

Journal of African Elections



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Table of Contents

Ballots or Bullets: Elections and Conflict Management in Southern Africa	1
By Khabele Matlosa	
Electoral Sustainability and the Costs of Development	17
By Carl W Dundas	
Making Sense of the 'Coloured' Vote in Post-Apartheid South Africa: Comparing the 1994 and 1999 Provincial Results in the Western Cape.	23
By Sean Jacobs	
The Unfinished Referendum Process in Western Sahara	37
By Terhi Lehtinen	
How Political Parties Finance Electoral Campaigning in Southern Africa	53
By Tom Lodge	
Parliamentary Elections in Zimbabwe, 2000	61
By David Pottie	
Les Elections Ivoiriennes de l'An 2000	71
Par Maître Françoise Kaudjhis - Offoumou	
A Summary of the Parliamentary and Presidential Elections in Mozambique, 1999	97
By Vicky da Silva	

Ballots or Bullets: Elections and Conflict Management in Southern Africa

By
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Abstract

Elections form an important ingredient for democratic rule in all societies. However, on their own, elections do not amount to democracy nor are they sufficient to sustain democratic governance. The significance of elections though, is that they encourage popular participation in the political process, which is crucial for both stability and legitimacy of rule. This is more so in conflict-ridden and war-torn societies. The southern African experience demonstrates that the relative political stability enjoyed by the majority of states since the ending of the cold war and the demise of apartheid, has been nurtured and consolidated through elections, which have essentially replaced bullets with ballots as key instruments for the contestation for state power. The extent to which elections add value to the constructive management of conflicts depends critically on both the nature of the electoral system and the unequivocal commitment of the belligerent parties to peace, reconciliation and stability.

Introduction

The whole world is undergoing political transition from authoritarianism towards democratic governance.¹ This global political sea change has been given added impetus by the ending of the cold war in the early 1990s. The southern African region is no exception to this world wide political transformation. Internal political dynamics in individual countries have helped drive this process of political transition. Equally important have been the impact of not only the ending of the cold war, but also the collapse of apartheid in South Africa. During the cold war and apartheid, the southern African region had been enmeshed in protracted conflicts, which had not allowed the regional states to enjoy sustainable development, democratic governance, stability and peace. It was thus anticipated, by many keen observers of the region's political development, that the post-cold war and post-apartheid era would bring about the stability and peace so crucial for democratic governance and economic development. Elections were seen as the central, albeit not the only condition, for both the transition to and the consolidation of democracy and stability in the region. In essence, elections are an important, yet not the only, ingredient for democratic practice and culture. If well managed, they are also crucial instruments for conflict management in war-torn societies. Conversely, elections can also accentuate existing conflicts among belligerent parties. This is not surprising for elections themselves are, by their very nature conflict ridden, given that they present a contest over state power. For elections to add value to democratic governance, stability, peace and reconciliation, clear rules, procedures and systems that bind all the contesting parties are required. Often the debate on elections and conflict tends to focus mainly on the

1 Huntington, 1991; Hyden and Bratton, 1992; Bratton and van de Walle, 1997

general elections, thereby downplaying other levels of the electoral process more by default than by design. It is worth noting that primary elections within political parties are as (if not more) dissentious as the general elections themselves. These have led to or accelerated intra-party power struggles, faction fighting and splits of parties into fragmented political fiefdoms.² In essence, primary elections could either stabilise or destabilise the party machinery depending on the degree of the inner-party democracy in each one of the Southern African Development Community (SADC) states. On the whole, internal party democracy is weak, hence the fragmentation and relative ineffectiveness of opposition parties throughout the region. Furthermore, it is worth emphasising that local government elections are as important in southern Africa as are general elections and, in much the same way, are as conflict-ridden. Whereas much of the conflict around general elections is primarily among political parties, the principal conflict in local government elections revolves around the power struggle between modern and traditional institutions of governance, although inter-party strife also marks local level conflicts.

State of Governance in Southern Africa: Conceptual Framework

A more useful discussion of problems, progress and prospects for democratic governance, stability and peace in southern Africa, and the role of elections in this regard, has to grapple with some common understanding of critical concepts. These include the state, government, democracy and democratisation, authoritarianism, conflict and conflict management, elections and electoral systems. The concept of the 'state' usually invokes heated debate among social scientists. The state could be perceived as either the territorial entity which is home to a specific people sharing a common culture even if ethnically or racially diverse, or as an institutional entity. This article adopts the latter definition, which conceives of the state as a set of permanent institutions of government comprising decision-making structures (the legislature), decision-enforcing organs (the executive), decision-mediating agencies (the judiciary), law enforcement institutions (the security establishment) and policy formulating agencies (the bureaucracy).³ The state therefore comprises permanent institutions, which do not change despite periodic elections and changes of government over time. The state is thus crucial for the running of national affairs of countries. In contrast, 'government' refers not to institutions, but rather to officers who staff state institutions for the effective and efficient running of national affairs. Unlike state institutions, governments come and go. Governments change over time either through the smooth transition brought about by elections (ballot-propelled changes) or through violent overthrow of regimes by way of military coups (bullet-propelled changes). A simple distinction between a state and a government, therefore, is that (a) the state refers to institutions whereas government denotes people in charge of these institutions; and (b) the state is permanent whereas government is by its very nature temporary and ephemeral. The manner in which the state institutions are run defines the extent to which a political system in a given country could be classified as either democratic or authoritarian.

Governance denotes the process by which the state and government machineries are set in motion. The mode of governance determines the manner in which power is exercised in the public realm.⁴ It simply refers to the method and art of governing a given country. Whereas the state refers to permanent institutions of running national affairs and government refers to

2 Olukoshi, 1998

3 Chazan *et al*, 1998; Dunleavy and O'Leary, 1987; Hall and Ikenberry, 1989; Forest, 1992

4 Hyden and Bratton, 1992; Hyden *et al*, 2000

officers who staff state institutions, governance defines the modality and process of governing. Governance can be either democratic or authoritarian.⁵ Democratic governance draws its mandate, legitimacy, credibility and acceptability from consensus and persuasion, whereas authoritarian governance draws its value from threats, coercion and patronage. Elections play a more central role in democratic governance in present-day southern Africa. During the period of one-party and personal rule in the region, when authoritarian governance was the order of the day, elections were insignificant and had a minimal bearing on the political system as a legitimising factor. The governance process in southern Africa has undergone a major transformation since the ending of the cold war and the demise of apartheid in South Africa.

Various authorities have differently defined democracy. It is not far-fetched to surmise that there are as many definitions of democracy as there are writers on the subject.⁶ For this study, democracy is taken to mean a political system that allows all citizens to freely choose their government over time through elections, is accountable to the electorate and accords people adequate participation in the running of national affairs. It is a system that is transparent in driving processes of nation-building and economic development, respects fundamental human rights and strives towards a fair distribution of national resources. Only by meeting the above conditions is a government likely to enjoy both domestic and international legitimacy and credibility, which are needed for its moral title to rule. The three known forms of democracy throughout the world are (a) liberal democracy, (b) social democracy and (c) popular democracy.

According to Jackson and Jackson:

an essential characteristic of **democracy** ... is the reconciliation of the need for order and stability with a degree of influence for competing political interests. Representatives are elected by a form of majority rule to make legislation, which has the force of law. They are allowed to do so because success in elections accord the winners the *legitimacy* required to govern. A *majority principle* is required so that decisions can be taken by the people and their representatives even when division continues to exist.⁷

Authoritarianism, on the other hand, is a concept used to denote a political system which relies upon obedience, coercion and fear as its key legitimating factors to sustain continuity and reproduction of the governing elite. It is no wonder that:

[S]uch regimes impose one political group or interest over everyone else. They restrict pluralism and limit public participation, calling for obedience and no dissent ... In authoritarian countries, power is organised by the elites through the military, bureaucracy, religious leaders, or similar authorities ... Usually little effort is made in such regimes to mobilise the population to political action because the leaders prefer apathy ... Parties are frequently banned and opponents imprisoned. The threat of state violence is never far behind any significant political activity.⁸

Varieties of authoritarianism include (a) mono-party states, (b) military regimes, (c) dynastic or monarchic oligarchies and (d) theocratic regimes.

Part of the limitation of the democratisation project in southern Africa today has to do with its form and content. A majority of the states are following liberal democracy and in most

5 Jackson and Jackson, 1997

6 Ake, 1996; Jackson and Jackson, 1997

7 Jackson and Jackson, p77

8 *Ibid*, p81

cases it seems that the dominant party is the preferred mode of party system after the long years of mono-party system. Under these circumstances, stability has not really taken root. Consequently, democratic governance and sustainable development remain elusive goals and elections make little sense to ordinary voters. What other scholars have observed recently is that under the current process of political liberalisation, 'politics turns on the instrumentalisation of disorder ... Disorder ... incorporates within it the notion of uncertainty'.⁹ Once the electorate is confronted with political disorder, which in turn breeds uncertainty, it is concerned simply about issues of sheer survival and come elections, there is a general apathy and those who vote are concerned more about their partisan stances and less about real national issues. In a recent study that this author undertook jointly with three other researchers based at the National University of Lesotho on voting behaviour, one of the major findings was that partisan commitment plays a central role in the way the Basotho exercise political choice during elections.¹⁰ Consequently, broader national issues play an insignificant role in the electoral ... process, hence many of our respondents did not attach much importance to familiarising themselves with the manifestos of their parties, let alone those of other parties. Even under the new democratic dispensation in South Africa today, which Mkandawire aptly terms a 'choiceless democracy',¹¹ evidence abounds that people vote not so much for real national issues but for individuals or parties on the basis of 'pork-barrel' or patronage politics.

Although conflicts are inherent in all societies since time immemorial, the concept 'conflict' remains both nebulous and elusive in social science discourse.¹² For this study, the concept is used to denote incompatibility of interests, choices and goals over the distribution of resources, ideological orientation and power among various political actors. Conflicts arise from interaction among two or more actors in the political system with incompatible interests, choices and goals wherein the ability of one actor to gain depends to an important degree on some loss on the part of others. Politics therefore is a conflict-ridden game. Elections are a clear expression of a 'rule-based' conflict in politics (ballot politics based upon consensus and dialogue). Conversely, violent conflict and usurpation of state power is a manifestation of anarchic organisation of politics (bullet politics predicated upon coercion and force). Conflict *per se* is not counterproductive in the process of social change and social engineering. More often than not conflict becomes counterproductive when it assumes violent proportions and is mismanaged.

In his millennium address the UN secretary general, Kofi Annan, observes that there is a near universal agreement that prevention is preferable to cure, and that strategies of prevention must address the root causes of conflicts, not simply their violent symptoms. Consensus is not always matched by practical actions, however. Political leaders find it hard to sell prevention policies abroad to their public at home, because the costs are palpable and immediate, while the benefits ... are more difficult for leaders to convey and the public to grasp. Thus prevention is, first and foremost, a challenge of political leadership.¹³ It is worth noting that the UN has declared 2000 the 'Year of the Culture of Peace'. This is an urgent call for countries to individually and collectively devise mechanisms and systems for the constructive management of conflicts. It should be noted that the Electoral Commissions Forum of the SADC countries has a specific Conflict Resolution Programme, which aims at creating

9 Chabal and Daloz, 1999

10 Makoa *et al*, 2000

11 Mkandawire, 1998

12 Schellenberg, 1982; Ohlson and Stedman, 1994

13 2000 pp44-45

sustainable and effective capacity for member countries to manage election-related conflicts. The specific objectives of this programme are as follows:

- ◆ to facilitate collective exploration by SADC electoral commissions of the nature and manifestation of election-related conflicts, and the systems and capacities required to manage them;
- ◆ to facilitate the design of conflict management systems appropriate to each national context;
- ◆ to develop capacity, through training of designated persons in each country, to manage conflicts; and
- ◆ to establish a resource panel of experts who can be drawn upon to assist conflict-related crisis during elections.

An election refers to a process whereby a people belonging to a particular territorial state and under the authority of a single institutional state, variously referred to as either the electorate or voters, choose their government periodically as a clear expression of representative democracy. Elections, therefore, are an important ingredient of democracy. However, elections on their own do not guarantee democracy nor are they synonymous with it. As Jackson and Jackson persuasively argue, 'without some form of elections, there is no democracy. Citizens have no choice, no say in who will govern them. But it is equally true ... that elections themselves are far from a guarantee of democracy'.¹⁴

Elections serve various functions including political education, recruitment and selection of political leadership, orderly succession of government anchored upon the ballot rather than the bullet, periodic review of the performance of the government and an opportunity for renewal of mandate or replacement of the sitting government by another. They ensure domestic and international legitimacy and credibility of government and, in war-torn societies, are a mechanism for assisting with conflict resolution. Whereas an election is a process, an electoral system refers to a method or the rules of the process. It is a method that a particular country adopts for choosing national leaders to represent the electorate in the legislature. Its primary *raison d'être* is to match votes with seats in parliament.¹⁵ There are various electoral systems throughout the world and each country adopts a particular model on the basis of its culture, political history, and party organisation.¹⁶ The three main types of electoral systems are (a) the single member plurality system, (b) the single member majority system and (c) proportional representation.¹⁷ Different countries variously apply these systems and their application may include a mixture of any two of the three. Table 1 sums up the form and content of these electoral systems, highlighting the nature of representation inherent in each one of them. It is possible to infer from this table that the single member plurality system is more conflict inducing and conflict prone than proportional representation. From this premise, it is not surprising that in many states of southern Africa, elections have tended to deepen rather than resolve existing conflicts, in part due to the pervasive single member plurality system inherited from the British political tradition.

14 Jackson and Jackson, 1997, p366

15 Reynolds and Reilly, 1997

16 Jackson and Jackson, 1997, p371

17 *Ibid*, pp371–377

<i>Types of Electoral Systems and Representation</i>		
<i>Electoral System</i>	<i>Constituency Representation</i>	<i>Party Representation</i>
Single-Member Plurality	Maintains traditional link between representative and constituents Representatives often elected on a minority of total votes	Distortion of votes/seats ratio Minor parties disadvantaged unless support is regionally concentrated Discourages multiplication of parties; tendency to two-party system
Single-Member Majoritarian (a) Alternative Vote (AV) (b) Second Ballot	Both maintain traditional link between representative and constituents Representatives usually elected by a majority	Distortion of votes/seats ratio Wasted vote thesis does not apply; small parties survive even if unsuccessful Tendency toward multi-party system
Proportional Representation (PR) (a) Party List (b) Single Transferable Vote (STV)	Individual representatives usually owe election more to party than to voters Representatives forced to compete for first preference votes	Approximate congruence between vote shares and seat allocations Minor parties usually gain fair representation; easy entry for new parties Tendency toward multi-party systems
Mixed Plurality/PR	Maintains traditional link between representative and constituents	Approximate congruence between vote shares and seat allocation Minor parties usually gain fair representation

Source: Jackson and Jackson, 1997

Elections and Conflict in Southern Africa

For most of the 1980s, southern African states steered their political systems away from mono-party and military rule towards multiparty and pluralist political systems.¹⁸ Of all the SADC countries, only Swaziland and the Democratic Republic of Congo have not embraced multiparty rule and regular party-based elections as a vital form of contestation over state power (see Elections Timetable, Table 2). Despite these two exceptions to the rule, a consensus is emerging within the region that multiparty systems are better political arrangements than single party systems.¹⁹ Currently, the region is faced with the challenge of consolidating the newfound democratic practice and culture as well as institutionalising the culture of peace and reconciliation after long years of both violent and non-violent conflicts. As one writer aptly observes:

Post conflict elections are supposed to transform a violent conflict into a non-violent one: **ballots take the place of bullets**. They are expected to enable the former warring parties to pursue their conflicting ideologies and programs in a peaceful fashion. Elections give all factions an opportunity to present their agendas to the citizens, debate with their opponents, and mobilise public opinion to capture

¹⁸ Giliomee and Simkin, 1999

¹⁹ SADC, 1998, p84

political power. Like other elements of democratic system, ***elections contribute to the institutionalisation of a conflict resolution mechanism*** in the body politic (emphasis mine).²⁰

Within the current process of political liberalisation, multiparty elections have become firmly entrenched in the political systems of a majority of southern African states. Botswana and Mauritius are the longest-enduring stable multiparty systems, being anchored upon regular elections over the last three decades of political independence and have experienced few, if any, violent conflicts.

The region's recent electoral record and the degree to which elections resolve major conflicts show great variations. On the basis of the 1991 Bicesse Agreement, Angola held its presidential and legislative elections in September 1992 in the middle of a major violent conflict. The elections result delivered a victory for the Popular Movement for Liberation of Angola (MPLA). In the presidential race, José Eduardo dos Santos of the MPLA secured 49.67% and the Union for the Total Liberation of Angola (Unita's) Jonas Savimbi got 40.07% of the total votes cast. In the National Assembly race, the MPLA won 53% of the votes to Unita's 34.10%.²¹ Instead of the electoral process acting as a catalyst in the transition to and consolidation of democratic rule, it accentuated and gave more vigour to the armed conflict.²² Angola has adopted the proportional representation electoral model, which is highly regarded as enhancing broader participation and thereby contributing to political stability.²³ The Angolan situation provides sufficient evidence that in some instances elections alone are insufficient to bring about political stability, reconciliation and peace. As Kumar and Ottaway remind us, there is little doubt that in many instances elections leave a bitter legacy, aggravating existing tensions and cleavages.²⁴ The Angolan conflict continues today and political settlement remains a mirage.

On the contrary, Mozambique experienced a smooth political transition based upon the 1992 General Peace Agreement signed in Rome by the belligerent parties. This culminated in the holding of presidential and legislative elections in October 1994, which resulted in a government of national unity incorporating the Front for the Liberation of Mozambique (Frelimo) and the Mozambican National Resistance (Renamo). This suggests that under certain conditions, elections could be useful in transforming war-torn societies into stable political systems. Further more, the Mozambican experience suggests that power sharing is crucial for the credibility of the elections outcome and for sustainable peace in war-torn societies. Mozambique's fledgling democracy was given a further boost by the second elections of 1999, which consolidated the country's stability and coalition government. In the presidential contest, Frelimo's Joachim Chissano won 52.3% and Renamo's Alfonso Dhlakama 47.7% of the votes cast, thereby ensuring the continuity of the government of national unity in a country slowly recovering from a severe war. In the legislative contest, Frelimo won, by capturing 48.5% of the votes, to Renamo's 38.8%. About 11 minor parties secured far less votes in the elections and did not field candidates for the presidential race. As with the presidential race, the national assembly elections outcome further consolidated the government of national unity, so crucial for both political and economic recovery in Mozambique. Although the major opposition party Renamo complained bitterly about what it perceived as irregularities and fraud in the electoral process, the elections outcome was accepted by all parties, thereby

20 Kumar, 1998, p7

21 Smith, 1992; Matlosa, 1999a

22 Ibid; Ottaway, 1998

23 Mahao, 1997; Matlosa, 1999b

24 1998, p231

according to the new government legitimacy and political integrity.²⁵ This highlights the importance of acceptance of the election results by all political players if stability is to prevail in a country, especially in war-torn ones. Like Angola, Mozambique operates a proportional representation electoral system, yet the political effects of the elections on violent conflict in both countries present sharp contrasts. Generally, the proportional representation system lends itself to constructive management of conflicts, especially when violent, as the experience of South Africa since 1994 clearly indicates.

In between the polar opposites of Angola and Mozambique lies a mixture of experiences with regard to the degree to which elections accentuate or contain conflicts. Quite obviously, elections have helped in the process of political settlement of the South African conflict. The South African example is instructive for protracted negotiations among belligerent parties, signing of peace accords and establishment of peace panels preceded the 1994 elections. Although violence is still a major problem in South Africa, relative stability has been achieved and the country's electoral system allows broader representation of political actors in the legislature. In South Africa, therefore, elections contributed to the wider peace and reconciliation process to bring about stability, which still prevails today. Although Namibia's political settlement of its long-drawn war of liberation also involved elections, which turned Swapo into a ruling party, the international community, especially the United Nations, was heavily involved in the process. This presupposes that in war-torn societies, international assistance is essential as there is usually a lack of institutional, financial and technical capability to hold and run elections.²⁶ The same was true for the 1992 elections in Angola and in Mozambique in 1994 and 1999. The Zimbabwean elections of June 2000 also attracted overwhelming international attention and more than 500 international observers and domestic monitors witnessed the electoral process.

