

PROGRAMME OF ACTION

*For free & fair elections
in South Africa*



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Programme of Action *to promote free and fair elections in South Africa*

Introduction

AGREEMENT was reached on 2 July that South Africa's first ever democratic elections on the basis of universal adult suffrage would take place on 27 April 1994.

Each and every South African should then be entitled to participate in the election of a Constituent Assembly, which will have as its primary task the drawing up and adoption of a new democratic and non-racial constitution for the country.

The decision to hold these elections represents the first fundamental breakthrough in the struggle to transform South Africa from an apartheid state into a united, non-racial and democratic society, as envisaged in the *UN Declaration on South Africa*, adopted by consensus in December 1989, by a special session of the UN General Assembly. It is this Declaration which represents the internationally agreed basis for a political settlement in South Africa.

However, to ensure that the process of the democratic transformation of South Africa is irreversible and leads to a genuine end to apartheid, it is essential that these elections are genuinely free and fair, and result in a decisive majority in the Constituent Assembly committed to a new democratic constitutional order for South Africa.

The international community declared apartheid to be a crime against humanity and therefore has a duty to ensure that apartheid is totally eliminated. This duty must now find expression in a concerted effort by the international community so that these elections take place in circumstances which are genuinely free and fair, and the results of the ballot box are respected by all parties.

Today South Africa is gripped by a climate of fear as a result of the levels of violence and repression, which are especially high in certain bantustans. This dramatically inhibits free political activity. In numerous other respects, conditions for free and fair elections do not yet exist.

This *Programme of Action* seeks to identify how the international community can be mobilised to help remove the obstacles to free and fair elections and to ensure that they are genuinely democratic.

A democratic electoral process

A DEMOCRATIC LEGAL framework needs to be established for the conduct of the elections in order to ensure that they are genuinely free and fair. This will require:

- the establishment of a multi-party Transitional Executive Council which will seek to ensure impartial behaviour by all state and other official organs. In particular it should provide for impartial control over the security forces;
- the creation of an Independent Electoral Commission, with appropriate international participation, which will be charged with the task of conducting and administering the electoral process. It will have to establish procedures and mechanisms which provide for a genuinely secret ballot; easy and unimpeded access to the polling booth and which will ensure that the electoral process is free of manipulation, fraud and ballot rigging;
- the enactment of a democratic electoral law which seeks to provide a legal framework to ensure that the electoral process is genuinely free and fair and democratic in content.

The international community must press for these requirements to be met.

Free political activity

FOR THE elections to the Constituent Assembly to be free and fair, all political organisations must have the right to organise and campaign freely throughout South Africa, the bantustans included. This means the freedom to undertake activities such as the holding of meetings, the canvassing of voters, the distribution of propaganda, etc without the fear of intimidation, violence or persecution.

There are large parts of South Africa where such conditions do not yet exist for the ANC and other democratic parties. This is particularly the case in respect of the following:

- a number of the bantustans, especially Bophuthatswana, Ciskei, and KwaZulu;
- white farming areas;
- domestic workers.

In order to transform this situation to one in which a climate of free political activity exists throughout South Africa, we need to:

- organise educational and information campaigns which are designed to

expose and highlight the denial of free political activity, focusing on the three areas identified above;

- as the result of such campaigns, to generate pressure on the Pretoria regime, by the British government, the UN, the EC and other intergovernmental organisations, to ensure that a climate of free political activity is created;
- establish methods of communication with human rights organisations and other appropriate bodies in the run up to the elections, so that the international community can be alerted to individual violations of free political activity and appropriate action can be taken.

Ending political violence

POLITICAL VIOLENCE represents one of the greatest threats to the holding of free and fair elections. The fundamental cause of this violence is the policies and practices of apartheid which have resulted in the dispossession and impoverishment of millions of people, and which were deliberately designed to promote division and disunity amongst the African majority.

Only a genuine end to apartheid and the creation of a new democratic order which can address the injustices of apartheid, offers the prospect of ending the violence endemic in many areas of South Africa.

However, during the period of election campaigning in particular, it is essential that agreements reached to help end the violence, e.g. the carrying of dangerous weapons, and the fencing of hostels, are implemented. Also, the structures which exist to prevent political violence need to be strengthened and should receive the maximum possible international support.

The international community is already making a contribution towards the ending of violence through the presence of inter-governmental Observer Missions from the United Nations, the Organisation of African Unity, the Commonwealth and European Community. However the size of these Missions is limited as is their mandate. There are less than 100 observers in total to cover the entire country and their mandate is restricted to that of observers, with no powers of investigation.

