was an MPLA landslide. This raised
unnecessary fears and allegations of fraud - which contributed
to the eventual post election debacle.

It would therefore be advisable to consider carefully, based on
the final determination of the election procedure and districts,
how best to announce interim results.

As for final results, these should be available without delay. All
efforts must be combined to ensure that the anticipated time of
release is adhered to.

4.6.2 Verification of the election

The IEC must ensure that the results are verified. This is
particularly the case if the Code of Conduct contains a
statement regarding verification similar to that of the Namibian
code.

Verification is often done by independent observers. This is going to take some organising (see below) but it may be that the IEC invites a person or group of people of some international stature to announce that verification. Alternatively, the parties themselves could announce acceptance of the election on the basis of agreed criteria before the results are announced.

Verification by credible sources is a major component in the acceptance of results but, as the Angolan example shows, by no means infallible.

4.6.3 The formation of the new government

Consolidated democracies have all ritualised the transfer of power. In England, it happens immediately in the glare of the spotlights. In the United States of America, while acknowledgement of victory and defeat are immediate, transfer is an extended ritual - again though the whole process is accompanied by media attention.

South Africa needs to develop new rituals which should be symbolically satisfying both to winners and losers. Given that many South Africans considered themselves to be fighting a war of liberation - the consequences of which remain with us - a clear symbolic gesture that the old order has ended and the new arrived must be created.

4.7 The role of various institutions

4.7.1 Relevant Government departments

Government Departments are not yet perceived as neutral civil servants at the service of all members of the society. Despite efforts on the part of many of these departments, this truth is evidenced in continuing suspicion, attacks on employees, strikes and breakdowns in communication, and allegations of corruption

and mismanagement. Yet these departments have access to vast resources and staff, in comparison to any other agencies, have experience - although limited - in managing elections, and, in the case of the Department of Home Affairs, have already taken significant unilateral steps to prepare for this election.

International elections specialists believe that we should make use of this administrative expertise provided that it is under the control of the IEC and not a Government minister. However, South Africans have two problems. The first is that many suspect Government departments will not be able to uncouple themselves from support for the National Party in the elections - whether at the level of insider advice, administrative arrangements that benefit the NP, or actual misconduct. Secondly, too many black South Africans have negative experiences of dealing with government employees and would find it hard to accept voting in a station staffed by the same people.

One solution to these problems will be to bring the necessary sections of government departments under the control of the IEC and, in addition, set up an administrative centre staffed by a combination of government and non-government staff at the same levels of authority. This model of operational collaboration is already being tried by the police and the parties in dealing with particular localities of violence.

4.7.2 The South African Police

4.7.2.1 Various branches of the SAP

The only role that is required from the SAP during the election campaign is professional policing under their code of conduct and in line with the procedures and policies being established through the Police Board and the transitional executive council.

However, they will have to play a role during the election day itself in providing back up security for voting stations, ballot boxes and certified and counted ballots. This role should only be carried out by a regular uniformed police force. Other units with specialised functions and uniforms should not be used in this matter in order to maintain the image of an election taking place under civilian control.

The SAP members who are to be deployed on election day should receive training regarding their role and the Electoral Act, and go through various simulations in order to ensure that they understand what is required of them over and above normal policing activities.

4.7.2.2 Supportive activity, if any, by the SADF

The South African Defence Force should not be deployed during election day. Where possible, citizen force and commando members should be released from service over the voting period. It may be that standing units of the SADF and any other formal armies are confined to barracks and arrangements made for individual members to visit the polling stations in civilian dress or to vote at specially monitored voting stations within the barracks.

Any decision to deploy either the SADF or special units of the SAP such as the Internal Stability Unit should be made by the IEC in conjunction with monitoring groups at the request of parties or the TEC and not by the present structures of command and control.

4.7.2.3 Co-operation with other peacekeeping activities, if any

It is unlikely that South Africa will warrant or obtain any significant international peace keeping force - unless the

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situation deteriorates substantially. However, there are likely to be other possible groups with which the SAP will have to co-operate during the voting day and the election campaign.

4.7.2.3.1 Election stewards and officials

While perimeter security of voting stations will be in the hands of the SAP (in the assumption of this submission) local stewards and officials will be responsible together with voters for public order in and around the voting station. These people should receive adequate preparation to make them independent of SAP assistance unless it is requested. The marshalling programmes and arrangements presently being conducted make it easy to envisage such an operation for the election.

4.7.2.3.2 International policing groups

Likewise, there may continue to be international police staff and groups who will be deployed according to the lessons presently being learned in dealing with the violence. Some of these groups may be involved in the training of police and stewards closer to the date of the election.

4.7.3 The international community

The international community could play a number of different roles during the elections.

4.7.3.1 Participation in the IEC

Certain technical experts may play a role either as members of the IEC or by providing technical assistance to

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it - possibly joining the suggested administrative centre. The UN does have an elections programme which is presently providing services in Malawi and Mocambique. Input from this arm of the UN can be sought separately from the general conceived service of peace keeping or observation.

4.7.3.2 Diplomatic activity

Strenuous diplomatic activity to encourage parties to live up to their commitments, to assist in establishing ongoing development programmes and to support national efforts towards a free and fair election should continue - where possible with co-ordinated effort.

4.7.3.3 Observer missions

Observer missions come in various forms, two of which have been suggested for South Africa.

4.7.3.3.1 Peacekeeping

A peacekeeping mission does not seem necessary or feasible at this stage in our history and that of other countries also engaged in transition.

4.7.3.2 Verification

A second option is for the deployment of international observers on a verification mission. In other words, to watch the elections without intervening and to declare on whether they believe these have been free and fair - and hence that the result can be trusted by South Africans and is acceptable to the international community.

There are many problems with verification activities.

§ Firstly, the international community is not one thing and often a variety of international missions with separate criteria of judgement wish to observe.

§ Secondly, such missions often arrive towards the end of the election campaign and miss significant events which might have affected the outcome of the election before a vote is cast.

§ Thirdly, they have to rely on briefings and logistical support from local sources which can misdirect or reduce their effectiveness.

§ Finally, verification statements from a variety of different agencies can confuse the situation and add to post election uncertainty.

All these problems arise out of differences of approach and lack of co-ordination. Clearly a single international effort would overcome this - but our investigations thus far do not offer much hope for this.

A few suggestions can be made. Invitations to observe and accreditation must be done by the IEC. Communication centres for any international observers must be set up in all electoral regions. A single logistical team comprising staff from the key international observer groups must be established as soon as possible and it should work in collaboration with a similar domestic team to negotiate terms of reference, recruitment and deployment of observers, briefings, logistics and so on.

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Observer missions invited by the IEC should not be allowed to arrive without having joined in this process.

Very clear distinctions should be drawn between accredited monitors and interested organisations and institutions who come at the request of parties or at their own initiative. These groups may request observer status, in order to have access to the electoral process, but they should not be relied upon as part of the verification exercise and a differential form of accreditation may be chosen.

5. Conclusion

There is no guarantee that South Africa will be able to go to the polls without violence and intimidation. This should not deter us from setting a date for the elections and stepping up work to prepare for these elections. Without an election - promised by the negotiating parties and expected by the majority of South Africans - we cannot hope to end the present transition driven violence or establish the development programmes which will reduce criminality and poverty.

IDASA, as a significant member of the organised civil society which we expect to play a major role during the elections, will continue its efforts to ensure free and fair elections as part of a process to establish democracy. It trusts that a number of the suggestions made here will be taken up in order to ensure that its work and that of other members of the civil society will be supported and enhanced.

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