In general, elections are a very costly political enterprise in both conflict-ridden and stable societies alike. International support for elections in resource-poor countries is vital. Namibia successfully held its second elections after the political transition in 1999, thereby consolidating its embryonic democracy. Botswana and Mauritius are the longest-enduring liberal democracies among SADC member states and hold elections regularly. Both countries have not faced the protracted intra-state conflicts that pose serious threats to governance and economic progress. In Lesotho, all the elections that have been held in the country prior to and after independence (i.e. 1965, 1970, 1985, 1993 and 1998) have ignited various forms of conflict in the country. In all these elections, the defeated parties rejected the electoral outcome. As a result, the legitimacy of rule and the credibility of the government were severely undermined.²⁷ In Lesotho, as in Angola, elections have helped accentuate rather than contain existing conflicts. The worst conflict in Lesotho occurred after the 1998 elections.²⁸

It is crucial that Lesotho sets out a comprehensive peace and reconciliation plan and implementation strategy if the 2001 elections are to add value to constructive conflict management and democratic governance. Efforts already started by the Lesotho Network for Conflict Management (LNCM) need to be consolidated and the National Peace Accord implemented expeditiously by all stakeholders. Given its entrenched political mono-party culture and heavy centralisation of power, political liberalisation presents a daunting challenge to Zimbabwe.²⁹ Preparations for the June 2000 elections were marred by sporadic and violent

25 Turner *et al*, 1998, p162

26 Kumar, 1999

27 Matlosa, 1999b

28 *Lesotho Social Science Review*, 1999; Southall and Fox, 2000

29 Makumbe and Compagon, 1999

conflicts, which were accelerated by the land invasions, spearheaded by war veterans from February 2000. Dialogue and negotiation among belligerent parties did not mark the road to the Zimbabwean elections and as a result, there was little possibility that they would play a significant role in securing the country's long-lasting stability. In addition, there were no well-defined conflict resolution mechanisms to manage the conflict, leading to counter-productive accusations and counter-accusations regarding its root causes.

The Zimbabwe elections of 2000 were both interesting and intriguing in many respects. There were interesting, primarily because after years of hegemonic hold on power in a mono-party atmosphere, the ruling Zanu-PF faced a real political challenge from an emergent opposition formation, the Movement for Democratic Change (MDC). It was intriguing because despite the political violence and intimidation that marked the campaign process, large numbers of ordinary Zimbabweans braved the political turbulence and went to the polls to exercise their democratic right to choose their national leaders. Of the 5.29 million registered voters, 65% turned out at the polls, far above 32% in the 1996 presidential elections, or 57% and 54% respectively in the 1995 and 1990 parliamentary elections.³⁰ There was a clear ideological divide between the ruling party, which espoused a land reform redistribution programme with a view to deepening the nationalist project of expanding or broadening political liberation into the economic sphere on the one hand, and the opposition which espoused the idea of employment creation and upheld liberal democratic values.

The elections outcome was fascinating too. Of the directly elected parliamentary seats (i.e. 120 seats) Zanu-PF won narrowly by securing 62 seats. The MDC put up an unprecedented political battle against Zanu-PF's long established political hegemony and received 57 seats, becoming the first-ever significant opposition.³¹ Zanu-Ndonga of Reverend Ndabaningi Sithole secured only one seat. Both Zanu-PF and the MDC face enormous challenges. Zanu-PF has to re-build its credibility, and consolidate and expand its traditional mass base. The MDC has to prove that its electoral support translates into effective oppositional politics rooted in well-defined constituencies. Upsetting a hegemonic force such as Zanu-PF, albeit no mean task, is one thing, and sustaining the opposition momentum and avoiding internal fragmentation is quite another. Effective and meaningful opposition is a quintessential element of democratic transformation in Zimbabwe. The electoral process was perceived by many international observers as having been transparent, credible and acceptable to the preference of the majority of Zimbabweans, thus giving unequivocal legitimacy to the newly established two-party legislature. The outcome is also conducive for the resolution of major conflicts in Zimbabwe, mainly around the land question and the constitutional review process. The former is in an advanced stage³² and the latter surely has to be revisited in the current post-election period after a pre-election referendum in which a majority of Zimbabweans rejected the draft constitutional amendments.³³ In his keynote address during a recent conference on Constitution Making in Southern Africa, organised by the Southern African Regional Institute for Policy Studies (SARIPS), Ihonvbere argued strongly that in spite of the bitterness of the recent past, the draft constitution that was rejected at the referendum represents an advancement over the Lancaster Constitution. However, for Zimbabwe to move forward on this question, there must be a process to rekindle popular interest in and build

30 Sachikonye, 2000, p5

31 Sachikonye, 2000

32 Moyo, 2000

33 Mandaza, 2000a; Mandaza, 2000b

popular ownership around the constitution.³⁴ To this end, Ihonvbere suggests three possible options, namely:

- ◆ the establishment of a two-party parliamentary committee to review the rejected constitutional draft, and to submit a revised constitution to Parliament;
- ◆ the establishment of a new and autonomous commission to start the process all over again; and
- ◆ based on the public debate on the draft and during the elections, memoranda should be invited from the public, for submission to a representative committee drawn from inside and outside Parliament.

The first option above is the most desirable route if the constitutional review process is to be brought back on track. In order to ensure popular ownership of the process, broad participation of key stakeholders both within and without the state machinery has to be vigorously promoted. This will ensure the transparency, credibility and legitimacy of the constitutional review process. The ultimate outcome is likely to be easily accepted and owned by the citizens given that broadly based views and opinions will have been taken aboard during the review process.

Pre-requisites for Elections after Armed Conflicts

As has been observed in the previous sections of this article, elections serve an important function in the process of democratisation. This is more so in a situation whereby a country has just emerged from armed conflict. Unlike other situations, elections after armed conflict serve particular objectives. First, they compel belligerent parties to bury their hatchets and seek a political settlement of their ideological differences. They remind the warring parties that ballots rather bullets are a preferred method of contestation for and the efficient transfer of state power. Second, they aim to bestow legitimacy and credibility on new democratic governance after a protracted conflict. The worst-case scenario is when one party wins outright, thereby marginalizing the others (as in Lesotho 1993 and 1998). The best-case scenario is one whereby the elections outcome leads to broadly based representation in the legislature, as was the case in South Africa after the 1994 elections. This then compels all parties to commit themselves to building a democracy by transforming the culture of politics of coercion and embracing politics of consensus.³⁵ Virulent opposition in parliament is far better than violent opposition in the streets. Third, they serve to give practical meaning and essence to the peace accords and reconciliation programmes, as was the case in Mozambique (1992), Namibia (1994) and South Africa (1994).

In essence, elections alone do not really resolve violent conflicts, but rather they must be part of a comprehensive programme of peace and reconciliation. This is why we predict that the forthcoming Lesotho elections may not achieve their primary purpose of political stability if they are not part and parcel of a well-thought out programme of peace and reconciliation. In devising and driving this peace and reconciliation programme, the Lesotho Network for Conflict Management (LNCM), the government, the Independent Electoral Commission (IEC) and the Interim Political Authority (IPA) must play a pivotal role. It is gratifying to note that efforts are already underway in Lesotho to strive towards a nation-wide peace accord, in a process driven by the LNCM in collaboration with relevant stakeholders. In a national conference the LNCM organised in April 2000, with the theme of the challenges of peace building and sustaining democracy in Lesotho, the participants, who included representatives from

the National University of Lesotho, civil society organisations, the church, the government, the IPA, and the IEC agreed on the importance of a national peace accord. More importantly, in order to operationalise the accord, participants agreed that the broad principles that drive this process should include:

- ◆ political will;
- ◆ accommodation and compromise;
- ◆ inclusivity;
- ◆ external support;
- ◆ local ownership;
- ◆ engagement of civil society;
- ◆ non-partisan facilitation;
- ◆ clear rules of the game; and
- ◆ conflict resolution mechanisms.

Although key actors are all agreed on the need for a national peace accord in advance of the 2001 general elections, implementation remains a major problem. The sooner this process starts the better for Lesotho's fledgling democracy.

The Angolan elections of 1992 failed to deliver stability precisely because belligerent parties, particularly the opposition, did not abide by the Bicesse Accord and various other peace agreements made since the 1985 Lusaka Accord. Although the elections are generally regarded to have been a technical success under the prevailing climate, they are considered to have been an utter political fiasco, as the losing party did not accept the outcome, but rather resorted to the bullet for resolving political differences and settling scores in the contest for state power.³⁵

There are multivariate preconditions for elections after armed conflict. First, all belligerent parties must commit themselves to peace and reconciliation. To this end a peace accord and a clearly defined reconciliation programme is required. Elections must be held only if parties have signed a peace agreement and have devised an achievable reconciliation programme. This peace and reconciliation programme must also be accompanied by the signing of a justiciable code of conduct for political parties.³⁶ It is a gamble to hold elections under conditions of violent conflict when parties have not agreed to peaceful conduct of politics and a process of reconciliation and have not signed some form of a code of conduct.

Second, as Kumar and Ottaway³⁷ point out, there must exist a capable and functional state system before elections are conducted under conditions of armed conflict. As these authors rightly observe, if the very existence of the state is in doubt, as is the case with many failed states, international assistance probably cannot fill the gap, and elections cannot bring political stability or resolve conflicts.³⁸

Third, international assistance is highly valuable when elections are held in conditions of armed conflicts. War-torn countries have severely ravaged economies and a constrained resource and production base from which to finance electoral processes. The involvement of international monitors and observers contributes immensely to the credibility of the elections and the acceptance of their outcomes by the concerned political parties. Moreover, it reduces

35 Turner *et al.*, 1998

36 Kumar and Ottaway, 1998

37 *Ibid*

38 *Ibid*, p234

the probability of large-scale fraud and cheating.³⁹ Kumar and Ottaway identify three critical forms of international assistance to war-torn countries holding elections:

- ♦ financial assistance for planning and holding of elections;
- ♦ technical assistance and expertise in election administration, rules and procedures; and
- ♦ political assistance in the form of support to political parties, civil society organisations, voter education, monitoring and observation.⁴⁰

It is important to note, though, that international observation, particularly under conditions of countries emerging out of violent conflicts, must focus on the conduct of the elections, bearing in mind the resources, infrastructure and political constraints facing these countries. Judgements of the elections should be based on a realistic view of the environment in which they took place, rather than rushing to declare a meaningless proclamation of a 'free and fair' outcome. The proclamation of elections as free and fair based on some nebulous standards, usually derived from liberal democracies in North America and Europe, could either trigger further conflicts or stabilise the political system. Thus, it is a political gamble that could either pay dividends or spell disaster for a conflict-ridden country. This is one of the major problems facing electoral politics in southern Africa today — exactly when and how should election observers pronounce themselves with regard to election process? It is no wonder that Kumar and Ottaway pose the problem in a nuanced fashion as follows:

[M]onitoring of postconflict elections is indeed a difficult task for conceptual and logistical reasons. Conceptually, the problem arises in actuating the concept free and fair. What does it really mean? When is an election free and fair and when is it not? This conceptual problem is compounded in postconflict societies, as the election monitors have to consider the political consequences of their verdict. In some cases, a lack of positive evaluation may trigger renewed hostilities, while in other cases the failure to point out gross irregularities may stifle progress toward democracy.⁴¹

It is important that electoral authorities, including the Electoral Commissions Forum of the SADC countries, assess their use of the concept 'free and fair'. It may as well be that it is not necessary to pass a definitively judgmental pronouncement on elections, but to apply a problem-solving approach, whereby the electoral environment, preparation, administration, material, security, voting and counting are all assessed. The concern then becomes judging what capacity building is needed to improve systems to ensure an environment conducive to holding free and fair elections. Then the judgment on whether elections are free and fair or not should be reserved for local monitors, on the basis of criteria, including the code of conduct, agreed to by all parties prior to the elections. In any case, there are instances where international observers have declared elections free and fair, yet violent conflicts erupted soon after they left (Angola in 1992 and Lesotho in 1998). Furthermore, in a number of cases international observers have had serious disagreements with local monitors in judging 'free and fair' as was the case in Zambia in 1996 and Lesotho in 1998. The Human Sciences Research Council (HSRC) passed the authoritative judgment on the freeness and fairness of the 1999 South African elections, and this is a preferred route.

39 Ibid, p11

40 Ibid, p229

41 Kumar and Ottaway, 1998, p12

Fourth, demobilisation of troops or warring factions and the integration of the armies into a national army, as well as peacekeeping operations, are vital before elections can be held. This process of demilitarisation of politics is crucial in transforming the culture of politics of violence and coercion and embracing the politics of dialogue and consensus. Although demilitarisation and integration of armed formations has been relatively successful in Namibia, South Africa, Zimbabwe and Mozambique, it has not been successful in Lesotho and Angola. This in part explains why elections have not really deepened and consolidated political stability and democratic governance in those countries. Fifth, prior to elections which follow violent conflict, returning refugees and displaced persons must be settled and allowed sufficient time to register as voters. Refugees and displaced persons are 'often the worst victims of civil wars, and therefore their active participation in elections tends to strengthen the peace process'.⁴² This could prove a very difficult and costly task, but a task that is crucial for a democracy emerging from the debris of a protracted war.

Sixth, clearing of landmines and the banning of military supplies from external sources is also an important precondition for elections after armed conflict. This was very important in the cases of Angola and Mozambique, two countries whose belligerent factions have received massive amounts of external military supplies and which are also heavily mined.⁴³ It is easier to ban external supply of weapons under conditions of peace, but it is rather difficult and costly to clear landmines. Such mines continue an atrocious war upon an innocent civilian population years and years after hostilities have ceased and make live miserable for ordinary people in the villages. The fear that landmines instil among rural populations triggers migration to the urban areas with its well-known social ills. Seven, elections after violent conflicts must be run and administered by credible, autonomous and competent institutions that are not in any way linked to any of the belligerent parties in a partisan fashion. To this end, the establishment of independent electoral commissions is essential. These institutions require sufficient financial, technical and political support, not only from the international donor agencies but also from such institutions as the Electoral Commissions Forum of the SADC countries and the SADC Parliamentary Forum. Eighth, there is dire need to provide adequate time for preparations for elections after armed conflict. In fact, all elections require a long time for preparations, but this is more so for elections after violent conflicts. Various important tasks for such elections require a lot of time, such as signing of peace accords, demobilisation and integration of troops, settlement of returning refugees and displaced persons, agreement on the electoral model, voter education, voter registration, establishment of an IEC, etc. Nine, institutionalisation of inner-party democracy is also crucial, so that the democratic practices and cultures within parties will assist them to see the value of dialogue and politics of consensus when dealing with their adversaries. It has been found that in the majority of African states parties lack internal democracy and this in part accounts for the current disintegration and fragmentation of opposition parties.⁴⁴ Although the incumbent rulers work hard to undermine and weaken the opposition and the electoral system, weak opposition parties are also hindered by the 'first past the post' (FPTP) system and internal leadership squabbles, not necessarily based on ideological or policy differences. All these factors have wreaked havoc upon the opposition in southern Africa.

Ten, there is need for constitutional reform in countries that have experienced a violent conflict before elections are held, so that belligerent parties engage in dialogue and negotiation around a new social contract regarding the form of state, the form of political system and

42 Ibid, p230

43 Africa Watch, 1993; Africa Watch, 1994

44 Olukoshi, 1998

the form of electoral model they would prefer. This is important for building a minimum programme that binds the belligerent parties together and is different from a peace agreement. Codesa negotiations achieved this objective for South Africa.⁴⁵ Zimbabwe attempted this strategy with its recent constitutional review, which culminated in a referendum that to the chagrin of the ruling party received a 'No' vote.⁴⁶ Although the time constraint would not allow it at least prior to the forthcoming election, it is arguable that Lesotho needs to undertake a comprehensive constitutional review for the political actors to redefine the form and content as well as the role of the state and the political system as a whole. It is possible that, to a large extent, colonial constitutions have contributed to violent conflicts in this region. It is crucial that the rules of state administration and electoral administration are agreed upon as a basis for all parties to accept the outcome of the elections. In this manner, the view of politics as a zero-sum game is likely to be replaced by one that conceives of it as a positive process. This is important for the tolerating of opposing and divergent views. Tekle⁴⁷ reminds us that 'mutual appreciation of opposing views must be accepted and the conviction that losers lose everything while winners take it all can no longer be the norm. It must be recognised that in a democracy winners and losers are partners and not enemies who must destroy each other.'

Conclusion

This article has outlined the process of democratisation in southern Africa highlighting the pre-requisites for the holding of elections in countries emerging from violent conflict or still engulfed in armed warfare. It is obvious that elections on their own do not guarantee democracy, nor are they synonymous with democracy. Other significant ingredients of democracy are important too. Furthermore, the article notes the history of protracted violent and non-violent inter-state and intra-state conflicts in the region, and observes that although a conflict, in and of itself, is not counter-productive to social progress, it does become a negative phenomenon once it assumes violent proportions and is managed by violent means. Elections are not necessarily a panacea to the multifarious conflicts in southern Africa. There is abundant evidence to suggest that elections may either accentuate or contain violent conflicts, as the cases of Angola and Mozambique clearly demonstrate. The article then ends with a suggestion of critical preconditions for elections after armed conflicts in southern Africa. Among other things, it takes issue with the role of international observers in such elections, especially the proclamation of elections as 'free and fair', arguing strongly that the utility of this declaration needs serious review by institutions such as the Electoral Commissions Forum of the SADC countries. It is proposed that international observation should apply a problem solving rather than a judgmental approach and leave proclamations such as 'free and fair' to local monitors who have monitored the electoral process for years and are conversant with the local political culture.

45 Maphai, 1994

46 Makumbe and Compagnon, 2000; Sachikonye, 2000a; Mandaza, 2000a

47 Tekle, 1998, p175

<i>Multi-party Elections Timetable for SADC countries</i>					
Country	Previous Gen. Elections	Next Gen. Elections	Previous L.G. Elections	Next L.G. Elections	Electoral Systems
Angola	1992	No date set	No date set	No date set	PR
Botswana	1999	2004	1999	2004	FPTP
DR Congo	1970	No date set	No date set	No date set	FPTP
Lesotho	1998	2001	1960	No date set	FPTP
Malawi	1999	2004	Not known	2000	FPTP
Mauritius	1995	2000	Not known	Not known	Block vote
Mozambique	1999	2004	1998	2003	List - PR
Namibia	1999	2004	Not known	2002	List – PR
South Africa	1999	2004	1995	2000	List – PR
Swaziland	No date set	No date set	No date set	No date set	FPTP
Seychelles	1998	2003	Not known	Not known	Mixed system
Tanzania	1995	2000	Not known	2000	FPTP
Zambia	1996	2001	Not known	Not known	FPTP
Zimbabwe	1995	2000	Not known	Not known	FPTP

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Electoral Sustainability and the Costs of Development

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Introduction¹

The cost of holding elections in a multiparty democracy is high and continues to rise. A random check on the cost per elector at a general election in 22 Commonwealth countries a few years ago revealed an average cost of US\$4.24. There is however a growing awareness that the cost of not having elections often leads to conflict which is even more costly than elections. It is necessary that ways and means be found to ensure the long-term fiscal sustainability of democratic elections. The key to achieving this goal is to develop cost-effective measures in election preparation and conduct. It is well known that many of the southern African states find election budgets beyond their capacity at the present time and are willing to accept funding assistance from friendly foreign governments and organisations. Free and fair elections are considered essential to the growth of a healthy democratic state and so a long-term strategy needs to be formulated to ensure that electoral services are seen and funded as an essential service.

Sustainability

The sustainability of electoral development in southern Africa needs to be built around two pillars; reform in the funding structure of election planning and conduct, and cost-effective management.

Funding Structure

It is understandable that, presently, considerable reliance is placed on outside help to fund elections in some southern African countries. Nevertheless, in the longer term, election organisation may have to be funded from national resources. The importance of properly organised elections to the stability of the state, places the maintenance of the electoral system in a category similar to that of self-defence of the realm. Thus, it is the view of some election commentators that the cost of elections should be a direct charge on the state's treasury funds, and such appropriation should be voted for the purpose directly by Parliament. This conceptual approach obtains, with variation, in Australia, Canada, India, Barbados and other Commonwealth countries. It avoids the prospect of a ministry of the government of the day starving the election management body (EMB) of funds, or disbursing funds in an untimely manner. It also enables EMBs to enjoy a measure of priority treatment in its demands for extra

¹ Afari-Gyan, 'Overview of Electoral Reform in Africa', p5, *Commonwealth Electoral Management Training Course*, Mauritius, May 2000

funds in an election year. In other words, this procedure helps to bring about some financial discipline in allocating the national resources. Certain constitutional amendments may need to be made in order to introduce these procedural changes in some countries.

The accountability of EMBs is a factor that should be given a high priority in the quest for the development and sustainability of the electoral system. An EMB should be accountable to Parliament for its budget expenditures and for the general conduct of electoral matters. This should include periodic reports and a report on each election.

Strategy for Cost-Effective Management

Cost-effective methods of planning and executing election tasks need to be tailored to meet the specific needs in each particular country. Given this basic rule, only the general principles, which will shape a culture of cost-conscious electoral planning, will be explored. Experience has shown that each major election process, that is to say, delimitation of electoral districts, registration of voters, preparation for polling and counting the votes, has considerable potential for cost reduction. Some of these processes, such as registration of voters and polling preparation, may merit individual treatment because of their considerable potential for simplification of documentation and improved productivity of employees.

The framework of some (EMBs) takes account of cost-saving devices, even if such devices are not necessarily consistent with good practice in delivering free and fair elections. Thus, there are temporary EMBs, whose staff members are likewise temporary. The funding of EMBs is often inadequate and untimely. The essential consideration is to ensure that a framework is in place at all times that can deliver a free and fair election when the political directorate wishes to call one. The funding mechanism should be such that approval and disbursement of funds would enable the EMB to meet its election commitments in good time.

Consistent with the goal of formulating a viable strategy to sustain the delivery of free and fair elections, urgent steps should be taken to examine the possibility of reducing the number of paid personnel used in election administration. This is not going to be easy, but, where practicable and acceptable to the political parties and the electorate, the maintenance of only a small core of permanent staff, backed by well-trained temporary field staff, can reduce costs while maintaining efficiency. In a similar vein, where public servants can be co-opted to serve with the EMB during an election period (as in India), significant budgetary savings can be achieved. In given situations, it may help if the EMB was to undertake tasks profiling to determine the minimum number of persons who can perform a given function. The EMB would then be required to justify the employment of persons above that number on grounds of efficiency or transparency.