In order to make a more effective contribution the international community should:

- exert maximum pressure on the Pretoria regime to *implement* the agreements it has made to curb political violence, and to agree to genuine multi-party control over the security forces during the transition period;

- provide increased international support for the structures established under the National Peace Accord, including the Goldstone Commission and local and regional peace resolution structures;
- agree to the expansion of the teams of inter-governmental observers and monitors, especially that of the United Nations, which are working in co-operation with the National Peace Committee;
- ensure greater accountability by the teams of international monitors and observers, in particular that of the European Community, in order that their monitoring leads to effective action by the international community;
- provide support for the planned expansion of the Ecumenical Monitoring Programme in South Africa (Empsa) and its role in monitoring violence during the election campaign.

Voter registration

A PARTHEID MEANT that white people could vote and the black majority was disenfranchised. The mere agreement that there should be a one-person one-vote election does not *automatically* mean that all black people will be enfranchised. No final agreement yet exists as to the mechanisms which will be used to determine who is entitled to vote. At present most white people are registered to vote, whilst no voters' roll exists for the black majority. This represents a huge disadvantage for the ANC and other political formations, whose main constituency is the black community, since they will have to devote considerable resources to ensure the maximum possible number of black people are entitled to vote.

Real obstacles lie in the way of mass registration of black voters because of the fear and insecurity of the consequences, especially for those living illegally on white farming land and in squatter camps and other forms of 'informal' housing.

There is considerable and varied experience of voter registration campaigns throughout the world, which South Africans should be able to draw on to overcome these obstacles. In Britain, those involved in local government have special knowledge because of their legal responsibilities.

The international community has a duty to ensure that all South Africans are able to participate in the country's first democratic elections. This will involve:

- ensuring that the mechanisms for voter registration (or equivalent) are genuinely democratic and accessible to all;
- encouraging those involved in local government in Britain to provide expertise and any other assistance to those organising voter registration (or equivalent) campaigns;

- campaigning for the provision of financial resources for voter registration (or equivalent) campaigns.

Voter education

A FURTHER OBSTACLE facing the ANC and other political organisations which draw their support primarily from within the black community, is the lack of knowledge and experience of the electoral process, which is further exacerbated by high levels of illiteracy, most notably in many rural areas.

Programmes of voter education are being initiated which aim to overcome these obstacles. These involve overcoming the culture of 'election boycotts' – in South Africa there is a long history of boycotting elections for apartheid institutions; encouraging confidence in the secrecy of the voting process; and explaining the actual voting process.

The electoral process cannot be deemed to be free and fair unless all South Africans understand it fully. The international community therefore has a responsibility to help fund such programmes of voter education including those by bodies especially established for the purpose such as the Matla Trust, as well as those by the ANC and other democratic forces, which are best placed to carry out voter education within the black community.

Media control

THE PRESS and media can play a key role in preventing any election process from being genuinely free and fair. Distorted and dishonest reporting and unequal access to the media can significantly influence the outcome of the democratic process.

In South Africa, the existing ownership and control of the press and media is such that unless there are fundamental changes, the electoral process cannot possibly be deemed to be free and fair.

An Independent Media Commission needs to be established to provide a framework for media reporting which will be conducive to the holding of free and fair elections. Steps have been taken towards ending monopoly control by the National Party of the South African Broadcasting Corporation. However, proposals for the establishment of a new governing board for the SABC, which would enjoy the confidence of the majority of South Africans, were unilaterally amended by

President de Klerk. It is essential that agreement is reached rapidly on the composition of this governing board and that the SABC pursues policies which ensure equitable access to state-owned television and radio during the election process.

South Africans involved in the debates and discussions on these issues should have access to the studies and reports which have been prepared on the role of the media in other electoral processes and if appropriate, they should be able to draw on the expertise of relevant international institutes and bodies.

The international community will need to be very vigilant during the election process to ensure that press and media reporting is consistent with the goal of free and fair elections.

This will involve, in particular:

- the application of effective pressure to ensure that a new governing body of the SABC, which enjoys the confidence of the majority of South Africans, is established;
- the establishment of mechanisms to monitor the press and media to ensure that its reporting is consistent with the goal of free and fair elections.

Equitable financial resources

THE ELECTORAL process in South Africa can only be deemed to be free and fair if there are equitable financial resources available to the major political formations contesting the elections.

It is self-evident that massive financial resources will be available to those parties which are opposed to the democratic transformation of South Africa, in particular the National Party. For example, during the whites-only referendum of March 1991, it has been calculated that the 'yes' campaign spent R30 per voter.

More sinisterly, in the Namibian pre-independence elections in November 1989, the South African government has now admitted that it provided covert funding to anti-SWAPO parties of R100 million which amounts to £68 for each vote cast against SWAPO. Moreover the National Party and other white parties have a long history of electoral campaigning and have well organised electoral machines.