Cost Options — Voter Registration

Voter registration is an expensive process. The average cost of compiling the register in the Commonwealth is more than US\$2.50 per person, and Australia spends A\$50 million (US\$30 million) annually to maintain its register of 12 million voters. These costs are likely to increase before they begin to stabilise and come down. This in part is due to the present state of the use of technology in registration of voters. However, many EMBs employ a variety of checks and balances in the registration process and these frequently result in significant cost increases. In some jurisdictions, voter registration is conditional on possession of a national identification card (ID), which increases the costs (although the national ID card may be issued by an authority other than the EMB).

The cost of compiling and maintaining the voters' register reflects the inclusion of elements such as thumb-printing, photographs, scanning data and the issuing of voters' card. The unit cost of each of these items will vary according to specification and quality. The technology in biometrics relating to thumb printing and photographing of certain body parts is constantly improving. Such technological developments are likely to increase the reliability of voter identity and reduce costs. Election managers should guard against the use of untried technology, as experience elsewhere in the Commonwealth reveals that such use technology can result in disaster. The registration process attracts considerable manipulative practices and this is one reason why so many expensive checks and balances have to be built into the system. The EMBs should be encouraged to take strong measures to keep malpractices in the registration process to the minimum, so that the process can be kept simple and efficient.

The forms of registration may hold the clue to efficiency and cost-effectiveness. Voters' registers suffer rapid decline in accuracy if they are not properly maintained. Many EMBs revise the register annually, with a sharp cut-off date. The result is that young people who attain the qualifying age after the cut-off date are usually disfranchised, if an election is held after that date and before the next revision. In some jurisdictions, a new register of voters is prepared before each general election. This approach can be expensive. The trend in the Commonwealth is to move to continuous or rolling registration. This approach is believed to be cost-effective and may be a deterrent to 'phantom' or 'ghost' voters appearing on the register. It is difficult to offer reliable guidance to comparative costs of compiling a voters' register, since there are so many elements to factor in, depending on the level of checks and balances built into the process.

The maintenance of the register is neither easy nor cheap. It was mentioned above that it costs Australia the equivalent of approximately US\$30 million annually to maintain its register. In order to retain its accuracy, the voters' register has to be purged of the deceased, those voters who have changed their address and their names, and those who have been struck off for crime or mental illness. Those who become qualified by achieving the stipulated age or by residence should be entered in register. The purging of deceased persons present a problem for many developing countries, because there is often no reliable record of deaths. The EMBs would be greatly assisted if the record keeping in the departments responsible for registering births and deaths in these countries was computerised, so that death records could be produced on a timely basis.

New and creative ways need to be explored to reduce registration costs in the SADC region as a whole. Consideration could be given to the formulation of a procedure for regional tendering contracts to undertake specific registration tasks on behalf of EMBs. At present, some of these tasks are awarded to firms from outside the region. The private sector could be given incentives to explore the possibility of developing less complex designs for registration forms and other electoral documentation.

The Polling Process

The preparation for and conduct of polling at a general election in any country is a national event of magnitude and significance. Considerable sums of money, including foreign exchange in some cases, have to be found to enable this event to take place smoothly. Perhaps, this process offers a greater scope than others to cut costs. In order to achieve meaningful competitive acquisition of goods and services, clear procedures are necessary for the guidance of the EMBs' staff. These procedures will also serve to safeguard against unhealthy patronage practices developing in an EMB.

The key element in a strategy to manage an electoral system in a manner that would facilitate its sustainable development is the quality of the election staff. Today's election officials should embrace unreservedly the culture of impartiality and neutrality. All election officials need to undergo rigorous training and be assisted by an appropriate set of guidelines. Those officials whose task it is to acquire election materials and equipment may need specialised training in cost-saving techniques, which preserve the EMBs quality and security requirements. The training programmes for every category of staff should revolve around impartiality, efficiency and cost-effective measures to be adopted in implementing specific tasks. Cost-effectiveness should not be taken to mean resorting to short cuts, which would lead to compromising the principles on which free and fair multiparty elections are founded. Well-trained election officials should be given encouragement and incentives to continue to serve in the electoral system. Each EMB may find it useful to create a profile for each election job and keep a reliable database on each official, so that, even where he or she is employed only periodically, the data is available for use when needed.

Factors Favouring Sustainability

It is believed that there is considerable scope for the use of local goods and services in the planning and conduct of elections in many countries of the region. This strategy would reduce the amount of foreign exchange spent on elections and generate additional employment locally. Locally produced wood or cardboard, for example, could be used to make ballot boxes. Quality control mechanisms and adequate security measures would need to be taken into account. Ballot papers are printed on the premises of some EMBs and so are voters' registers. These activities, when undertaken locally, can prove to be significantly less expensive than when they are done abroad. At present, there is a belief amongst many opposition political parties that the ruling parties are capable of influencing EMBs and so they are not comfortable with certain goods and services being procured locally. The EMBs should make an urgent, conscious effort to eliminate any underlying doubts, even if they are groundless.

The number of polling stations in a country can influence costs considerably, but here careful assessment is required, since the quality of election services may depend on how far voters have to travel and how long they have to wait to vote. Polling sites are currently under scrutiny in some countries to ensure that adequate provisions are made for disabled voters and this may mean a marginal increase in costs. Mobile ballot boxes are being used more frequently, but their use is not so extensive as to contribute to significant savings. Polling sites made from inexpensive materials, such as cardboard, have reduced costs by as much as third.

It may be too early to list the various automated devices that are coming on stream to improve voting methods and reduce costs, but nevertheless their existence should be mentioned. There are now many voting and counting electronic devices that enable election staff numbers to be reduced significantly. Some of the machines offer a high degree of reliability and are resistant to electoral malpractice. Many are now capable of providing audit trail facilities. Mention should also be made of the general interest the wider electoral community is showing in voting via the Internet and in posting voters' registers on the World Wide Web.

Experience has shown that post election preservation of election materials and equipment (including motor vehicles and computers) is often neglected and equipment misappropriated. Considerable losses to EMBs are incurred in this manner. These occurrences have not gone unnoticed by donor agencies, which have been reluctant to supply such equipment. This emphasises the need for tight controls and proper monitoring of election materials and supplies.

The Counting Process

This process, along with voting, is a prime target in many countries for automation and cost reduction. However, for most EMBs manual counting will continue for some time. Dr Afari-Gyan, chair of the Ghana EMB, recently expressed the view that savings can be made, where party agents are paid by an EMB, by allowing them to serve as counting agents, after the close of the poll, to monitor the accuracy of the count by the presiding officer. According to Dr Afari-Gyan, this would avoid the need to appoint another group of paid persons to serve as counting agents. The counting process is considered to be a vulnerable event in election organisation, and should therefore be conducted in a transparent manner. This requirement of openness at all stages of the counting of ballots may limit the cost-saving measures that can be effected in relation to a manual count. Two recent events during the tallying phase of the count in a couple of Commonwealth countries have underlined the importance of transparency in the counting process. Both cases involved changes by unknown persons to some of the counting results subsequent to the statement of the figures issued by the presiding officers. This interference was intended to influence the results of the polls and in both situations the opposition parties believed that the outcome of the election was affected.

An Assessment

The immediate task of EMBs of the region is the creation of a sound foundation, which can deliver free and fair multiparty elections. For this purpose, all the financial help that can be had from friendly governments and international organisations should be encouraged. However, in anticipation of times when outside assistance is reduced, the respective national treasuries should be encouraged to meet an increased share of election costs. Where EMBs can demonstrate a track record of cost-effective management, it will put them in a strong position to win their budget approvals from Parliament or the government, as the case may be. Changes to the procedures governing the approval of and accounting for election budget expenditures may be necessary in order to make electoral development sustainable.

Making Sense of the 'Coloured' Vote in Post-Apartheid South Africa: Comparing the 1994 and 1999 Provincial Results in the Western Cape

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Introduction

The voting behaviour of coloureds¹ in South Africa's short history of democratic elections has often been treated in an off-hand or simplistic manner. Those most guilty of this abuse have been the popular mass media and political party activists. As a result, existing interpretations of coloured voting patterns in the national and provincial elections of 1994 and 1999 invent 'traditional' voting patterns for coloureds or even reify a homogenous coloured voting bloc. Media commentators and political party activists have often dealt with coloured voters as if they are a single, homogenous entity, with little regard for factors of class, region, religion or the impact of self-identification.² For example, when the majority of coloured voters opted for the National Party (NP) in the first democratic election in 1994, interpretations of that vote — rather than interrogating it — sought to conveniently explain it through supposed 'traditional voting patterns' or coloureds' supposed 'historical affinity' for the NP.

The above interpretation does not faze these experts and commentators. In contrast, historical evidence points to more complex political and voting behaviour. For one commentator, organised coloured political activity had historically been centred on some form of opposition to the NP.³ However, that opposition displayed the contradictions and limitations of politics under apartheid. For example, those coloureds who did qualify to vote under colonialism voted for the white opposition parties. The same voting pattern was recorded for the elections of the Tricameral Parliament after 1983 where voters opted for 'coloured' political parties explicitly opposed to the apartheid policy. However, by participation in these elections, the coloured political parties provided the 'separate, but unequal' electoral system with

1 For the purpose of this paper, I use 'black' to refer to all people oppressed under white domination. 'Coloured' refers to those South Africans loosely bound together for historical reasons such as slavery and a combination of oppressive and preferential treatment (relative to 'Africans') during apartheid, rather than by common ethnic identity. For me the identity 'coloured' is always seen as overlapping with 'black' and always with 'African'. In this paper, however, I use 'African' in the official apartheid South African language when it referred to people who speak indigenous languages with the exception of Afrikaans. For a view on the development of 'coloured' identity see Zimitri Erasmus and Edgar Pieterse, 'Conceptualising Coloured Identities in the Western Cape Province of South Africa,' in *National Identity and Democracy*, edited by Mai Palmberg (Mayibuye Centre/Nordic Africa Institute/Human Sciences Research Council in South Africa), 1998

2 *Mail and Guardian*, 12 February 1999

3 See for example, *Liberation Chabalala: The World of Alex La Guma*, edited by Andre Odendaal and Roger Field, Bellville, Mayibuye Books, 1993

legitimacy. And while it is conceded that the party associated most with this kind of politics, the Labour Party, was later absorbed into the NP, its early and dominant interpretation of its history was that of an obstructionist collaboration with apartheid.⁴

In the 1980s left wing and popular opposition to the apartheid government was particularly strong in coloured townships in the Western Cape. The United Democratic Front (UDF), effectively the internal wing of the banned African National Congress (ANC), was based in the Western Cape, and was launched in the coloured township of Mitchell's Plain on 20 August 1983. Many of its leading activists came from organisations that were particularly strong in coloured areas. These included Cheryl Carolus (from Bonteheuwel and now South African high commissioner to the United Kingdom), Trevor Manuel (from the Cape Areas Housing Action Committee and now Minister of Finance in the South African government) and Dr Allan Boesak (cleric and one-time UDF patron).⁵

Conclusions about 'traditional voting patterns' are historically inaccurate given the low levels of coloured polls in apartheid separate elections and their highly restrictive nature. Under colonial law coloured and African men in the Cape Province (the present Western and Eastern Cape) had the franchise. This was, however, highly prescribed since, apart from gender, access to property and education were linked to voting rights. The potential poll among coloureds was therefore very low anyway. In 1951 the NP government introduced the Separate Representation of Voters' Bill which sought to disenfranchise coloured men in the Cape. By then African men had already been disenfranchised.

If the colonial vote was highly exclusive, then the exclusively coloured elections of the Tricameral Parliament in 1984 and 1989 could barely average a poll of 15% given its legitimacy problems at the height of popular resistance to apartheid, particularly in the Western Cape, where the bulk of people classified 'coloured' under apartheid, live.⁶ 'Traditional voting patterns' also implies that the voters have familiarity with the voting process. However, surveys done before the 1994 elections confirmed that levels knowledge of electoral processes among the coloured population were particularly low.⁷

Comparing Coloured Voting Behaviour in 1994 and 1999

If assumptions about coloured voting patterns have historically been erroneous, then trying to understand and predict 'coloured' voting patterns is fraught with pitfalls for any researcher. The 1994 election pointed to some of the major problems. In that election, it was difficult to conclusively make predictions on coloured voting patterns since the total number of voters classified as coloured was not known. The fact that no voting figures were collected by race was a major factor in this regard.⁸ Registration was not linked to specific geographical

- 4 In 1983 as part of the reform of apartheid, the government introduced a 'Tricameral Parliament' consisting of three separate 'houses' for whites, coloureds and Indians. However, the whites held effective political power having jurisdiction over matters that affected all races, while the coloured and Indian houses only had some jurisdiction over certain 'own affairs' which included education, health and welfare services. Blacks (Africans) were excluded from these reforms.
- 5 See Tom Lodge, 'Rebellion: The Turning of the Tide' in *All Here and Now: Black Politics in South Africa in the 1980s*, edited by Tom Lodge and Bill Nasson, New York, Ford Foundation, 1991
- 6 Robert Mattes, Hermann Giliomee and Wilmot James, 'The Election in the Western Cape', in *Launching Democracy in South Africa. The First Open Election, April 1994*. RW Johnson and Lawrence Schlemmer (eds), Yale University Press, 1996, p117
- 7 Ibid
- 8 In their volume, *Now That We Are Free: Coloured Communities in a Democratic South Africa*, Cape Town, Idasa/Friedrich-Naumann Stiftung, 1996, editors Wilmot James, Daria Caliguire and Kerry Cullinan includes a number of tables detailing the 1994 election result among coloureds. These were, however, rough estimates and in no way reflected the actual election.

locations. As a result, voters could cast their ballot at any polling station. Given that apartheid residential patterns largely remain intact, geographical registration could have assisted researchers in better analysing and detecting voting trends.

Problems at under-resourced polling stations in African 'townships' resulted in many voters from those areas being bussed to polling stations in neighbouring coloured townships that were recording lower levels of voter activity or often, were deserted. While this assisted election administrators in ensuring a 'free and fair' poll and that the majority of voters cast their ballots, it presents problems for researchers analysing voting patterns.

A related problem for researchers is, unlike in 1999, when the research industry around elections was much better resourced and established, in the run-up to the 1994 election, opinion polling in South Africa was still a novelty and was highly mistrusted or ridiculed by participants in the elections, particularly by political parties and previously disenfranchised voters. The 1994 election, though, served as a trial run for opinion polling in South Africa, and by the time of the second democratic election in June 1999, a much more systematic practice of election analyses — which included comprehensive opinion poll series, interviews and interpretative analyses as well as a number of qualitative reports — resulted in a more accurate picture of voting preferences.

This paper will restrict its analysis of coloured voting behaviour to the Western Cape province. The Western Cape is the one province that indicates coloured voting preferences most clearly. An estimated 61% of the coloured vote is concentrated in the province. The Western Cape and the Northern Cape are unusual among South Africa's nine provinces in that African voters represent a minority of the electorate in these provinces. In the Western Cape whites constitute a quarter of the voting age population and Africans one-fifth.⁹ The result in the province is therefore crucial in indicating coloured voting preferences, and thus will serve as the case study for this analysis.

The Result in 1994

<i>Provincial Election Results Western Cape Province, 1994 and 1999¹⁰</i>		
<i>Parties</i>	<i>1999</i>	<i>1994</i>
ANC	42.07%	33.0%
NNP	38.39%	53.3%
DP	11.91%	6.6%
ACDP	2.79%	1.2%
UDM	2.40%	–
PAC	0.49%	–
Total	100.00%	100.0%

Source: Government Gazette, No 20201, 11 June 1999, Electoral Commission, 'Results, Allocation of Seats and Basis for Determination of Seats in Respect of the Election Held on 2 June 1999', p20; Election 94, South Africa. An Analysis of the Campaigns, Results and Future Prospects, Andrew Reynolds (ed.), Cape Town: David Philip, pp202-203.

⁹ Andrew Reynolds (ed), 'The Results', *Election '99 South Africa. From Mandela to Mbeki*, p190
¹⁰ *Government Gazette, No 20201, 11 June 1999, Electoral Commission, 'Results, Allocation of Seats and Basis for Determination of Seats in Respect of the Election Held on 2 June 1999', p20; Election 94, South Africa. An analysis of the Campaigns, Results and Future Prospects, Andrew Reynolds (ed), Cape Town, David Philip, pp202–203*

The NP scored a decisive victory in the 1994 provincial election in the Western Cape (see table above). This result was largely duplicated in the national elections, which were held on the same day. The implication of the result was that the NP had emerged as the victor in the contest for the support of the coloured voters. Some estimates at the time suggested that the NP victory was because the party won about three times as many votes from among coloureds as had the ANC.¹¹

The NP's strong showing came as a surprise, and did not make rational political sense to most observers, given its role in the official state oppression of coloured people. It is probably this result which led to comments about 'traditional affinity' of coloureds to the NP. As a result the immediate post-election period was characterised by much hand wringing and soul searching on the part of media, party activists and social scientists over the voting behaviour of coloureds.¹²

Instead of offering new perspectives much of the writing and public debates focused on the old debate around the category 'coloured' and the ways in which it is socially constructed (including by coloured people themselves). A second line of inquiry concerned the empirical question of whether coloured voters actually do vote differently from other voters: that is whether being coloured affects how or why people vote and especially how much it relates to other factors.¹³ While most of these critiques that emerged after the 1994 elections are useful for the study of identity and identity politics, they could not tell us anything about the anticipated political behaviour of 'coloured voters', neither did they provide any insight into the tactics of political parties who were contesting the vote. It is therefore not surprising that South Africa's second democratic elections on 2 June 1999 was not spared the question of 'Who will coloured people vote for this time around?' In an otherwise flat campaign, the 'coloured voting question' again gained prominence, unsurprisingly, in the Western Cape.¹⁴

The key questions for this paper are: Did any fundamental changes take place in voting preferences among coloureds between South Africa's first and second democratic elections? What happened to the NNP's coloured support? What does the provincial result mean for long-term predictions of coloured voting preferences? And, what specifically does it mean for the ANC — strategically and organisationally — in relation to the 'coloured vote'?

When the 1999 elections were over the press re-opened the coloured voting question in their post-elections analysis. With few exceptions they could not tell us anything new. In fact, most media analysts were surprised at the outcome and had not anticipated such a big swing away from the NNP, despite the fact that opinion polls had been indicating it for months. A number of articles soon appeared, ranging from a very optimistic interpretation suggesting major swings in coloureds' voting preferences on the one hand, to an overly cautious approach suggesting limited or no change at all on the other.¹⁵

This essay will contend that both approaches contain some element of what had transpired in the elections. Indeed there was some swing in coloured voting — particularly among coloured rural and middle class voters — but at the same time the NNP managed to retain its

11 James, Caliguire and Cullinan, 1996, p39

12 The highlight was the Institute for Democracy in South Africa (Idasa) conference on coloured identity which resulted in the volume *Now That We Are Free: Coloured Communities in a Democratic South Africa*, 1996, which contained contributions from ANC and NP politicians, community activists and academics.

13 James, Caliguire and Cullinan, 1996, p29

14 It was clear throughout that the ANC was assured of a clear majority of the national vote. The real contest was over a distant second place between two white-orientated parties as well as the two provinces of Kwazulu-Natal and the Western Cape.

15 *Mail and Guardian*, 11 June 1999

strong support among urban, working class voters who had served as the basis for the NP victory in 1994. What affected the 1999 result considerably, however, were the legal criteria of registration and the factor of turnout at the polls. The essay also argues that the 1999 election provides the ANC with some hope of gaining a post-apartheid coloured vote. The essay furthermore contends that in the 1999 election the ANC broke through a 'psychological barrier' in terms of its efforts to win the coloured vote from the NNP. Finally, the essay holds that a different organisational approach by the ANC (and one noted long noted by a number of Western Cape-based ANC 'coloured' activists) that addresses the specific material and political concerns of urban coloured working class voters may reap electoral dividends for the ANC or any other party taking this route.

Changes in Voting Preferences Among Coloureds

The most significant message of the 1999 provincial election result in the Western Cape is that the NNP did not hold as much sway over coloured voters as was assumed. In fact, the apparent entrenchment of the NNP in the coloured community was not as self-explanatory as it seemed. According to the 1999 election result the major shift in coloured voting preferences had taken place in the rural areas of the Western Cape,¹⁶ where the ANC had won the support of the majority of farm workers as well as coloured townspeople.¹⁷

In the 1994 provincial election the result had been so predictable that it was already clear who had won halfway through the count. The 2 June 1999 provincial election outcome was much more difficult to predict in the Western Cape. When the results came out, the NNP did not have a clear majority. It was obvious that the party's 1994 base was under attack. The NNP's control of the white vote was significantly challenged by the Democratic Party, but more importantly, its coloured support in the province — with the exception of working class metropolitan areas — was clearly not united behind the party programme and leadership.

A series of political factors conspired to affect the NNP's voting support among coloureds. Firstly, the NNP had experienced a decline in both its national and provincial support between the 1994 election and the period leading up to the 1999 election. Support was halved between 1994 and 1999. An Idasa survey showed that nationally, voting intention among NNP supporters declined from 16% among all potential voters in September/October 1994 to 7% in April 1999.¹⁸ Party identification among all potential voters declined from 15% in September/October 1994 to 3% in April 1999. Among coloured voters, the largest voting bloc in the province, party identification for the NNP declined from 28% to 13% over the same period.¹⁹

Second, leadership changes had a significant impact on the NNP's voter support. The departure of FW de Klerk, as well as party secretary Roelf Meyer (favoured to succeed De Klerk and who wanted the NNP to change from a largely white organisation to a more representative party), was probably felt the most. For coloured voters in the Western Cape, De Klerk, who was the NNP leader since 1989 and the country's state president throughout the negotiations

16 The main areas of the rural Western Cape are the Boland, the Southern Cape and the Karoo. The Boland and surrounding areas include the Breede River area, the winelands, the Overberg and the West Coast. The Breede River area consists of rural farmlands and agricultural towns of which Paarl and Worcester are the largest. The main towns in the Southern Cape are George, Mossel Bay, Oudtshoorn and Beaufort-West. The region includes the Little Karoo and Central Karoo.

17 See Elections Results at Independent Electoral Commission (IEC) website:
<http://www.elections.org.za>

18 'Party support and voting intention', *Opinion '99*, Released by Idasa Public Opinion Service, No 2/4 24 May 1999, p2

19 *Ibid*, p9

period (1990–1994), was the embodiment of the changed NNP. De Klerk's successor, Marthinus van Schalkwyk, was none of these. Van Schalkwyk was derided in the press as being too junior (*kortbroek* or 'short pants'), while for core supporters he could not provide a clear vision of the NNP in a post-apartheid context.²⁰ Meyer's resignation and founding of the United Democratic Movement (UDM) along with former ANC member, Bantu Holomisa, certainly affected the NNP support base. While the Meyer resignation and defection had less impact on the support base, it did make some gaps in the party's support base (especially among Afrikaners and rural coloured people).²¹

Thirdly, beyond political factors the institutional factor of registration considerably affected the electoral performance of political parties. In the 1999 national and provincial elections, unlike those in 1994 where all adult South African citizens could vote, the qualification for voters was qualitatively different. Firstly, only South African citizens with barcoded identity documents and who had registered could vote. Furthermore voters could only vote within the locality where they had registered.²² From the start of the campaign it was clear that coloured NNP supporters were less keen than were ANC supporters in participating in the elections and that registration would have an impact on the result. In fact, registration among the NNP's core constituency of coloured working class voters was quite low throughout the initial stages of registration and only picked up after a concerted attempt by party workers and activists to get their supporters out to register. Survey research by Idasa indicated that the two main reasons for not registering were that 'there is no reason to vote' and 'there is no difference between the parties'.²³

Compounding the dip in national support due to leadership changes, the party was suffering at the provincial level as well. Party identification with the Western Cape NNP dropped from 41% in 1994 to 13%. This was partly a consequence of the NNP provincial government in the Western Cape receiving only lukewarm reviews from voters, with especially low ratings given to Premier Gerald Morkel. In contrast to Morkel, respondents gave President Mandela and Deputy President Mbeki improved ratings. The national government also received more positive feedback from prospective voters. Western Cape voters also appeared the most pessimistic about economic prospects.²⁴

Furthermore, it appeared that the NNP in the Western Cape was under assault from the ANC's provincial organisation, which engineered a number of high profile defections of NNP politicians in a careful strategy to make inroads among potential coloured voters. The defections resulted especially in key coloured leaders leaving the party. A number of smaller parties, most notably the DP, also benefited from the defections. There is, however, some proof that the defections did not have much short-term effect. A newspaper opinion poll conducted in two Cape Town coloured townships where local NNP politicians had defected to the ANC, showed that the defections had no effect on NNP support base there. Be that as it may, the NNP had reason to fear the loss of its position of power in the Western Cape.²⁵

20 Willie Breytenbarch, 'The New National Party', in *Election '99 South Africa. From Mandela to Mbeki*, Andrew Reynolds (ed), pp116–120

21 Siphso Maseko, 'The PAC, Azapo and the UDM', in 'The Results', *Election '99*, p131

22 Electoral Institution of South Africa, *A Handbook of South African Electoral Laws and Regulations 1999*, Johannesburg, EISA, pp18–19

23 Voter Participation, *Opinion 99*, 8 May 1999, http://www.idasa.org.za/pos/op99/op99_no36.htm

24 Idasa Public Opinion Service, 'The Provinces', *Opinion '99*, No 4/8, 25 May 1999, p13

25 *Cape Argus*, 27 May 1999

The Rural Vote

Table 2: Ceres Transitional Local Council (TLC) Provincial Result

Parties	1999 Result
ACDP	0.81%
ANC	58.00
DP	3.44
NNP	35.22
PAC	0.31
UDM	1.35
Other	0.87
Total	100% (8 052 voters)

Source: Independent Electoral Commission, <http://www.elections.org.za>

Table 3: Bella Vista High School Polling Station

Parties	1999 Result
ACDP	0.81%
ANC	56.05
DP	2.15
NNP	37.04
PAC	3.41
UDM	0.09
Other	0.45
Total	100% (1 115 voters)

Source: Independent Electoral Commission, <http://www.elections.org.za>

Table 4: Community Centre Bella Vista Result

Parties	1999 Result
ACDP	1.22%
ANC	54.56
DP	1.82
NNP	39.97
UDM	0.67
Other	0.76
Total	100% (658 voters)

Source: Independent Electoral Commission, <http://www.elections.org.za>

Voters in rural towns comprise at least a third of the voting age population in the Western Cape. In most of these towns, the majority of voters, sometimes as many as 80%, could be described as coloured. Economic migration patterns of the last ten years have resulted in an increased African population in these rural towns, but their numbers are too small to make any significant impact on the voting result. Most Africans still live either in the Cape Metropolitan area or on the fringes of the metropolitan area. As a result, the ANC would have to win significant coloured support to receive more than half of the votes in most rural towns.

The 1999 provincial election result (Table 1) indicates an ANC swing vote among coloured voters. Tables 2, 3 and 4 indicate the results in Ceres — a town in the Koue Bokkeveld — that represents the typical voting distribution in most Boland towns. This result was replicated elsewhere. In the southern Cape and Karoo of the Boland the ANC won more coloured votes than the NNP. In the southern Cape, it dominated key towns such as George, Mossel Bay and Knysna.²⁶

The results for the west coast region of the Boland, which includes a number of larger towns such as Saldanha and Vredendal, also indicated an improved showing for the ANC. However, the election result for the much more urbanised areas on the west coast peninsula pointed to a closer contest for coloured voters between the ANC and NNP. For example, in the West Coast Peninsula Transitional Local Council (TLC)²⁷ the ANC's lead was much lower at 49.61% of 19 294 votes. The NNP was a close second with 38.61% of the vote. But at some polling stations in the west coast peninsula, the ANC surged further ahead of the NNP.²⁸ However, results at polling stations for the rural Western Cape did not always favour the ANC. For example, Beaufort West, one of the bigger towns in the Karoo, went to the NNP. Even coloured voters in the surrounding farms falling under the Beaufort West transitional rural council persisted in their support for the NNP. At least 51.77% of the voters chose the NNP as opposed to 36.27% voting for the ANC and a fairly significant 6.56% for the DP. The NNP also won some towns on the west coast. In the Velddrif TLC that borders the West Coast Peninsula TLC, the NNP received 51.73% of the vote against the NNP's 35.69%. But on balance the ANC won the majority of votes in the rural Western Cape.

What explained the nature of voter choice vote among rural coloured voters in the 1999 election? One reason advanced for this swing to the ANC was that it was not a sudden shift in voter attitudes, but rather a gradual increase. This change is traced back to the 1995 local government election when the ANC won the majority of contests in rural town councils in the province. Arguably then, the swing vote is not surprising and is rather a reflection of how the ANC consolidated its support. While there may be some truth to this view, it does not account for the fact that issues in local elections differ from those in provincial elections. In fact, in the lead-up to the 1999 election, the ANC had contested a number of by-elections in coloured areas and had lost either to the NNP or the UDM. For example, after the ANC lost a ward by-election in the town of Zoar to the UDM, and in another instance, the entire ANC branch defected to the Pan-Africanist Congress (PAC) in Calitzdorp in the Little Karoo. As a consequence, a number of newspaper and public commentators suggested the ANC would do badly among rural coloured voters. However, during the 1999 election the ANC swept the vote in both areas.

There are other reasons for the ANC's improved electoral fortunes. Firstly, it could count on improved organisational capacity and better and more focused leadership — both at the provincial level and within the rural sub-regions — during the 1999 election in contrast to the 1994 election. Secondly, improvements in material conditions associated with government reforms probably also impacted on the result. This was largely because of a rural focus by ANC ministers in the provincial cabinet who initiated a number of infrastructure projects as part of

26 In George, the largest town in the Southern Cape, the ANC polled 49.08% of the 41 401 votes against the NNP's 32.51%. IEC results also indicated that the ANC averaged 50% in former coloured group areas. IEC website.

27 The West Coast Peninsula Transitional Local Council consists of the towns of Saldanha Bay, Vredenburg and St Helena Bay.

28 At the Louwville Community Hall polling station in Vredenburg, for example, the ANC received 57.72% of the vote against the 34.79% of the NNP. Source: IEC Website.

the Reconstruction and Development Programme (RDP). These included programmes on housing, basic services in health care and education, as well as public works schemes such as building of roads and public amenities. The three ANC ministers in the provincial cabinet served in the key ministries of Trade and Industry (Chris Nissen), Health (Ebrahim Rasool) and Transport (Leonard Ramatlakane). Nissen actively promoted a number of RDP forums among local, mainly coloured and African, rural communities. The RDP forums facilitated development projects in these towns. They have been less successful in urban areas.

The ANC's improved showing among farm workers in the 1999 election is especially significant, given the fact that voters on farms are often cut off from canvassing by party activists and frequently the subject of threats and intimidation by NP-supporting white farmers. How to explain this? A number of factors accounted for this improved showing, most notably the fact that the working and living conditions on white-owned farms had changed for the better for most farm workers since 1994. The national government had introduced a number of legislative measures — already passed or pending — on tenancy rights and minimum wages. The relations between farmers and workers are still tense and fraught with racism, with white farmers continuing to exploit black workers. In such a context, legislation by the ANC to improve conditions of farm labourers contributed to an affinity of coloured farm workers with the national (ANC) government.

What should be investigated is to what extent the support for the ANC among rural coloured voters was not based on positive criteria. Rural coloured people are not as directly affected by the affirmative action controversies which often feed animosity between working class coloured and African communities in the urban areas of the Cape and which considerably benefit the NNP and the DP.

The Urban 'Coloured Vote'

<i>Parties</i>	<i>1999 Result</i>
ACDP	2.99%
ANC	48.57
DP	13.53
NNP	28.50
UDM	3.38
Africa Moral Party	1.54
Other	1.49
Total	100% (374 921 voters)

Source: Independent Electoral Commission, <http://www.elections.org.za>

Table 6: Tygerberg Metropolitan Local Council

Parties	1999 Result
ACDP	2.56%
ANC	45.91
DP	8.75
NNP	38.33
UDM	2.89
Other	1.56
Total	100% (340 330 voters)

Source: Independent Electoral Commission, <http://www.elections.org.za>

Of the 1.6 million registered voters who cast their ballots in the 1999 provincial election in the Western Cape, the vast majority — 64.4% — are urbanised and live in the Cape Town metropole, an area that comprises six large municipal 'substructures'. Coloured voters form the bulk of the voters in this area. The metropole is therefore a crucial indicator of overall preference of coloured voters. In terms of transitional constitutional arrangements around local government, there is one metropolitan council in the Western Cape, the Cape Metropolitan Council. The second category of municipal local government is the substructure, or municipal local council (MLC), of which there are six: Cape Town Central, Blaauwberg, Helderberg, Tygerberg, Oostenberg and the Southern Peninsula. The substructures consist of a number of transitional local councils. The two most crucial are the Northern and Cape Town Central substructures, which have the most number of voters in the metropole and the highest number of coloured voters.

There are 1.04 million voters in the Cape metropole, of which 36% are in the Central Cape Town MLC and 32.7% in the Tygerberg MLC. Whichever party dominates these areas dominates the regional vote, and more importantly, the coloured vote. The results for these two substructures (Tables 5 and 6) indicate an improved showing for the ANC in Cape Town Central as against a declining support for the NNP, while in the Tygerberg substructure the ANC achieved a 6% lead over the NNP. While it could be argued that it was the fact that the bulk of African people in the Western Cape live in these two MLC areas which swung the vote to the ANC, coloureds still form significant majorities, even in these areas. However, in these MLCs the NNP maintained its hold on working class, coloured voters. It controlled the remaining four MLCs. In the Blaauwberg MLC only 27.69% of the 48 548 registered voters chose the ANC as opposed to NNP's 46.03%, while in the Southern Peninsula Substructure with its 132 186 voters, the NNP won 43.19% of the vote against the ANC's 20.56%.

What explained this improved performance of the ANC and the decline of the NNP among urban voters? I have argued earlier that the NNP suffered declining support in the run-up to the elections caused by its lack of clear leadership and strategy. This obviously considerably impacted on voter choice. Equally significant, though, was the impact of the 'fear' factor among coloured voters, notions of not being 'black enough' and economic factors. Unlike rural communities, urban working class coloured voters associated the ANC with the decline in the regional economy, particularly the textile industry, as well as with non-delivery.

Working class coloureds overwhelmingly see themselves as having a separate identity from 'Blackness', and also as being somehow better and more civilised than 'blacks' (meaning Africans). These perceptions have been very powerfully shaped by the apartheid era Group Areas Act and policies of preferential treatment for coloureds in terms of housing, employment and welfare services.

The main issues identified by voters in the Western Cape and countrywide were jobs and housing. Housing proved a very emotive election issue, often exploited by opposition parties. Municipalities in the metropole had long practised racially exclusive housing policies that favoured working class coloured families. While this housing is of a sub-economic standard and overcrowding is rampant, NNP supporters saw the post-1994 influx of Africans to the urban Western Cape as rivals on already congested housing waiting lists.

This context of renewed competition over scarce resources such as housing and employment is the direct legacy of the scrapping of coloured labour preferences in the Western Cape and the outlawing of influx control policies, which had forcefully discouraged new, large-scale African (mainly Xhosa-speaking) migration from the neighbouring Eastern Cape province. Lately, immigration of a large Xhosa-speaking population has, however, vastly increased the size of squatter settlements next to coloured townships. This has fuelled *swartgevaar* fears ('fear of blacks') among coloureds. But even so, the NNP's introduction of *swartgevaar* tactics in its campaign failed to have a major impact on coloured support.

Thus far I have advanced two main explanations for the coloured vote; one, the impact of a series of institutional and political factors that conspired against the NNP to weaken the party's position among coloured voters; and two, the regional dimension of the vote. Regarding the latter explanation, it is clear that perceptions of delivery among coloured voters in rural areas had contributed to the ANC's improved showing. Western Cape agriculture had been less affected than farming in other provinces by the government's deregulation of the economy, and the wine and fruit industries had benefited from export expansion in the post-sanctions era. Hence, coloured farm workers were less likely to have been affected by redundancies than agricultural labour elsewhere, and labour laws reforms had improved conditions and promised better wages. The ANC could and did claim the credit for these improvements, pointing out that the NNP and the DP had opposed them in the National Assembly.

In urban areas, the ANC could not count on perceptions of delivery as these coloured voters associated non-delivery with the ANC. Here it adopted a different campaign strategy, relying on guidance from its provincial leadership and focusing on the particular needs of coloured voters. It was this approach by the ANC that played a crucial role in shifting support to it.

In addressing the concerns of urban coloured voters, the ANC's strategy, designed by the provincial chairperson, Ebrahim Rasool (former Health MEC), and entitled a 'Home for All', emphasised and ranked issues in the order of priority in which they were perceived by this constituency: crime, education, pensions, housing, land and unemployment. The party distributed 400 000 copies of a pamphlet, *Wat het die NP vir ons gedoen?* ['What has the NP done for us?], in areas where the NP had strong support. These included Bellville, Elsies River, Bishop Lavis, Belhar and Delft. The ANC also strategically launched its 'Plan for the Western Cape' at the beginning of May in Delft, a bleak area of low-cost, municipal housing near the region's major airport. The plan called for an ANC majority to enable the reallocation of resources from rich districts to poor locations. Five pledges were spelt out; more police, quicker housing delivery, economic growth, job creation and stricter protection of the environment. The party also tapped into the cultural specificity of the region's music, when it commissioned a song, *Dis Duidelik* to appeal to its working class constituency. The song exploited the *goema* sound of the Cape with which most of the coloured working class voters could identify. The ANC had obviously learned from the NNP who had exploited the singing talents of NNP deputy leader, Peter Marais, in the 1994 national and provincial elections in its meetings in coloured areas.

Rasool became identified with the campaign. On the advice of his electoral team, he gave it a localised feel. Although the ANC initially deployed its most senior leadership in the province to launch its campaign, it had a more deliberately localised focus than did ANC campaigns in any other province. President Mbeki presented the ANC's customary anniversary statement on 8 January 1999 in Athlone, Cape Town, accepted the civic freedom of the west coast town Vredendal, and attended an Eid service at a Claremont mosque.

Rasool's low-key, 'give us a chance' message was in sharp contrast to the aggressive confidence displayed by ANC activists in 1994. House-to-house visits and neighbourhood walkabouts replaced the triumphal mass rallies and toyi-toying of the 1994 election. And in small gatherings assembled in private houses in coloured townships, the ANC used leading politicians who had defected from the NNP, to explain its message to voters.

The ANC was more open and frank about its coloured identity in the Western Cape than in the 1994 election. Through its pamphlets and organisers, it suggested that the NNP was no party for *bruin mense* [coloured people]. The ANC argued that the NNP was still ruled by a white elite and its coloured leaders. These attacks were especially directed at Western Cape Premier, Gerald Morkel and Peter Marais, NNP member of the executive (MEC) for Health. The latter was portrayed by the ANC (through a very focused media campaign) as wanting to defect from the NNP and as he had accused the NNP leadership of being run by a white clique, was said, like Morkel, to be no more than a puppet or clown of the *Broederbond*. The campaign appears to have resulted in causing confusion among coloured NNP supporters about the sincerity of the NNP. When he eventually publicly stated his commitment to the NNP, the damage had already been done. The ANC argued that a *Broederbond* clique in the NNP was the explanation for the lack of transformation in the Western Cape. The pamphlets asked, 'Why is it that all the waiters at the Waterfront²⁹ are white?' and 'Why did all the important civil servant jobs in the province go to whites?' The NNP did not know how to respond to the ANC's new found coloured identity, in contrast to the 1994 election when it impressed voters that the ANC's reluctance to deal differently with coloured voters from Africans was an affront to these voters. The ANC was careful, though, not to promote an exclusive coloured identity or coloured concerns at the expense of Africans in the province.

The ANC also dealt decisively with internal tensions between 'Africanists' and 'colouredists' in the organisation. This tension between African and coloured members had negatively affected the organisation's chances among coloureds in the 1994 election. In the run-up to the elections most of the Africanists were dealt with by either 're-deploying'³⁰ them from the provincial to the national legislature, or by placing them in organisational positions where they could not exert influence over the politics of the province. Rasool's ascendancy as provincial leader over a period of two years prior to the election was also a sign of this shift.

Conclusion

Did any fundamental changes take place in voting preferences among coloureds between South Africa's first and second democratic elections? What happened to the NNP's coloured support? What does the provincial result mean for long-term predictions of voting preferences of coloured voters? And, what specifically does it mean for the ANC — strategically and organisationally in relation to the 'coloured vote'?

29 A popular shopping and entertainment district outside the city centre.

30 This is a practice whereby the ANC leadership posts members around in posts in the civil service, legislative institutions or the diplomatic service.

This paper has shown with reference to selected results from the 1999 provincial elections and through qualitative inference that there were fundamental shifts in the voting preferences of coloureds from the 1994 to the 1999 election. The results showed that rural voters shifted to the ANC, while urban coloured working class either stayed away from the polls or small sectors shifted their vote to the ANC. However, that vote did not mean a positive identification with the ANC, but rather a reaction to the NNP's decline and lack of a clear strategy. The middle classes stayed solidly ANC, although there was some movement towards the DP, a trend that would be picked up in the 5 December 2000 local election. The NNP's coloured support was substantially eroded in the 1999 elections as a range of factors, both institutional and political conspired against it. It would be reasonable to ask if De Klerk had not retired from politics, whether the NNP would have done any better. While it is difficult to answer this question, one can speculate that the movement away from a politics of *swartgevaar* scare mongering to one of resources, has meant the end of the NNP, and despite the fact that it was later resurrected through its alliance with the revitalised Democratic Party, that resurrection was just that: it would not have been possible without the DP's involvement in NNP politics.

The 1999 election shows that the coloured vote is *not* a solid ethnic bloc, that appeals by parties will yield coloured votes and that we will see a more class-based, racialised politics emerging in rural and urban areas as other parties take their lead from the ANC's success. The 2000 local government success for the DA's explicit ethnic politics is a sign of things to come. Crucial to the ANC's 1999 success was its recognition that the electoral diversity of the populace and its use of this knowledge in its election campaigning.