In contrast, the ANC and other democratic forces have only recently been unbanned, have no experience of electioneering, have to organise extensive programmes of voter registration and education, face a media which has been

traditionally hostile, and draw their support predominantly from the impoverished black community.

The ANC, in particular, will be unable to raise the level of financial resources that it will require to participate in the election on an equitable basis, solely from within South Africa. There is therefore an important role for the international community to play to ensure that:

- mechanisms exist to prevent the covert funding by the apartheid regime of parties opposed to the democratic transformation of South Africa or of 'dirty tricks' designed to undermine the ANC and other democratic forces;
- the ANC and other democratic forces have the necessary resources to participate in the elections on an equitable basis.

International supervision, monitoring and verification of the election process

ONE OF the most important responsibilities of the international community will be to supervise the election process, to monitor the elections to ensure that they are free and fair, and to verify the election results.

The pre-independence elections in Zimbabwe and Namibia provide valuable experience as to the role which the international community can play. Clearly, it will be for the major parties to the negotiating process within South Africa, to determine in consultation with the United Nations and the other relevant inter-governmental organisations (eg the OAU, the Commonwealth and the European Community), the precise functions which international institutions should perform.

Lessons also need to be drawn from other recent elections in Africa, especially Angola, where the UN's mandate and the level of its involvement was the cause of grave concern.

However given the enormity of the task involved to ensure that the process is genuinely free and fair, it is clear that it will require substantial human and financial resources if the international community's involvement is going to be anything more than symbolic. It will also be essential that this involvement is throughout the entire period of the election process and not simply for the elections themselves.

The United Nations will therefore be expected to play a major role in ensuring that the elections to a Constituent Assembly are genuinely free and fair. If appropriate, it may discharge this responsibility in co-operation with other inter-govern-

mental organisations including the Organisation of African Unity, the Commonwealth and the European Community such as is the case with the existing Observer Missions.

In order to make an effective contribution this will require a sizeable presence by the United Nations in conjunction, if appropriate, with other inter-governmental bodies which would provide for:

- the international monitoring of the electoral process throughout the period of election campaigning to ensure that the right of all political organisations to campaign and organise is upheld and to otherwise guarantee that the process is free and fair. The mandate for such monitoring must extend throughout South Africa including the bantustans;
- the international supervision of the voting process itself to prevent fraud and ballot rigging;
- the international verification of the election results.

Complementing the UN and other intergovernmental organisations there will be a need for Parliamentary and non-governmental observers and monitors.

The Ecumenical Monitoring Programme for South Africa (Empsa) already envisages a nationwide presence of ecumenical monitors during the lead up to and during the election. Given the experience which Empsa has already gained through its monitoring of the violence, this will provide an important framework through which the ecumenical community internationally can assist in helping to create a climate for free and fair elections.

There will be clearly be a role for other NGO bodies including anti-apartheid movements, as well as parliamentarians. National parliaments need to be encouraged to send monitoring teams to observe the elections. The presence of parliamentarians from across the world will also help in creating a climate in which people will feel able to vote freely.

The international community should be beginning to prepare to play an effective role. It is important therefore that:

- the UN should now carry out preliminary investigations so that it can establish the level of operation which will be required by the international community to supervise, monitor and verify the election process;
- the UN, the OAU, the Commonwealth and the European Community and their member states should be pressed to ensure that sufficient human and financial resources are available for the operation;
- parliamentary bodies should be encouraged to prepare to send observers to the elections;

- maximum possible support is given to Empsa by the world ecumenical community.

Respecting the results of the ballot box

AS THE experience of the UN monitored elections in Angola have illustrated, not all parties contesting democratic elections will respect the results even if they are verified to be free and fair.

Given the nature of the opposition within South Africa to the democratic transformation of the country, there is every likelihood that there will be elements who will seek to contest the outcome of democratic elections, especially if they result in a decisive majority committed to a new democratic order.

It is essential that the international community considers contingency plans to prevent any grouping, including elements in the police and security forces, resorting to armed force in trying to overturn the results of the election process. Clearly, therefore, whatever international operation is in place to supervise, monitor and verify the election process, must also have a mandate to ensure that the results of the election process are respected by all parties.

Conclusion

The prospect of one-person one-vote elections in South Africa is a source of great encouragement to all opponents of apartheid across the world. The challenge now is to ensure that they are genuinely free and fair and result in a decisive majority in the Constituent Assembly committed to a new democratic order for South Africa.

This *Programme of Action* seeks to provide a framework by which the international community can make the maximum possible contribution towards ensuring that this goal is achieved. All those who look forward to a new united, non-racial, non-sexist and democratic South Africa are urged to help make this programme a reality.

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