Finally, the ANC's ability to maintain and increase the momentum it experienced in the Western Cape will perhaps set the precedent for a new kind of politics in that region. All the main political actors in the province now articulate coloured identity openly. It would be difficult to reverse this kind of politics in future. The 1999 election campaign and the results mean that the parties will increasingly develop 'coloured'-specific programmes and organisational strategies to draw out this vote in the Western Cape.

News of the death of 'coloured politics' is indeed greatly exaggerated.

The Unfinished Referendum Process in Western Sahara

By
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Abstract

The Western Saharan conflict, between Morocco and the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (Polisario), has constituted a major threat to regional stability in North Africa since the Spanish decolonisation in 1975. The war has cost thousands of lives, with prisoners of war taken on both sides, and forced Morocco to construct a huge fortified wall in the Sahara. The conflicting parties have a fundamental disagreement on the status of Sahara; Morocco claims its *marocaninity* based on the region's historical ties with Moroccan dynasties. In contrast, the Polisario fights for the Sahrawi people's right to self-determination, bolstered by Organization of African Unity (OAU) principles and United Nations (UN) resolutions. However, the underlying dispute concerns the control of the region's rich phosphate and fish resources. The UN Mission for the Referendum in Western Sahara (Minurso) has played the major role in the organisation of the referendum for self-determination, delayed several times due to disagreement on the voter identification and registration. In January 2001, the Polisario declared the end of the ceasefire, effective since 1991, due to Morocco's failure to respect the agreed principles. The political settlement of the dispute remains difficult to achieve and frustration on the ground is increasing. However, the example of a successful referendum in East Timor gives hope for the future in Western Sahara.

Introduction

The dispute between Morocco and Polisario in Western Sahara is one of the last pieces of the unfinished decolonisation in Africa. The dispute has challenged the most fundamental concepts of international law, such as the OAU principles of inviolability of existing African borders, a people's right to self-determination and its right to sovereignty and territorial integrity. The question of Western Sahara has become the key element for both Moroccan and Sahrawi nationalism and served to strengthen the legitimacy of political regimes in the region. Furthermore, the international involvement in Western Sahara is closely linked to geopolitical and strategic interests of neighbouring countries and the international community in Africa. Finally, the question of a referendum for self-determination as a means to resolve a bilateral dispute offers an interesting case for a political and electoral analysis.

The literature on Western Sahara has become abundant since the 1970s¹. The dispute is often analysed in the perspective of international law², although some geopolitical and

1 Internet has become the main source of information on the Western Saharan conflict. In particular the website of the Association of Support to Free and Fair Referendum of Western Sahara (ARSO) (<http://www.arso.org/>) has provided many official documents concerning the recent developments of the Saharan question.

2 L'Harmattan, 1984

political analysis is also available. Most authors seem to be openly biased in their analysis, defending either the *marocanity* of Sahara³ or the right to self-determination of the Sahrawi. In this article, I propose to analyse the geopolitical claims and political models presented by the conflicting parties, by the neighbouring countries and the international community, as well as the strategies used to legitimate these claims. In particular, I focus on the modalities of the referendum process. The analysis will distinguish three levels; first, the bilateral dispute between Morocco and the Polisario, articulating the concepts of territorial integrity, right to self-determination and the question of a referendum as a means to resolve the dispute. Second, the role of the neighbouring countries, Algeria, Libya and Mauritania, and the question of regional stability in North Africa, is examined. Third, I look at the role of the international community in Western Sahara, notably the UN, the OAU, the US, France and Spain. I will also explore the impact of the Islamic and Arab nationalist ideologies on the dispute, and reflect on the role of women in the Western Saharan politics. Finally, I will make some concluding remarks on the Western Saharan question.

Historical Background of the Western Saharan Question

The political structure in Western Sahara dates back to historical relations between different Saharan tribes. Before Spanish colonisation, there was no supra-tribal authority connecting the vast tribal network of the region. However, certain Saharan tribes recognised the religious authority of Moroccan dynasties, descendants of the prophet, based on personal loyalty (*bei'a*) to the sultan. Despite the sultan's religious authority, most Saharan tribes have constantly contested political authority of Moroccan dynasties in Western Sahara. The Sahrawi constitute a sprawling nomadic collection of tribes, formed from a mixture of Arabic, Berber and black African cultures. Most tribes belong to the Reguibat confederation and speak a specific Arabic dialect, called Hassaniya. Western Sahara was neglected by colonial powers and Spain only maintained superficial authority in the territory since 1884.

At the end of the 1960s, the discovery of phosphate deposits in the Bou Craa region changed the situation and led to a greater international interest in Western Sahara. In the 1960s, the Sahrawi population experienced a progressive sedentarisation. Morocco claimed its rights on the territory since its independence in 1956. In 1969, Algeria recognised Moroccan claims in a meeting at Ifrane, Morocco. In exchange, Morocco recognised Algerian control over iron mines in Garaa Djebilet (near Tindouf) and agreed on the borders between Morocco and Algeria.⁴ Furthermore, there was a common agreement to build a railway line in the Dra valley between Tindouf and the Atlantic coast. The Ifrane agreement could have formed a basis for a North African economic community.⁵ However, the Moroccan political opposition objected to the abandoning of the Tindouf region to Algeria. As a result, the agreement was never implemented. Consequently, Algeria decided to support the claim for self-determination of the Sahrawi, and later became the main supporter of the Polisario,⁶ established in 1973. In 1974, the Spanish conducted a census of the Western Saharan population with a view to holding a referendum on self-determination.

3 Tredano, 1991

4 Morocco and Algeria had experienced a border war in 1963, often referred as the 'war of sand' (*guerre de sables*).

5 In 1989 the North African states created the 'Union of Arabic Maghreb' (UMA), in order to achieve a regional economic integration. However, since 1994 the UMA has been paralysed due to disagreement among the participating states.

6 Lacoste, pp77–90

In 1975, Spain evacuated the territory and the International Court of Justice (ICJ) issued a verdict stating that neither Morocco nor Mauritania should have sovereignty over Western Sahara, notwithstanding their historical claims. Despite the verdict of the international legal body, Moroccan King Hassan II organised the 'Green March' of some 350 000 people to advance the Moroccan army into Western Sahara. In 1976, Mauritania, Morocco and Spain signed the 'Madrid Accords', dividing the Western Saharan territory into two, with the northern two thirds going to Morocco and the southern one third to Mauritania. The violent resistance against Moroccan and Mauritanian occupations soon demonstrated the mobilising force of the Sahrawi identity. The Sahrawi Arab Democratic Republic (SADR) and a government in exile were formed in 1976.

In 1979, Mauritania abandoned its territorial claims in the south and recognised the rights of the Sahrawi people by signing a peace agreement. In 1984, Morocco withdrew from the OAU, after the SADR had been accepted as its full member. In 1990, the UN presented a settlement plan and set up Minurso, which was mandated to organise a referendum on the independence of Western Sahara and to compile a list of eligible voters. In 1991, Morocco and Polisario agreed on a ceasefire, which has, to date, remained effective. Meanwhile, Morocco has intensified its policy of the settlement of thousands of civilians in Western Sahara. The referendum process has been constantly delayed, mainly due to a disagreement on voter identification and registration. In 1993–1994, parties finally agreed on voter eligibility for applicants from tribes registered in the 1974 census, and the identification and registration operations could finally start. In 1997, UN secretary-general, Kofi Annan, appointed James Baker as his special envoy to Western Sahara. The 'Houston Accords', concluded in 1997, marked a new step in direct talks between the conflicting parties. Morocco and the SADR agreed to the code of conduct for the referendum, to UN authority and to the principles governing the identification of voters. In 1998, the OAU summit debated whether the SADR could remain a member. By 1999, both parties accepted the revised UN peace plan. Of 150 000 identified voter candidates, only a third have fulfilled the requirements of the identification commission. Morocco has filed thousands of complaints with the appeals process in an attempt to have the eligibility of rejected candidates reconsidered. These candidates for voter registration come from the three contested tribes with close links to Morocco. In 2000, the situation has deteriorated on the ground and the referendum process continues to be postponed. In January 2001, the Polisario announced an end to the ceasefire due to the passage of the Paris-Dakar Rally through Western Sahara without its consent. This was considered a serious provocation by the Moroccan authorities. The current mandate of the Minurso expires at the end of February 2001, and the political resolution of the dispute remains difficult to achieve.

The Internal Dynamics of the Sahrawi Society and the Role of Women in Politics

Many Sahrawis⁷ live in refugee camps, run on a semi-autonomous basis by Polisario in south western Algeria, or in the Moroccan-controlled territory. The refugee camps are situated in the Algerian desert, near the border between Algeria and the SADR. The camps are divided into four districts (*wilaya*) bearing the names of the Western Saharan cities; El Ayoun, the capital of the Western Sahara; Smara, the sacred town; Dakhla, the largest port and Aousserd, a

7 An estimated 165 000 Sahrawis live in the Algerian camps and another 65 000 in the Moroccan occupied territory (IPS, 30 March 1999).

little town in the interior. Each camp is sub-divided into six or seven villages (*daira*), and each village into four quarters.

The UN and various agencies keep refugees alive through a huge and costly relief effort. The Sahrawi have also created desert gardens, growing fruit and vegetables, and have set up a free education and healthcare system, with schools, colleges and hospitals. Furthermore, literacy has been raised from five to 95% in 25 years, and many young Sahrawi go on to study at universities in countries such as Spain, France, Algeria, Libya, and Cuba. The organisation of the camps is almost entirely in the hands of women. The majority of men do not live in the camps, as they are in the army.

Consequently, women play an important role in the Sahrawi society.⁸ The situation of war and exile has further pressed women into taking part in public life and in the political struggle for independence. It has been argued that national movements accelerate the mechanisms of the women's participation, as their support is needed to advance the national cause. However, in some cases, as in Algeria, once the 'revolution' is achieved, women may be forced back to more traditional roles, unless they actively impose their participation in public life. In the nomadic context, women have always played two major roles, guaranteeing the livelihoods of the family in the rigorous environmental conditions and ensuring the transmission of cultural heritage and social cohesion.

The role of women has been particularly important in the nomadic context, where men may be absent for long time from the camps. However, the sedentarisation since the 1960s transformed the traditional nomadic way of life. Since 1975, war and exile drastically changed the situation, and Sahrawi women have consciously applied some traditions of nomadic society in the new socio-political context. Today, the refugee camps are managed in a traditional way and women play a leading role in the survival of the Sahrawi culture. The role of culture as a means of strengthening the national identity and survival of the group is considered an important part of the struggle for independence. The women have accepted their motherhood as a political necessity as well as a social consequence of the need for demographic growth. This conservative function of women in the group is maybe more important than their institutional presence in political life and leading formal political institutions of the SADR.

At the political level, Sahrawi women have created national organisations, such as the National Union of Sahrawi Women (NUSW),⁹ begun in 1979 on the initiative of the Polisario Front. Today the NUSW has 10 000 members in the refugee camps in Tindouf, the occupied and liberated areas of the Western Sahara and living abroad as emigrants, organised in local and regional offices. The NUSW has three objectives. Firstly, it aims to mobilise women and reinforce their role in the struggle for the liberation and independence of the Western Sahara. Secondly, it aims to improve women's level of education and training, through literacy campaigns, professional training, and political seminars. Finally, it seeks to make women aware of their social role after independence.

At the international level, the International Forum for Solidarity with the Sahrawi Women aims to enhance the participation of the Sahrawi women in public life. The participation of women in the reconstruction and management of the country depends on their capacities. There are specific schools created for women; and for children, there are day care projects, nursery schools and primary schools. In addition, the Sahrawi people rely on songs, story

8 Amoretti, pp186–191
9 <http://www.arso.org/NUSW-1.htm>

telling, drawings and paintings to transmit their traditions and history to the younger generations.¹⁰

Bilateral dispute Between Morocco and the Polisario

Until the 1990s, Morocco did not consider the Polisario a legitimate voice and consequently, it refused to have any direct talks with it. Since the 1990s, the dispute mainly involves Morocco and the Polisario, although neighbouring countries and the international community continue to play an important role in the efforts to resolve the matter. The organisation of the referendum for self-determination is the key issue at stake.

The Underlying Questions of the Western Saharan Dispute

The structure of antagonism in the Western Saharan dispute is complex. First, there is a fundamental disagreement between Morocco and the Polisario on the status of the Sahara, supported by the UN resolutions and the ICJ decision. In particular, the dispute on voter eligibility for the referendum has undermined international efforts to resolve the conflict. Second, there is a dispute between Morocco and other North African countries, especially Algeria and Libya, on their support to the Polisario front, perceived as interference in Moroccan internal affairs. Consequently, over the decades, the Western Saharan question has threatened the regional stability of North Africa. Third, there is a great divergence between the OAU and Morocco on the principle of inviolability of existing state borders and on the admittance of the SADR as an OAU member state.

At first sight, the dispute seems to raise very fundamental national issues, opposing Moroccan historical sovereignty over the Western Saharan territory to the internationally recognised Sahrawi people's right to self-determination. However, the economic importance of the Western Saharan territory, with the world's richest fishing grounds, huge untapped phosphate deposits and significant oil reserves, is the main underlying factor in the Western Sahara conflict.¹¹ The economically interesting area is situated in the 'triangle' linking Bou Craa, Smara and El Ayoun.¹² The exploitation of fish resources¹³ and phosphates remains a crucial source of revenue for the Moroccan economy.¹⁴

Historical Representations and Ideological Claims: the 'Sahrawi people' vs 'Greater Morocco'

The Western Saharan dispute has an important rhetorical dimension, as both parties appeal to some fundamental national concepts to justify their claims over the Saharan territory. In particular, the recent formation of the 'Sahrawi nation' is an interesting geopolitical question.¹⁵ It challenges the Moroccan national identity, based on historical ties with the Sahara. I propose to briefly analyse the main components of the ideological discourse of the Sahrawi people and the Moroccan leaders.

10 *Western Sahara*, 1995

11 Damis, 1983

12 Beslay, p181

13 The European Commission is currently negotiating a new fisheries' agreement with Morocco, granting access for European fishing boats to the Moroccan maritime area. The negotiations include the maritime area belonging to the Western Sahara, thus the international agreement with the European Commission contributes to the establishment of Moroccan control over the region's rich fishing resources. De Saint Maurice, pp174–177.

14 Morocco is one of the world's largest exporters of phosphate (Europa Yearbook 1999)

15 Lacoste, pp80–84

The emergence of the 'Sahrawi people' dates back to the 1960s. Before, nomadic tribes, mainly belonging to the Reguibat confederation, populated the territory without constituting any supra-tribal identity. The origin of the Sahrawi people is multiple: on the one hand, the Reguibat confederation of nomadic tribes had superficially recognised the authority of sultans, without, however, being subordinated to the sultans' authority. Similarly, the Spanish were mainly present in the coastal areas, having only superficial authority over the nomadic population until the 1960s, when the sedentarisation of the Sahrawis accelerated. On the other hand, in the 1940s, the Spanish authorities expelled several Moroccan nationalists, who were hiding from the French police in 'Spanish Sahara', to the Rio de Oro region. Finally, before Moroccan independence in 1956, many Moroccan extreme-left wing activists were operating against the French from Southern Morocco and Sahara, and turned against the conservative regime in Morocco after the independence. Since 1956, these activists also supported the Algerian nationalists. As a result, the French troops organised a military operation called 'Écouvillon' in 1958, backed by Morocco, in order to eliminate its political opponents in the Sahara. The surviving Saharan activists, of Reguibat and Moroccan origin, resented Morocco's cooperation with colonial powers. This resentment was transformed into a national movement for the Sahrawi people.

In the early 1970s, a small group of Sahrawi students, under the leadership of El-Ouali Mustapha Sayed, decided to fight for the end of Spanish rule in Western Sahara. The Sahrawis from southern Morocco, western Algeria, northern Mauritania and Western Sahara joined forces and formed the Polisario in 1973.¹⁶ The movement was inspired by anti-colonial, revolutionary thoughts. It was fighting for 'national liberation from all forms of colonialism and the achievement of complete independence'.¹⁷ The declaration of the SADR in 1976 fundamentally transformed the position of the Sahrawi activists. The recognition of the SADR as a legitimate 'state' by many African countries changed the nature of the legal battle between it and Morocco. It also increased the international legitimacy of the Polisario as the political representative of the Sahrawi people.¹⁸

According to the defenders of the Sahrawi cause, 'statehood' is justified by:

- ◆ the existence of a specific Saharan territory belonging to the Sahrawi, although currently forcefully 'occupied';
- ◆ a distinct population recognised as the Sahrawi and governed democratically;
- ◆ a specific language, 'Hassaniya', distinct from the dialects in the neighbouring populations;
- ◆ a modern structure of government; and
- ◆ sovereignty and autonomy of the SADR as a political entity.

The fundamental claim concerning a right to self-determination of the Sahrawi people is recognised by international law, the ICJ's decision and numerous UN resolutions.

Morocco has claimed the Saharan territory since the country's independence in 1956. However, the Saharan question became crucial following the attempted *coup d'états* in 1971 and 1972, when King Hassan II sought to re-establish his legitimacy as a spiritual and political leader of the country. The question of the Western Sahara offered an extraordinary opportunity to restore historical legacy of the Alawite monarchy and Moroccan nationalism, to mobilise the population for the *marocanité* of the Western Sahara and to engage Moroccan

16 Hodges, pp149–164

17 Ibid, p163

18 *Les fondements juridiques et institutionnels ...*, pp59–78, 98–121

army in the long war, thus diminishing the risk of military attempts to overthrow the government. King Hassan II¹⁹ stressed the importance of the 'historical continuity' of the Moroccan kingdom, personally guaranteed by the monarch. The Moroccan claim to Western Sahara forms part of a larger claim to territories, called 'Greater Morocco', composed of tribes offering their allegiance to the Moroccan dynasties.²⁰ The question of Sahara has become a highly delicate issue in Moroccan politics, since the *marocanité* of Sahara is the basis for Moroccan political consensus, and a founding pillar of the Moroccan identity, along with the monarchy and Islam.

The Saharan war has been a serious economic burden to Morocco. However, there is quasi-unanimous national consensus on the Saharan question²¹ and Moroccan media continues to be very critical of the UN efforts to organise a referendum. Even the political opposition defends the national cause.²² Also, the ancestors of most religious leaders, the *marabouts*, originated in Western Sahara, and their political influence has played a key role in the Moroccan determination to keep the territory as a part of the Moroccan 'fatherland'. Also, Moroccan prestige in the Arab world is at stake, and it could not simply lose the Saharan territory without that being undermined.

At the international level, Morocco²³ has justified its claims to the Western Sahara on the basis of the legal principle of 'territorial integrity'. The Western Sahara constitutes the 'African roots of Morocco'. According to Moroccan views, it is unfair that only 'Moroccan Sahara' is contested, whereas Algeria and Libya have kept their Saharan territories without international protests. Also, according to these views, the Sahrawi do not form a people²⁴ and most Sahrawi are waiting to 'join the Moroccan Fatherland'.

To conclude, the Saharan question articulates a historical process of Moroccan dynastic nation building and a concrete experience of the Saharan political activists, who transformed their resentment into a national mobilisation for the independence of the Sahrawi people.

Diplomatic strategies and military mobilisation

The military balance in Western Sahara is very unequal. On the one side, there are more than 100 000 heavily armed Moroccan conscripts, deployed along the fortified wall, built in the 1980s and stretching for nearly 1 500 kilometres, and surrounded by razor wire, mine-fields²⁵ and forts. Opposing the Moroccans is a group of about 20 000 light-armed guerrillas of the Polisario Front.²⁶ Recently, frustration and disillusion are increasing among the Sahrawi population, and the Polisario has expressed its readiness to resume fighting if Morocco continues to break the ceasefire and to obstruct the referendum process. In the current situation, the eventual resumption of Sahrawi military efforts against Morocco would receive strong

19 In Moroccan politics, the monarchy plays the predominant role, by giving general political guidelines and arbitrating between other political actors. Waterbury, 1970

20 For example, Morocco strongly opposed the independence of Mauritania, granted by France in 1960, on the grounds that it was an artificial creation of French colonialism. Morocco finally recognised Mauritania in 1969.

21 Lacoste, p86

22 One of the famous opponents of the Moroccan regime, Abraham Serfaty, who defended the autonomy of the Sahara in exile for decades, has returned back to Morocco in 1999 following the accession of Mohammed VI to throne.

23 Tredano, pp19–25

24 Ibid, p25

25 The use of anti-personnel mines constitutes a serious security threat. Morocco and the UN have signed a military agreement to identify and destroy mines and unexploded bombs still buried in the Western Sahara in 1999.

26 IPS, 30 March 1999

support from the whole population, whereas in Morocco, the economic situation and the people's aspirations may not be favourable to a large-scale war effort in the Sahara. This could lead to an endless guerrilla war with no political issue. Therefore, military confrontation does not appear to be a suitable, nor preferable option in the Western Saharan question.

Morocco's strategy in the conflict has changed from its initial military deployment and occupation of the Western Saharan territory to the official acceptance of the UN peace plan and the idea of a referendum. Nevertheless, despite international pressure, Morocco has continuously obstructed the implementation of the UN peace plan in several indirect ways, including ceasefire violations, blocking of the UN peacekeeping forces and manipulation of voter identification and registration.²⁷ Meanwhile, Morocco has initiated a large-scale settlement policy in the Western Saharan cities like El Ayoun, by offering tax relief, higher salaries and other incentives, in order to strengthen its presence in the region, officially considered as one of the Moroccan 'provinces'. Although the Western Saharan conflict has been a financial burden to Morocco, it has not undermined its firm commitment to the *marocanité* of Sahara.

The diplomatic efforts of both parties have been intense since the 1970s. In the 1990s, the Polisario has been effectively transformed from a guerrilla movement to a diplomatic lobbying organisation.²⁸ It looks for international recognition of the self-determination of the Sahrawi people from relevant international bodies. Also, the Polisario has been successful in mobilising the solidarity of the international public opinion for the Sahrawi cause. Morocco, in contrast, has taken full advantage of its western alliances and its international prestige to put pressure, in particular on the African countries, to stop supporting the Polisario, and, as a consequence, some countries have withdrawn their recognition of the SADR.²⁹ Furthermore, Morocco has concluded international treaties, such as the fisheries agreement with the European Commission, which reinforce its *de facto* control over the Western Saharan territory and its natural resources.

Popular mobilisation is based on the ideological discourse on national identity. The 'Green March' in 1975, based on historical legitimacy, mobilised a fervent popular support for the long and bloody war in the Sahara. Similarly, the Polisario fighters express their nationalism in their support for the SADR's independence, referring to 'the legitimate right to take up arms to defend the inalienable rights and national sovereignty in Western Sahara'.³⁰

Political Models and State Structures

Both Morocco and the SADR aim to normalise their political life and administrative structures with regard to the Saharan territory. Despite apparent democratic changeovers in political life, it can be argued that power seems to remain in the hands of a limited circle of decision-makers, and in particular, the issue of Western Sahara, considered as a *raison d'état*, is excluded from public debates in civil society.

Since 1976, Moroccan authorities have made great efforts to create an impression of

27 Voter identification proved to be far more complex than expected, as members of the same tribal subgroups, who had to be identified individually with the assistance of their respective cheikhs, were dispersed in different locations and means of communication were limited. Similarly, the Moroccan authorities have obstructed the access of many Sahrawi to the UN. Also, Morocco has been accused of 'fabricating' the potentially eligible voters by subordinating cheikhs, whose task is to recognise members of Sahrawi tribes. De Saint Maurice, p103

28 De Saint Maurice, p67

29 Ibid, pp72-79

30 IPS, 30 March 1999

normality in the 'Moroccan Sahara'.³¹ In theory, the annexed territory was to be administrated in the same way as the rest of Morocco. Three new provinces were created, with capitals at El-Ayouun, Smara and Boujdour. They were sub-divided to 'circles' and at local level, to 'communes'. King Hassan II appointed the governors. Likewise, local, provincial and parliamentary elections were held in the Moroccan-controlled territories during 1976–77, and the Rabat authorities pointed to the election of pro-government candidates as evidence of popular support for integration to Morocco. Ever since, Morocco considers the Western Sahara as being its 'Saharan provinces'. The project of regionalisation, adopted in 1997, includes the Saharan territory. It was first divided into two provinces, El Ayoun and Dakhla, and in 1998, a third province, Aoussert, was created.³² The Saharan territory has thus *de facto* become an integral part of the Moroccan kingdom. Furthermore, Saharan affairs belong to the exclusive domain of the monarch and the Ministry of Interior³³ and no public debate is allowed on the Sahara question.

The Moroccan political tradition uses popular referendums or consultations to justify royal decisions and to mobilise the people behind national projects. Following this logic, the eventual referendum in Western Sahara could only 'confirm' the claims. Morocco seems to be determined to obstruct the referendum process as long as its outcome remains uncertain. Since the change of the Constitution in 1996 and the elections in 1997, Morocco formally enjoys a greater political freedom, crystallised by the political changeover to the socialist government of Abderrahmane Youssoufi. The opening of political space with King Mohammed VI in 1999 has further activated civil society groups, claiming compensation for the families of the 'disappeared' political opponents, including many Sahrawi.³⁴ However, these political changes have not affected the Moroccan stance *vis-à-vis* the Saharan question.³⁵ Recently, Morocco has proposed a 'political solution' involving some 'federative' or 'confederative' arrangement for Western Sahara, but its modalities remain unclear.

The Constitution of the SADR,³⁶ adopted for the first time in 1976, provides for a republican, semi-presidential system, in which the balance of powers is respected. The official language is Arabic and Islam is the state religion. The Sahrawi National Council is the legislative body, which controls the executive power. It may adopt motions of censure against members of the government, potentially leading to their resignation. The SADR has an independent judiciary. The head of state is the secretary-general of the Polisario, with a mandate to govern for three years. He nominates the prime minister, leads the country's general political orientation and is also the head of the armed forces. The government ensures the executive power, and is accountable to the head of state. The Constitutional Council ensures the constitutionality of laws and the legality of elections.

The holding of elections to the National Council, most recently in 1998, and the adoption of a motion of censure leading to the change of the government in 1999, aim to give the impression of normal political life in the SADR. However, the leadership of the Polisario has remained in the hands of a limited circle of decision-makers. There is confusion between the Polisario and the SADR.³⁷ The democratic *façade* is used to justify the legitimacy of the SADR as

31 Hodges, p279

32 De Saint Maurice, p99

33 Addi, <http://www.monde-diplomatique.fr/index/pays/saharaoccidental>

34 The association AFAPREDESA (Association of Families of the Sahrawi Prisoners and Disappeared) has been active in demanding compensations for the Sahrawi families. De Saint Maurice, p84.

35 Ibid, pp83–90

36 <http://www.arso.org/03-const.htm>

37 De Saint Maurice, p69

an established state, recognised by many countries. The Polisario remains the only internationally recognised representative of the Sahrawi people. There are other Sahrawi organisations, but most of them are pro-Moroccan and campaign for integration.

Issue of the Referendum for Self-determination and Status of Peace Efforts in Western Sahara

The nucleus of the Western Saharan dispute lies in the question of whether the people who inhabit the region will be consulted in a meaningful and internationally acceptable manner.³⁸ The right to be consulted, known as the right to self-determination, is firmly embedded among the general principles of international law. In the decolonisation process, the preferred method for the UN to ascertain the wishes of an indigenous population has been by means of a referendum or plebiscite under its auspices.

The idea of a referendum for self-determination dates back to 1965, when the UN passed its first resolution on the Western Sahara. The resolution was directed toward Spain, which considered Sahara to be its 'overseas province', thus excluding any possibility of the people deciding on their status. Subsequent resolutions in 1967 and 1973 focused on the desirability of holding a referendum to ascertain the wishes of the population. The UN approach was also adopted by the OAU. The Spanish government began to accept the principle of a referendum in 1967, but it has been argued that Spanish support for a referendum could be seen as a tactic for perpetuating its presence in the territory.³⁹ Morocco has used same tactic in the 1990s.

In 1974 the Spanish authorities took a census of the Western Sahara, showing a total of 73 497 Sahrawi living in the territory. However, the census did not take account the Sahrawi living outside the Saharan territory, estimated around 200 000 in 1974.⁴⁰ In 1975, the ruling of the ICJ denied both Moroccan and Mauritanian sovereignty over Western Sahara, by referring to the absence of an effective territorially based authority in Western Sahara.⁴¹ However, the Madrid Accords provided for the Spanish withdrawal and the partition of the land between Mauritania and Morocco. The Accords did not mention any referendum or representation of the Sahrawi.

The OAU has been closely involved in the Western Saharan dispute since the declaration of SADR. The first attempt to resolve the dispute in the OAU framework was the so-called Wise Men's Committee⁴² (*Comité des Sages*), mandated to investigate the question in 1978. Its recommendations marked the birth of the referendum idea within the OAU. Morocco rejected the idea, annexed new parts of the Saharan territory (Tiris el-Gharbia) and stated its intention to resettle Moroccan civilians to 'its Saharan provinces', in the areas it controlled. This act of defiance against the OAU increased the support of African states for the Polisario and the SADR.

In 1981, Morocco for the first time endorsed the idea of a 'controlled referendum', which would 'confirm' Moroccan sovereignty. However, Morocco refused to consider the Polisario's right to participate and claimed that the Saharan affair should be settled among Morocco, Algeria and Mauritania. Meanwhile, the SADR was formally admitted a full member of the organisation in 1982, although it only took its full seat in 1984. Morocco withdrew from the

38 Pazzanita, p187

39 Damis, 1983

40 Pazzanita, p191

41 Berramdane 1992; Lawless, Monahan 1987

42 Pazzanita, p193

OAU. Despite all diplomatic efforts, the OAU failed to resolve the dispute, mainly due to its open support for the Sahrawi cause.⁴³

Since 1985, the role of the UN in the settlement of the dispute was revitalised. It built upon the OAU referendum plans, and called for direct negotiations, a ceasefire and an interim administration in Western Sahara. During 1985–86 the UN secretary-general, Javier Pérez de Cuéllar, attempted to reconcile the parties by means of 'proximity talks', where the parties were spared the necessity of meeting face-to-face. The UN peace plan was agreed in 1990 and a ceasefire entered into force in 1991, paving the way for the beginning of the referendum process. Minurso was set up in 1991 to supervise an uneasy ceasefire between Moroccan forces and the Polisario and to hold a referendum allowing the Sahrawi to vote either for integration with Morocco or for the self-determination of Western Sahara.

The criteria for the eligibility of voters have been a major source of contention.⁴⁴ Both Morocco and the Polisario estimated it was insufficient to rely primarily on the 1974 census. Identification of voters raised issues related to the criteria used, and the scrutiny applied, in determining the potential eligibility of thousands of Sahrawi. In fact, the issue of a voter list has a decisive impact on the outcome of the referendum.

The five discussed criteria are:

- ◆ a person has been registered in the 1974 census;
- ◆ a person lived in the territory as a member of a Sahrawi tribe in 1974 without being registered;
- ◆ a person is a descendant of persons belonging to either of the two first groups;
- ◆ a person's father was born in the territory; or
- ◆ a person is a member of a Sahrawi tribe and has lived in the territory for six consecutive years, or all in all twelve years, since 1974.

This extension of criteria by the Secretary-General Pérez de Cuéllar beyond the 1974 census has been considered a gesture of good will to Morocco.⁴⁵ The Polisario has opposed in particular to the fifth criterion, which allows Morocco to register thousands of pro-Moroccan candidates on the voter list.

The choice offered to Sahrawi voters in the referendum is between independence and integration with Morocco. A third option is discussed, namely 'affiliation' to Morocco, under an undefined 'federative' or 'confederative' arrangement. The Polisario has reiterated its exclusive commitment to independence.⁴⁶ From its point of view, any proposal for Western Saharan autonomy within Morocco would be no different to complete integration with Morocco.

The Minurso's Identification Commission was established in 1993. In 1994, it began the process of voter identification. Procedural and operational irregularities slowed the process, and efforts to resolve differences between the parties were not successful. In May 1996, UN secretary-general Boutros Boutros-Ghali suspended the identification process and most Minurso civilian staff were withdrawn. The military component remained to monitor and verify the ceasefire. It has been argued that until 1997, the UN failed to remain impartial and ensure progress in the referendum process.⁴⁷

43 De Saint Maurice, p22

44 Ibid, p27

45 De Froberville, p172

46 Pazzanita, p216

47 De Saint Maurice, p34

In 1997, UN secretary-general Kofi Annan intensified the examination of the main contentious issues in a series of direct talks between Morocco and the Polisario, held under the auspices of his personal envoy, James Baker. These talks resulted in the 'Houston Accords'. In December 1997, Annan restarted the identification process. Despite a number of difficulties, identification of all applicants, other than those from three contested tribes, was completed in 1998. The three contested tribes, called tribes H41, H61 and J51/52, are composed of persons living in southern Morocco. They comprise 65 000 persons and could make a difference in the outcome of the referendum if accepted as voters.⁴⁸

In an effort to move the process forward, in 1998 Annan presented a package of measures, including a protocol on identification of the remaining applicants and a protocol on the appeals process. The Polisario accepted the package in 1998, and Morocco in March 1999.

Both sides agreed in April 1999 to expedite appeals once identification was completed. The provisional list of registered voters was published. It included 84 251 names found eligible to vote out of 147 249 identified. The agreement provided that appeals would be entertained only where new evidence could be introduced to establish a right to vote. However, during the appeals period, Morocco filed appeals for 79 000 voters, virtually an appeal for every rejected candidate.⁴⁹ It has been argued that the appeals process in fact starts the identification all over again.

Identification of applicants from the three tribal groupings was completed at the end of December 1999. Of 51 220 individuals who presented themselves, 2 130 were found eligible to vote. Although the identification process has been completed, the parties continue to hold divergent views regarding the appeals process, the repatriation of refugees and other crucial aspects of the UN peace plan.

Despite Annan's confidence that the peace plan and referendum can successfully bring an end to the conflict, numerous problems remain. An appeal process for rejected voters further complicates the work of the Identification Commission. Morocco refuses to hand over the full administration of the territory to the Minurso and retains its extensive civil security forces within the territory. Similarly, the United Nations High Commissioner for Refugees (UNHCR) was mandated to carry out a repatriation programme for eligible Western Saharan voters living outside the territory, but Morocco has obstructed its work on the ground. Morocco also refuses to publicly consider the possibility of an independent Western Sahara. In this context, it remains to be seen how the UN intends to ensure that the result of the referendum would be respected. In fact, despite both parties' official attachment to the referendum process, recent UN reports seem to more seriously consider the eventuality of a 'political settlement', although its modalities are not defined.⁵⁰

The mandate of the Minurso was extended until 28 February 2001 by UN Security Council resolution 1324 (2000) of 30 October 2000. The council stressed that it extended the mandate of the mission with the expectation that the two sides 'will continue to try and resolve the multiple problems relating to the implementation of the Settlement Plan and try to agree upon a mutually acceptable political solution to their dispute.' The extension was recommended in October 2000 by the secretary-general in his report on the situation in Western Sahara. According to that report, there had been no progress in overcoming obstacles to the implementation of the settlement plan.

48 Ibid, p29

49 Ruddy, <http://www.arso.org/Ruddy2000.htm>

50 See, for example, the UN secretary-general Kofi Annan's report on Western Sahara in October 2000.

It is not certain that the mandate will be further extended beyond February 2001, considering the lack of progress in the referendum process. Furthermore, the Polisario has threatened to resume fighting following the passage of Paris-Dakar rally through the Western Saharan territory in January 2001.

International Dimension of the Western Saharan Question

The international dimension of the Western Saharan dispute articulates on two levels. The first is the regional level, that is the relationships between Mauritania, Morocco, Algeria and Libya. The second is the global level, in particular the regional interests of the US, Spain and France. In the new global political context of the 1990s, characterised by the end of the cold war alliances, economic globalisation, and the threat of Islamic fundamentalism, most international actors have changed their strategies with regard to the Western Saharan question.⁵¹ Western Sahara was a strategic region during the cold war and its mineral resources were exploited. Despite the diminishment of its strategic importance after the cold war, the resolution of the Western Saharan question continues to have a fundamental impact on the stability of West Africa.

In the African context, the OAU commitment to decolonisation and the inviolability of existing borders resulted in the recognition of the SADR and the withdrawal of Morocco from the organisation. Most OAU countries have some unresolved border disputes, and they feared that the Western Saharan conflict might set a dangerous precedent.⁵² Also, the Western Saharan question need to be situated in the larger context of the Arab world, in which a dichotomy between moderate, such as Saudi Arabia, and radical, such as Libya, regimes has constituted the dividing line in the reactions to the conflict. The Arab League and the Organisation of Islamic Conference have supported Moroccan reconciliation efforts with Israel in the Middle East. The project of the Union of Arabic Maghreb (UMA), initiated in 1989 with the aim of promoting economic integration in North Africa, has suffered from the Western Saharan dispute, thus undermining the economic dynamics of the region. At the global level, the UN role in the preparation of the referendum process has been crucial and continues to be a determining factor in the efforts to find a solution to the last piece of unfinished decolonisation in Africa.

Algeria has never claimed the Saharan territory, but it has actively supported the Polisario's fight for the independence of Western Sahara. The revolutionary and anti-colonial stance of the Algerian state in the 1970s, the remnants of border disputes between it and Morocco, the possibilities for joint exploitation of mineral resources and for access to the Atlantic Ocean with the independent Saharan state, and finally, the willingness to reinforce a hegemonic regional position, have all contributed to its active involvement. In 1988, relations between Algeria and Morocco were improved, and both countries pledged to facilitate the self-determination process, thus implicitly recognising the Polisario as the legitimate voice. In the 1990s, the relations between Morocco and Algeria deteriorated, and Algeria reiterated its support for the SADR and the UN peace plan. However, Islamic fundamentalists, who play an important role in internal politics, do not agree with Algerian support for the Polisario. Algerian president Abdelaziz Bouteflika and King Mohamed VI have recently expressed their commitment to improve their relations and to seek solution to the Western Saharan question.

The involvement of Mauritania in the Western Saharan dispute stemmed initially from the country's fragility in relation to neighbouring Morocco and Algeria. Its aim was to safeguard a

51 De Saint Maurice, p10

52 Nugent, Asiwaju (eds), 1996

balance between different regional interests. Since signing a peace agreement with the SADR in 1979, Mauritania has taken a neutral stance in the dispute, although it continues to stress its close cultural ties with the Sahrawi. Also, Mauritanian economic interests in the region are at stake. It has been suggested that Mauritania could play an important role in the mediation of the dispute.⁵³

Libyan financial and military support to the Polisario was based on its opposition to Morocco and its ideological and political affiliation with various radical movements all over west Africa. However, Libya did not recognise the SADR until 1980. This was due to Kaddafi's belief in Arab unity which would be further threatened by the emergence of a new, separate, state.⁵⁴ Since then, relations between Morocco and Libya have improved and the latter's role in the dispute has diminished.

Following its withdrawal from Western Sahara in 1975, Spain has attempted to officially maintain a neutral position *vis-à-vis* the dispute, although public opinion in Spain is openly in solidarity with the Sahrawi people. Also, cultural and linguistic ties remain strong and a number of Sahrawi activists live on the Canary Islands.

France has supported Morocco for its military importance and its commitment to the francophone movement. The relationship between Morocco and France has evolved over the years. Socialist President François Mitterrand, in office until 1995, was closer to Algeria than to Morocco, whereas conservative President Jacques Chirac renewed the alliance with the Moroccan moderate regime in 1995, in order to fight effectively against Islamic fundamentalism. France has remained silent on the Western Saharan question, officially stating a position of neutrality, although its solidarity with Morocco is well known. French civil society has recently mobilised an increasing solidarity with the Sahrawi people. France has so far refused to play the role of mediator in the dispute despite several requests.⁵⁵

Like France, the US has been a generous arms supplier to Morocco, which was an important ally during the cold war. Moderate and pro-western Morocco offers a strategic position commanding the southern access to the Mediterranean. The US has also been concerned about Libyan support to the radical Polisario, which is hostile to American interests. Currently, Morocco, known for its conservative Islamism, plays a crucial role in the fight against the Islamic fundamentalism, endangering the regional geopolitical stability and French and US interests in north Africa. The US also sees the resolution of the Western Saharan question in the broader context of its 'new African policy', launched by President Bill Clinton in 1998. This new policy aims to ensure market access to Africa by US companies. Following this logic, conflict and instability undermines the economic dynamics and therefore, conflict resolution is the key element of the new US foreign policy.⁵⁶ The appointment of James Baker as the UN special envoy to Western Sahara reflects this active involvement in international mediation. In recent years, the US Congress has taken an active stance in support of the referendum process.

Moroccan relations with the European Union (EU) have also affected its stance on the Western Saharan question. Morocco is an important player in the Euro-Mediterranean economic cooperation ('the Barcelona process'), aiming to create a Mediterranean free trade zone by 2010. The position of the European institutions *vis-à-vis* the Western Saharan question is not coherent. On the one hand, the European Parliament has urged the conflicting parties

53 De Saint Maurice, pp121–127

54 Lacoste, p86

55 De Saint Maurice, pp151–156

56 De Saint Maurice, pp159–174

to find a solution to the dispute and to agree on the issues related to the referendum. On the other hand, the European Commission, as a part of its 'economic cooperation', is currently negotiating a fisheries agreement with Morocco. The agreement includes the maritime territory of Western Sahara, contributing to *de facto* international recognition of Moroccan sovereignty in the Saharan territory.⁵⁷

Impact of Religion on the Western Saharan Question

Muslim political culture⁵⁸ is based on the unity between the religious and political spheres. Therefore, the only division that can be traced is between the 'ideal politics' (unity of the Muslim community, called *umma*, and Islam) and the 'necessary politics' (deficient human government constituted against tribal dissidence). The idea of a nation, presented in the 19th century, threatens to fragment the religious *umma* into separate nation-states, which is in contradiction with the Muslim ideal unity. This leads to the ambiguity between the reference to a particular nation (such as Egypt) and the reference to the transnational and extraterritorial 'Arabic, and Islamic, Nation'. This ambiguity of the Muslim idea of national space, universal and particular, illustrates the fundamental fragility of the nation-state in the Muslim world, where political power often justifies itself through symbolic rhetoric based on Arabness, Islam and the glorious past. Both Arabic nationalism and Islamic fundamentalism base their arguments on the basic contradiction between the unity of Arabic or Islamic community and the fragmentation of this community into nation-states. Both use the ambiguous mixture of religion and Arabic identity as a political instrument, although Arab nationalism recognises open links with socialism and secular revolutionary ideas.

Following the logic of Muslim politics, Islamic fundamentalists oppose the idea of the Sahrawi state. They perceive that a new state would further fragment the Islamic community (*umma islamiya*). Furthermore, the Polisario is considered as being 'a secular revolutionary movement', despite official Islamic references in the SADR constitution.⁵⁹ Also, Morocco has received western support due to its perceived moderate stance *vis-à-vis* Islam and its open opposition to radical Islamism. The impact of religion in Western Saharan question has thus played an important role in the positioning of third parties with regard to the eventual independence of the Sahrawi.

Concluding Remarks

The unfinished referendum process in Western Saharan continues to undermine the regional stability and economic growth in North Africa. With the exceptions of the UN efforts, the international community has remained relatively passive in the resolution of the dispute. This passivity has resulted in the continuous postponement of the referendum process and in the *de facto* integration of the Western Saharan territory to Morocco, despite the provisions of international law and several UN resolutions. Current situation on the ground is tense, and the lack of political settlement between Morocco and the Polisario continues to undermine the application of the UN peace plan. The current stalemate in Western Sahara is in contrast with the successful UN action in the referendum process in East Timor, resolving another unfinished piece of decolonisation in 1999. Despite serious difficulties, the successful example of East Timor gives new hope for a peaceful resolution of Africa's longest lasting conflict.

57 Ibid, pp174–179

58 Badie, p48

59 De Saint Maurice, p114

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How Political Parties Finance Electoral Campaigning in Southern Africa

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Introduction

Political party electioneering finance is a subject which deserves more consideration than it receives in Africa. Efficiently and expensively administered elections in which at most only one party can afford the costs of an effective and sophisticated campaign represent a very partial fulfilment of democratisation, yet such contests are normal in the region. As well as providing useful insights in any assessment of electoral equity, examining the how parties finance their operations often helps to illuminate broader questions concerning the ways in which they attempt to build support. Free and fair elections require strong parties as much as they need efficient administrators, yet in Southern Africa Development Community (SADC) countries, as is generally the case further afield, legitimate public expenditure is predominantly concentrated on electoral bureaucracies: parties are supposed to fend for themselves. In this paper we will first consider some of the ways in which parties try to finance their operations before turning to the second question of how they spend the money they raise or use the resources they succeed in obtaining.

Funding Sources

Though the mixture varies across the different countries in the region, in southern Africa political parties fund their electioneering from five main sources. These are, in order of importance, their own governments, foreign donors, business, political party's own business operations, and finally, and probably the least important proportionately, their membership and mass support.

Public funding of political parties has become a common feature of new democracies. Though it may remove the incentive for parties 'to establish a more structural relationship with civil society'¹ it probably represents a crucial resource in countries in which the modern economy has historically been under state control or in which ownership is highly concentrated and in which, therefore, corporate donations are likely to flow mainly to the incumbent party. With respect to public resources, in several countries in the SADC region there exist formal provisions for state funding or other kinds of resources which are made available to political parties during elections. Public party finance underwrites electioneering in Malawi, Mozambique, Namibia, Seychelles (constitutionally stipulated, and with relatively the most generous provisions in the region), South Africa, Tanzania, Zimbabwe, and, at least in theory, Angola. I will refer to only some of these in any detail. In Mozambique, public money for parties is administered and distributed by the electoral commission. The principle underlying

1 Ingrid van Biezen, 'Party Financing in new Democracies', *Party Politics*, 6, 3, 2000, p352

its distribution is equitable, depending on the number of candidates put up by each party. The two main parties, Frente de Libertação de Moçambique (Frelimo) and Resistência Nacional de Moçambique (Renamo), received equal allocations, each about a third of the total. The state also pays for allocations of free broadcast time to the contestants. Since 1994 the Mozambican parties have drawn upon a US\$17 million UN trust fund administered by the commission established to promote democracy. For the ruling party, Frelimo and its adversary, Renamo, state allocations are important contributions to their campaign chests but, at least in the case of Frelimo, are more than matched by their support from other sources.² Namibian public funding is distributed to parties which already enjoy parliamentary representation and it is sustained between elections to enable parties to maintain local offices and staff. Allocations are based on the parties' respective shares of parliamentary representation. Apportionment of free broadcast time also favours incumbent and larger parties though a threshold principle allows all contesting parties a minimum period of broadcast time. In Namibia, at least for the more established opposition parties, state funding represents a major resource.

South African public funds are distributed to political parties on much the same basis as in Namibia, with the largest allocation in 1999 of R30 million (out of a total of R52 million) going to the African National Congress (ANC). It represents a minor share of the total sums spent by all parties on electioneering though it was probably the major source for some of the smaller parties represented in parliament such as the Pan-Africanist Congress (PAC), which received R888 000. In 1994 funding was distributed to all parties which registered for the election, provided they could indicate a degree of support which would give them a realistic prospect of winning a seat: 10 000 signatures (3 000 if they were only contesting a provincial legislature) or at least a 2% showing in an opinion poll. In 1994 state funding for South African parties totalled R69 million; in the election that year estimates for ANC expenditure alone ranged between R160 million and R400 million.³

In Zimbabwe, public money for political parties is provided annually, but only to parties with a minimum parliamentary representation or 15 seats. In effect, this means that the ruling Zimbabwe African National Union-Patriotic Front (Zanu-PF) is the sole beneficiary of the Political Parties Finance Act, receiving for its 1995 campaign Z\$32 million in addition to another Z\$62 million dispensed that year to Zanu-PF controlled cooperatives by the Ministry of National Affairs, Employment Creation and Cooperatives.⁴ The annual state grant through the Political Parties Finance Act is believed to be five times the sum raised by the ruling party from private sources; in 1999 Zanu-PF received US\$1.53 million.⁵ In Tanzania state funding is more equitable. Each party that registers for electoral campaigning receives 1 million shillings for every candidate nomination and a further million for each constituency won.⁶

Official cash grants and allocations of public broadcasting time do not represent the limit of state support for political parties for many ruling parties in the region derive indirect

2 Roger Southall and Geoffrey Wood, 'Political Party Funding in southern Africa', in Peter Burnell and Alan Ware (eds), *Funding Democratization*, Manchester University Press, Manchester, 1998, pp209–210

3 The upper estimate is in Southall and Woods, op cit, pp210–225. The authors arrived at this total by adding up the likely costs of press advertising and rallies. The figure seems very high: the ANC's original campaign budget was R168 million, *The Star*, 6 November 1993

4 John M W Makumbe and Daniel Compagnon, *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*, University of Zimbabwe Publications, Harare, 2000, p171

5 *Sunday Independent*, 17 October 1999

6 Magnus Ohman, *Public Funding of Political Parties in Africa*, International Foundation for Electoral Systems, New York, July 1999, p13

resources for their electioneering as a consequence of incumbency. Government owned or publicly funded media are particularly vulnerable to abuse by ruling parties during election seasons, especially when no institutional devices are set in place to safeguard their independence from the executive. This danger is well illustrated by comparative South African experience during the 1994 and 1999 elections. In 1994, the impartiality of the public broadcaster was intended to be protected by the Transitional Executive Council and there was general acceptance that the South African Broadcasting Corporation (SABC) had provided fair and accurate coverage. In 1999, ensuring the broadcaster's non-partisanship was one of the responsibilities of the Independent Broadcasting Authority (IBA), a much weaker body, chaired by a prominent ANC personality. The IBA adopted an essentially passive mode of undertaking this function, responding only to complaints submitted through a formal process: it discovered little evidence of deliberate bias by the broadcaster. The Media Monitoring Project, on the other hand, while conceding that coverage of different parties was proportionately equitable, maintained that stories about the ruling parties tended to be favourable whereas opposition parties were often treated disparagingly. In South Africa, complaints about incumbents' use of public resources for electioneering included the unpaid use of government transport for canvassing and transporting party leaders to rallies, the publication and mass distribution of government propaganda by the state communication agency shortly before the electoral proclamation, and the politicising of government redistributive programmes, such as land restitution grants during the months preceding the election. As one astute commentator noted in May 1999:

The processing of land claims and restitution has been proceeding at a snail's pace but have now suddenly started happening at an increased rate. For five years they have been just about stalled and yet last weekend Mr Mbeki was able to hand out compensation cheques to those who suffered from forced removals in the 1960s. Of course it is simply coincidence that these cases are finalised two weeks before the election and similarly, it is just coincidence that they happen to be in ... the highly contested Western Cape, where the ANC is desperate to unseat the National Party.⁷

Other examples of such practices can be cited from elsewhere in the region: in Namibia in 1999, the South West Africa People's Organisation (Swapo) was the subject of opposition complaints about the appearance of army helicopters and other kinds of official transport at rallies — in a huge country in which the electorate is so widely dispersed the ruling party's access to aircraft represented an immense advantage. Swapo spokespersons argued that the party paid for such facilities but the rates cited were well below commercial costs. During the Zimbabwean election of 1995, the deployment of government patronage or threats of its withdrawal were staple items in Zanu-PF electioneering in rural areas. In March 1995, for instance, during the campaign, the Minister of Land, Agriculture and Water Development warned those in attendance at a meeting in Chipinge that 'there will be no development in their area if they continue to vote for opposition parties'. In Zimbabwe as well, in 1995, Zanu-PF admitted that researchers employed at the Ministry of Information drafted its election manifesto and other kinds of publicity used by candidates. Ruling party politicians were similarly candid about the free use of government vehicles to transport supporters to rallies.⁸

The advantages of incumbency are also telling in efforts to attract foreign donations. Namibia's electoral law requires parties to disclose the source of foreign funding, one of the

7 Wyndham Hartley in *East Cape Weekend*, 22 May 1999

8 Makumbe and Compagnon, *op cit*, pp170–173

very few legal provisions for disclosure existing in the region. In 1989 foreign funding was major factor in the Namibian election: the ruling Democratic Turnhalle Alliance (DTA) received at least US\$20 million from the South African government, whereas in the case of Swapo its estimated US\$18.5 million campaign expenditure was largely foreign donations, from friendly government and the international anti-apartheid movement. Both parties still maintain a national network of offices and other kinds of freehold property bought with these funds and Swapo also purchased a number of companies. In the next two elections, however, there were no disclosures of foreign donations. In Mozambique in 1994, foreign funding was needed to induce Renamo to participate in the poll (and accept the results): for this purpose US\$11 million was donated by Italy, the United States, South Africa and Namibia.⁹

In South Africa the ANC too has been the beneficiary of international anti-apartheid sentiment which also enabled the accumulation of a substantial property portfolio. More important, in the long term, though, have been the donations from governments not especially conspicuous in the anti-apartheid era, which through gifts to the ANC have sought to influence government foreign policy. Governments which have had a measure of success in such endeavours include those of Taiwan, Malaysia, Indonesia, various Arabian states, and, possibly, Nigeria.¹⁰ The Dutch government, a historical patron of the ANC, donated R18–35 million in 1995 for capacity building and councillor training by the six main parties contesting the local government elections; the ANC received the largest allocation, R11 million.¹¹ Since 1994, the Inkatha Freedom Party (IFP) has received money from conservative British business people, and this generosity too has not been disinterested with both John Aspinall and James Goldsmith involved in KwaZulu-Natal casino licence bids. The Democratic Party (DP) is reputed to receive money from the Naumann Trust, a German political foundation which also supports the Helen Suzman Foundation, a research body closely linked to the DP. In Botswana in 1999, a large grant of US\$500 000 to the ruling Botswana Democratic Party (BDP) by the De Beers diamond corporation angered opposition parties. Though perfectly legal, such largesse is utterly disproportionate to the sums which can be raised from local private sector sources. As with the ANC, foreign funding may have accounted for a major share of the expenditure in the BDP's 1999 electioneering. Zanu-PF's 1995 electoral budget was augmented by a Z\$14 million donation from Lonrho as well as Z\$7 millions' worth of equipment from China.

Generally individual donations to political parties from the local business community are on a smaller scale compared to this transnational munificence. Even so, Frelimo in 1999 apparently managed to find sufficient numbers of allies within the Maputo business community to raise US\$700 000 from political dinner parties.¹² In South Africa, the National Party (NP) has traditionally relied on funding from Afrikaner business though at least one important former backer, the insurance giant Sanlam, has switched its support to the ruling party. A statement

9 Southall and Wood, *op cit*, p209

10 Advisers to Nigeria's ruler, General Sani Abacha, told journalists that Abacha had contributed US\$5 million to the ANC's election expenses in 1994. The assertion was denied by an ANC spokesperson (*Sunday Independent*, 14 July 1996). Greg Mills, director of the South African Institute of International Affairs suggested that during the 1990's foreign donations to the ANC from 'questionable sources' totalled R1.12 billion (*Eastern Province Herald*, 31 May 1999). In 1999, Nelson Mandela told a meeting in Lenasia that in 1998 the rulers of both Saudi Arabia and the United Arab Emirates had each contributed US\$10 million to the ANC's treasury (*Southern African Report*, 23 April 1999).

11 *The Star*, 28 November 1995

12 Lloyd Sachikonye, 'The functioning and funding of political parties in the SADC region', paper presented at the International IDEA conference on Sustainable Democratic Institutions in Southern Africa, Gaborone, 8–10 May 2000, p17. See also endnote 19. These look like they are in a (possibly published) collection (page numbers).

by the ANC treasurer at its 1997 conference suggested that R500 000 was the minimum donation it was going to solicit from members of the recently empowered 'patriotic bourgeoisie'. The DP is at present engaged in a fundraising drive for the local elections: telephone calls to select individuals are reportedly netting about R1 million a day¹³ In the past about 80% of DP donations have come from individual standing orders. In the 1999 elections the DP's R20 million expenditure was mainly derived from private sources; the party only received R1.7 million's worth of public funding whereas in the previous general election public funds constituted 80% of their finance.¹⁴ At the time of their merger in mid 2000 the DP was competing fiercely with the NP for the patronage of Afrikaner capital and had obtained money from Nasional Pers, traditionally a financial bastion of Afrikaner nationalism. The IFP benefits from a long traditional of sponsorship by Natal sugar groups and its benefactors also include illegal casino operators in the region who donated R100 000 in 1998. Newspaper speculation about the political influence of the gambling industry intensified when Chief Mangosuthu Buthelezi was observed converting R1 million into a cheque made out to the IFP at his Ulundi bank.¹⁵ Inkatha is certainly not the only South African political party which has been accused of receiving money in exchange for favours. In Mpumalanga, the secret Dolphin Group purchase of development rights over provincial parkland was accompanied by a R105 000 donation to the ANC Youth League from the Mpumalanga Parks Board, one of the participants in the sale.¹⁶ Interestingly, one of the defence ploys used by the former (NP) minister for social security, Abe Williams, when he was put on trial for accepting bribes to ensure that electronic equipment was supplied by a particular company was that 'the money was donated to (his) 1994 election campaign and did not constitute bribery'.¹⁷ That such an argument could commend itself to Williams' lawyers is itself a telling reflection on the ethical confusion which prevails in South Africa on political party funding.

In Namibia, the Congress of Democrats (CoD) has apparently displaced the DTA as the opposition party of choice among local business people though the individual amounts received in 1999 did not exceed N\$100 000. Only in South Africa and Namibia does the local business community make a substantial contribution to the sustenance of opposition politics; elsewhere business support mainly consolidates ruling party supremacy.

In South Africa, the ANC's efforts to establish its own business enterprises have been generally disappointing. The NP continues to benefit from trust funds it established after its formation in 1912. In Namibia and Zimbabwe party business is big business. In Namibia Swapo owns a bus company, a freight enterprise and a printing works, each of them the largest and most sophisticated in their fields. Swapo's printing company was responsible for the production of ballot papers in 1998 and 1999, securing the contract through competitive tender procedures. Zimbabwe's Zanu-PF's business interests include the M&S Syndicate which invests in companies are involved in vehicles sales, garages, property, machinery imports and mining equipment. In 1990, a company brochure suggested that the syndicate was making Z\$390 million a year. Until 1998 the ruling party also owned half the shares in Woolworths, Catercraft (the operating company for Harare's airport) and National Blankets.¹⁸ Its other commercial affiliates hold government contracts for text book supplies and defence

13 *Sunday Times*, 11 June 2000; *Saturday Star*, 17 June 2000

14 *Southern African Report*, 23 April 1999

15 *Mail and Guardian*, 3 March 2000 and 14 April 2000

16 *The Star*, 18 January 1999

17 *Ibid*, 13 June 2000

18 *Sunday Independent*, 17 October 1999

materials. Meanwhile, the Botswana Democratic Party (BDP) conducts business on a more modest scale, renting out office space to government departments. In Mozambique, Frelimo, at least until recently, earned money from party-owned companies and Renamo reputedly earns an income from concession granting in regions in which it holds local authority.

Membership and affiliate support is relatively more important as a resource for parties in the poorer countries in the region. It provides the main kind of finance for opposition parties in Zambia which rely heavily on membership card sales.¹⁹ These at best represent a precarious source of income: the United National Independence Party (UNIP) in 1998 did not have enough money to settle a K2.4 million lawyer's bill. The ruling Movement for Multi-party Democracy (MMD) at its inception depended on contributions from trade unionists but today derives greater benefits from 'macing', that is the coercion of contributions from contractors and supplicants for government attention. Even so, the MMD was reportedly bankrupt at the beginning of 1999 with debts in excess of K200 million.²⁰ In South Africa, the ANC's R12 annual membership fee is mostly unpaid; in 1999 the R1 million donation from its trade union ally the Congress of South African Trade Unions (Cosatu) was symbolically important but hardly represented a major contribution. Nor is the levy on parliamentarians' salaries very decisive: annually this brings in about R3 million, apparently.²¹ Generally, in South Africa, as elsewhere, the smaller parties depend most extensively on their members: this is the case especially with the African Christian Democratic Party which, appropriately enough, tithes its supporters and runs its campaigning mainly through volunteers.

Expenditure

No SADC country compels political parties to conform to rigorous disclosure laws and any limits on campaigning expenditure are exceptional. Zimbabwe, it is true, does restrict individual candidate expenditure and, officially, at least, subjects this to quite tight accounting procedures, but this is not matched by any comparable measures to open up central party funding to public scrutiny.²² Similarly, Botswana and Mauritius limit individual candidate expenditure but allow parties to spend as much as they can. State funding is also usually controlled through reporting rules although these are often administered lightly. As we have seen, however, most electioneering expenses are paid for through private donations and here disclosure requirements are exceptional. Assessing how parties spend their money has to involve informed speculation rather than precise accounting. In South Africa, the high cost of press advertising (R250 000 for a full page of a Sunday newspaper) indicates a majority of expenditures by the main parties was on press notices though there were noticeably fewer of these in 1999 than in 1994. In South Africa the three main parties in 1999 also invested heavily in radio commercials over and beyond their free air time — the DP, for example spent R4 million on radio publicity; party television advertising however remained prohibited. South African parties also commissioned national surveys from market research agencies; here too

19 Saw Yaffu, 'Patterns of Income and Expenditure in African Political Parties; Time to Reform', paper presented at International IDEA's Conference on Sustainable Democratic Institutions in Southern Africa, Gaborone, 8–10 May 2000, p179

20 Laurent Kaela, *Zambian Electoral Audit*, Electoral Institute of Southern Africa, Johannesburg, March 1999, pp10–11

21 *Sunday Times*, 14 May 2000

22 The head of Zanu-PF's finance department, Emmerson Mngangwa, claims that the party's accounts were privately audited and that the statements were available to central committee members, but provincial leaders, members of the central committee denied seeing any such documentation (*Sunday Independent*, 17 October 2000).

the bills can run into millions. Massive expenditure on posters with saturation coverage of public space by placards and bill boards distinguish South African elections from most of their counterparts in the region where resources commanded by even ruling parties are comparatively more modest. All these undertakings reflected a healthy commitment to the power of relatively reasoned persuasion as well as the realisation amongst parties that their electoral goals depended upon conversion of uncertain or uninterested voters. Leadership road shows and carnival like rallies represented another important commitment for party expenditure, though generally South African organisations spend smaller proportions of their budgets on events which involve direct contact between politicians and potential supporters than other parties in SADC countries, in which newspaper readership and broadcasting are less influential or open to influence. Canvassing by activists remains important in rural areas and townships but this draws heavily on voluntary time, not money.

In contrast, it is likely that in most SADC countries, the chief electioneering expenses relate to transport, hire of equipment and hand bill printing. Even in relatively affluent Namibia, street postering was inconspicuous in the 1999 election, political party advertising in newspapers was very limited, and only Swapo could afford mass distribution of a professionally produced colour printed manifesto. Direct contact through rallies, meetings and branch building were the crucial dimensions of electioneering. Facilities at party offices were simple: in Katima Mulilo, for example, a key region for the Swapo campaign, the party office in 1999 had no computer and when I visited it one day before polling, no party-owned vehicle. At its best such limitations can impose upon parties the requirement to maintain active contact with their membership, reinforcing a kind of popular accountability but the dependence on activism can also degenerate into crude forms of coercion. Zimbabwe's experience in 2000 is illustrative. Despite setting an initial fundraising target of US\$1.92 million,²³ by the eve of the election campaign only Z\$5 million was available for each of the ten provincial executives for electioneering and another Z\$20 million was given to the War Veterans' Association to finance its land seizures.²⁴ In contrast to West Africa, though, allegations of vote buying are rare in the region, though it did occur apparently in Malawi in 1999 where the United Democratic Front (UDF) was accused of handing out cash at its rallies.

Whether disparities in levels of expenditure are reflected in electoral outcomes is a contested issue.²⁵ Academic analysis has emphasised the experience of advanced industrial democracies in which all major contestants enjoy access to substantial resources and in which electioneering increasingly depends upon very expensive forms of media communication as well as direct mailing. In southern Africa volunteers or unpaid party activists still play a major role in mobilising electoral support and can sometimes compensate for financial disparities between parties. Even so, successful emergent parties probably require at least indirect access to resources. In the two major swings against an incumbent party (Zambia in 1990 and Zimbabwe in 1999) trade union support for the opposition supplied a crucial organisational underpinning for campaigning. In the case of South Africa in which political party expenditure is vastly in excess of the sums available to parties in other SADC countries, it is certainly questionable as to whether cash converts proportionately into votes. In 1994 a major proportion of the ANC's spending was on press advertising, directed chiefly at middle class

23 *Sunday Independent*, 17 October 1999

24 *The Star*, 13 June 2000

25 For a useful commentary on the debate see Justin Fisher, 'Party expenditure and electoral prospects: a national level analysis of Britain', *Electoral Studies* 18, 1999, pp519-532

white newspaper readers, few of whom responded positively. But parties without a certain minimal level of funding have no realistic prospects unless, as with the South African Christian Democrats, they can depend upon pre-existing social networks amongst relatively affluent communities. Money is needed for 'road shows' (the chief focus of southern African electioneering), candidate registration, polling research, placards, and, increasingly, radio advertising. Only in South Africa, Seychelles and Mozambique are available public resources sufficient to allow the main contenders to run fully developed campaigns. For most opposition parties and certain ruling parties in the region private-sector sources of support are rarely available on a scale to meet the costs of sophisticated electioneering.

Policy prescriptions

Several policy conclusions arise from this very brief survey.

Firstly, more stringent disclosure requirements are probably desirable although they may need to be administered in such a way as to prevent inhibiting donations to opposition parties. This is an area where an agency such as the South African Public Protector could play a useful role in maintaining a confidential register of donations and ensuring that donor generosity is not improperly reciprocated by government. In several countries the reported scale of donations is sufficient to threaten the integrity of the ways in which governments do business with the commercial sector and in South Africa at least it is possible to trace the impact of election donations on certain policy decisions, most notably with respect to diplomatic recognition. In the last five years, South Africa has also experienced three major political scandals which have featured unregulated party donations. Disclosure is favoured by the South African Independent Electoral Commission²⁶ and *most* opposition parties, but opposed by the ANC and Inkatha.²⁷

Secondly, some kind of limits to donations would be sensible. Restricting foreign donations or directing them as in the case of Mozambique to a public fund which can support parties equitably seems a basic requirement of democracy in that contesting parties should represent national interests rather than transnational preoccupations. Foreign donations may also raise electoral expenditure to unsustainable levels as well as diminish the importance to parties of voluntarism and activism, both crucial in nurturing the internal democratic life of political organisations. Limits on domestic private sector support can also be justified with reference to the same sorts of reasons but in addition are especially important in countries in which other sectors of civil society can wield so little financial influence. In advanced industrial countries trade unions can still rival the financial support supplied by business to politicians; even in South Africa, trade union resources play a marginal role in funding electioneering.

Finally, at least with respect to public funding, a degree of equity between parties should be the main principle of distribution, at least for that proportion of the funding which is reserved for electoral expenditure. Public funds should be deployed in the public interest and in supporting party electioneering, public finance should be used to promote multi-party democracy: it is difficult to see how such an objective can be achieved if public funding is used merely to supplement the advantages of incumbency.

26 *Sunday Times*, 14 May 2000

27 *Mail and Guardian*, 8 August 1998

Parliamentary Elections in Zimbabwe, 2000

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The 2000 general election was played out against the backdrop of national liberation demands and a Zimbabwe African National Union-Patriotic Front (Zanu-PF) stoking the fires of nationalism. But the Zanu-PF campaign slogan, 'land is the economy, the economy is the land', was not merely revolutionary nostalgia. Rather, it was explicitly backed up by an army of 'war veterans' and implicitly at least, by the police and armed forces. Leading the charge was President Robert Mugabe, whose populist rhetoric and criticisms of Rhodesian, British, and American interference in Zimbabwean sovereignty added much heat if little light to Zimbabwe's political and economic situation.

The 2000 election promised change, not only in the form of the rising strength of the first substantial opposition to Zanu-PF in Zimbabwe's 20 years of independence, the Movement for Democratic Change (MDC), but also by raising the possibility of succession from within Zanu-PF. Though the election was marked by neither an MDC victory, nor an immediate shake-up within the ruling party hierarchy, it did promise to unleash a profoundly new phase of politics in Zimbabwe.

The first Zimbabwe election was held in February 1980 under the Proportional Representation (PR) electoral system. Zanu-PF won 57 and the Zimbabwean African People's Union (Zapu-PF) won 20 of the 80 African seats in the National Assembly. The United African National Council (UANC) won three seats. The Rhodesian Front (RF) won all 20 of the seats reserved for white settlers. Robert Mugabe became prime minister on 18 April 1980. In the spirit of reconciliation, Mugabe included Zapu-PF members and two white settlers in his cabinet. The leader of Zapu-PF, Joshua Nkomo, was given the Home Affairs portfolio.

Political Background

Zanu-PF and Zapu-PF were largely supported by the ethnic constituencies of Shona and Ndebele respectively. The Shona constitute 70% of the population. Serious military clashes repeatedly broke out in the early 1980s in Matabeleland, and the government was accused of using repressive methods and of violating human rights in controlling dissent. The conflict in Matabeleland was two-fold: firstly between dissidents and the government defense units, and secondly between government agencies and all those who were perceived to be Zapu-PF supporters. The conflict was carried out mainly against unarmed civilians in rural areas which traditionally supported Zapu-PF.

In the June 1985 election, the PR system was replaced with a constituency-based system based on first-past-the-post (FPTP). All subsequent elections were held under the FPTP electoral system. Zanu-PF increased its majority to 64 seats, while Zapu-PF won only 15 seats. The Conservative Alliance of Zimbabwe, formerly the RF, won 15 of the 20 seats reserved for whites.

In September 1987, the 20 seats reserved for whites were abolished. In October, further constitutional changes replaced the parliamentary system of government with an executive

presidency. Following negotiations towards national reconciliation, Zapu-PF was absorbed into Zanu-PF and Joshua Nkomo became the second vice-president.

In the March 1990 election, Zanu-PF secured 117 of the 120 elected seats. In the April 1995 election, Zanu-PF won 118 of the 120 seats, the remaining two going to Zanu-Ndonga (Zimbabwe African National Union–Ndonga), a small opposition party led by Ndanbaningi Sithole. Of the 120 seats, 55 seats were not contested. Eight opposition parties boycotted the April 1995 election.

Since 1995 Zimbabwe has engaged in a long and conflict-ridden process of constitutional debate. The National Constitutional Assembly (NCA), a coalition of over 200 non-governmental organisations (NGOs) and close to 15 000 individuals, was formed in 1997 to stimulate debate about Zimbabwe's constitutional order. The government then appointed a Constitutional Commission to draft a new constitution. The majority of its 400 members came from Zanu-PF, including the party's 150 members of Parliament. The NCA refused invitations to be part of the Constitutional Commission, objecting mainly to the fact that the president had selected the commissioners. The NCA campaigned extensively throughout 1999 and into 2000 against the government's constitutional consultative process and argued for a 'No' vote in the February 2000 referendum. Once the draft was completed and presented to the president in December 1999, more than 25 of the 400 commissioners denounced the document as not being a true reflection of the population's views. Twenty-four commissioners did not attend the official hand-over ceremony. A coalition of women's groups threatened not to endorse the draft constitution in the referendum if sections dealing with equality were not amended.

The referendum was held on 12 – 13 February 2000 and the result was a majority 'No' vote. Of 1 312 738 votes cast, 697 754 (55%) were against the draft and 578 210 in favour. The opposition parties welcomed these results as a vote of no confidence in Zanu-PF and President Mugabe, and eagerly awaited the declaration of an election date.

The Electoral System

The national legislature consists of 150 members. There are 120 single-member constituencies in the country elected on an FPTP basis. A further 30 legislative seats are appointed. Of these, 12 are appointed directly by the president, a further eight people acquire seats on being appointed provincial governors by the president, and the remaining ten seats are reserved for chiefs. These are elected through the electoral college of the National Council of Chiefs and the provincial councils of chiefs (all chiefs are appointed to their chieftainships by the president). Therefore, presidential appointments form 20% of Members of Parliament.

The Zimbabwean electoral system thus accords enormous power and discretion to the president. The president's powers include the capacity to change electoral law by proclamation after the announcement of an election. Furthermore, in accordance with section 158(2)(b) of the Electoral Act, the president and the minister of Justice, Legal and Parliamentary Affairs are authorised to pass statutory instruments and regulations respectively in relation to the conduct of the election.

Parliament has a five-year term, although this can be extended during times of war or during declared states of public emergency. A general election must be held within four months of the dissolution of Parliament.

Contested Electoral Administration

The Electoral Act of 1990 and the constitution provide the legal context for elections in Zimbabwe. The act deals with the appointment and functions of the Delimitation Commission, the Election Directorate, the Electoral Supervisory Commission and the registrar-general of elections.

The act also sets out the preparation and management of the common voters' roll, the election of Members of Parliament, the qualification and disqualification of voters, the conduct of elections and the expenditures allowed in the interests of candidates and the prevention of corrupt or illegal practices in connection with elections.

The electoral machinery in Zimbabwe is complex, with responsibilities divided among three bodies. The first of these is the Electoral Supervisory Commission (ESC), constituted by a chair and four other members who are appointed by the president. The ESC is essentially responsible for ensuring that elections are conducted in a manner that they judge to be free and fair. The ESC has also been traditionally responsible for the accreditation of domestic monitors and international observers. Their reports assist ESC supervision of voter registration and parliamentary elections. However, since the ESC has no constitutional claim on finance or any administrative or executive functions, its main purposes are to report on the conduct of elections and make recommendations about legislative reform. It is highly dependent on the Ministry of Justice for staffing, expenses and other allowances.

In February 2000, the ESC chairperson, Bishop Hatendi, resigned after complaining about the conduct of the registrar-general. To assist its work, the ESC must be provided with reports on registration and other electoral matters by the registrar-general but Hatendi felt that the ESC was being left out of the electoral process. The registrar-general may attend meetings of the ESC but may not vote at the meetings. In accordance with section 61(6) of the constitution, the ESC in exercising its responsibilities shall not be subject to 'the direction or control of any person or authority'. Following Bishop Hatendi's resignation, the ESC was served by an acting chairperson, Mrs Elaine Raftopoulos, with only two other members. A new chairperson, Mr Sobuza Gula-Ndebele, was appointed less than ten days before the election.

During the run-up to the 2000 election, ESC relations with the registrar-general continued to be fractious and the ESC launched two major, but unsuccessful legal challenges in the High Court against him and the government respectively. First, the ESC complained that it had not been involved in the supervision of the registration of voters for the 2000 election, as the electoral law requires. Second, it challenged the government for making changes to the electoral system by decree on 7 June 2000 without consulting the ESC, as required by the electoral law. The decree's reassignment of responsibilities from the ESC to the Election Directorate affected the accreditation of monitors and observers, the eligibility of monitors, and the postal ballot system. The ESC argued that it was the sole body entrusted with supervising elections and accrediting monitors, observers and polling agents under the constitution.

Prior to each election the country's 120 constituencies are subject to a delimitation process undertaken by a Delimitation Commission. This commission is chaired by the chief justice, or a member of the Supreme Court or High Court appointed by the president. Justice Wilson Sandura, who has headed all previous commissions, headed the delimitation exercise for the 2000 election.

On 24 May 2000, only five days before the nomination day for candidates, the commission submitted its final report to the president. The report was then made public on 3 June 2000, merely three weeks before the election. There had not been any public submissions or hearings on the voters' roll owing to the insufficient time available for effective public

consultation. One opposition MP, Maragaret Dongo of the Zimbabwe Union of Democrats, complained publicly that her constituency boundaries (Harare South) had been redrawn to introduce rural farming areas to dilute her base of support with Zanu-PF voters. Other opposition parties followed suit, claiming that the voters' roll was gerrymandered to favour Zanu-PF as the delimitation report was not published for inspection and comment from members of the public, before it was handed over to the government, as electoral law requires.

One effect of these regulatory changes was to enhance the powers of the registrar-general's office and to reduce the role played by the ESC. The ESC appeared to have neither office capacity nor political support from within the electoral apparatus of the government of Zimbabwe. The acting chair of the ESC stated that the ESC had few resources and was generally unable to effectively carry out its supervisory role and had been unable to acquire the necessary information from other government bodies with responsibility for aspects of the electoral process. For example, she had not been involved in the voter registration process, had no information on the delimitation process and no office staff or budgetary resources to carry out the constitutional role of the ESC.

By contrast, the registrar-general was very confident of his office's role and responsibility for the overall electoral process. The registrar-general is a public servant under the authority of the Ministry of Home Affairs charged with overall administrative responsibility for the conduct of elections. The registrar-general directs the work of constituency registrars, presiding officers, polling officers, counting officers and other electoral officials. Thus while the registrar-general is required to regard any report or recommendation of the ESC, the office is almost entirely responsible for the actual conduct of the elections. As in the case of the Delimitation Commission, the current registrar-general, Tobaiwa Mudede, has held the office since its creation in 1980.

The delineation of roles has remained a long-standing issue in Zimbabwe and several opposition parties expressed concern about the dependence of the registrar-general on the ruling party and the lack of co-operation between the registrar-general and the ESC.

The final component of election administration in Zimbabwe is the Election Directorate that consists of a chair, appointed by the president, the registrar-general and between two and ten other members appointed by the minister of Justice, Legal and Parliamentary Affairs. The Election Directorate is responsible for co-ordinating the administration by government departments of various electoral tasks including the delimitation of constituencies, the registration of voters, and the conduct of the polls themselves.

The Election Directorate assumed an increasingly important role in the period preceding the election and on 7 June 2000, the Statutory Instrument 161A of 2000 empowered it to accredit foreign observers on the recommendation of the Ministry of Foreign Affairs.

Pre-election Violence

The biggest story in this election concerned pre-election political violence and intimidation. Over thirty persons were killed and many more reportedly harassed, beaten and forced to engage in partisan activities (some 5 000 according to human rights organisations). The opposition party MDC expressed concern that with over twenty murders since the February referendum police had not yet made a single arrest. The 'land invasions' in which liberation war veterans occupied commercial farms demanding land ownership have been marked by charges of weak or complicit responses by the police and the destruction of property. Throughout the land invasions, Zanu-PF maintained that its party officials, supporters and

President Mugabe called for restraint and spoke against the political violence, much of which it blamed on the MDC.

By contrast, media and human rights monitors argued that under such conditions free and fair political activity was impossible. In its final election observation report, the domestic monitoring organisation, the Zimbabwe Election Support Network, concluded that the 'violence created an atmosphere of fear and anxiety which had a serious psychological effect on the electorate' and that it was not possible to declare the election free and fair'.

Opposition parties also claimed the land occupations, violence and intimidation were part of a Zanu-PF strategy designed to steal the election. More than 1 200 white-owned commercial farms were occupied prior to the election. The opposition parties perceived the motive to be punishment for white farmers who were alleged by the ruling party to have coerced more than one million farm workers to vote against the draft constitution. President Mugabe made a public statement in March 2000 that seemed to confirm this: 'They (the war veterans) are demonstrating their greatest disappointment that there was this 'No' vote which negated the clause in the Constitution that was going to give government power to acquire land without hindrance.'

In the meantime, the Commercial Farmers Union (CFU) successfully petitioned the High Court on 17 March 2000 to have the war veterans removed from commercial farmers' properties. The police appealed against the order, citing limited resources, lack of staff and equipment and the Home Affairs minister, Dumiso Dabengwa, stated that the land issue was too sensitive to be handled purely as a policing matter. On 13 April 2000, the court ruled that the police force had sufficient resources to evict the occupiers and instructed government to meet any additional needs of the force to restore order on the commercial farms. Relations between the CFU and the war veterans remained tense even as various reports of a peace pact continued, evidence that the farmers were uncertain supporters of the MDC. Despite hedging their bets, it became increasingly clear to the farmers as election day approached that Mugabe had no intention of honouring court orders by instructing police or armed forces to remove the land invaders.

International observers on a mission sponsored by the National Democratic Institute for International Affairs (NDI) concluded that a free and fair election was not possible given the pre-election context. The NDI mission cited the land invasions, absence of rule of law, political violence and intimidation, bias in media coverage, and the lack of a level playing field for political parties, among other factors. Zanu-PF spokesperson Jonathan Moyo, publicly castigated the NDI for pre-judging the election and several newspapers, including the government-friendly newspaper, *The Herald*, followed suit.

Much of the election campaign was thus marred by political violence and intimidation. The prevailing climate of fear had an extreme effect on the electoral process as a whole. Although the levels of violence abated in the immediate weeks before the election, there were still reports of violence until polling day and opposition parties maintained that there were substantial 'no-go' zones under veterans' control.

Election Preparations

The voters' roll was received by the head of the Delimitation Commission at the beginning of May 2000 and was released to the public on 26 May 2000 and made available for public inspection at prescribed sites. Approximately 5.1 million voters appeared on the roll out of an estimated voting population of six million.

The leaders of both the MDC and the Zimbabwe Union of Democrats (ZUD) complained that they had no access to the complete voters' roll and that the period for inspection of the voters' roll for the purposes of candidate nomination, let alone widespread verification by voters, was insufficient. On 9 June 2000, the registrar-general was obliged to instruct constituency registrars to open a supplementary voters' roll to include all those who registered between 16 April and 12 June 2000.

Some voters and opposition political parties were concerned that the voters had not been issued with receipts at the time of registration and therefore lacked proof of registration. The registrar-general stated that this was not a concern since the national identification card was all that was needed to confirm one's status on the voters' roll.

Several members of the international community expressed confidence in the voters' roll whereas several opposition political parties and civil society organisations claimed that there had been insufficient consultation and opportunity for public inspection of the roll. The acting chair of the ESC also expressed concern about not being involved in the registration process and her inability to audit the roll.

Opposition parties objected to 29 May 2000, the original date of nomination day. This date would have allowed only one business day (a Friday) for the inspection of the voters' roll before the nomination courts sat to rule on candidate eligibility to stand for election. In a court application, the MDC argued that there had been insufficient time between the publication of the voters' roll and the delimitation of constituency boundaries and nomination day. The MDC won its court case and the court ruled that the candidate nomination period was to be extended to 3 June 2000, thereby allowing the required three weeks for the campaign period before the election on 24 – 25 June 2000.

The general election saw the highest number of women candidates competing for the legislature in the history of Zimbabwean elections. Fifty-five women candidates from five political parties contested the 120 elective seats in the Zimbabwe Parliament (Zanu-PF – 24, MDC – 10, ZUD – 3). Of the 55 women candidates, however, only 14 were elected to Parliament (11% of the 120 elected MPs).

Zimbabwe's previous Parliament had a 14% representation of women. These figures are below the 30% minimum representation target proposed by the 1997 Southern African Development Community Declaration on Gender and Development, which all member states of the regional grouping signed. The declaration sets 2005 as the deadline to reach this goal.

Party Campaigns

The Zanu-PF campaign centred on the slogan 'Land is the Economy and the Economy is Land'. The party claims for itself status as the only true revolutionary party in Zimbabwe and commits itself to the pursuit of five goals:

- ◆ Economic growth;
- ◆ Social justice through redistribution of wealth and equality;
- ◆ Democracy;
- ◆ Peace, stability and the rule of law; and
- ◆ National autonomy in domestic and foreign policy.

To achieve these goals, Zanu-PF plans to reduce government expenditure, rectify the foreign exchange crisis, accelerate public enterprise and financial sector reforms, create a National Housing Bank and re-introduce forms of price controls on basic commodities.

In its prioritisation of land as the central issue in Zimbabwe, the Zanu-PF manifesto argues that:

Our economy is driven by land to the extent that the white minority that owns the best farming and mining land in our country dominates all sections of the economy simply because the majority of our people are landless. However, the Lancaster House Constitution has tied the hands of our Government to prevent it from undertaking the necessary land reform over the first 10 years of independence.

Zanu-PF plans to acquire five million hectares of land from the 12.2 million hectares currently owned by white commercial farmers.

In addition to the land occupations, Zanu-PF had other substantial advantages over its competitors. For example, the Political Parties Finance Act of 1986 provides for the public funding of political parties in Zimbabwe for registered political parties with at least fifteen elected MPs. Parties meeting this threshold are eligible to receive annual funding from the state. These funds are not restricted to election years and the parties receiving funds do not have to return unspent money. Only Zanu-PF has ever benefited from this fund.

Zanu-PF's main competitor, the MDC, was a new party, launched on 11 September 1999 before a crowd of 20 000 supporters in Harare. The MDC is led by Morgan Tsvangirai, the former secretary-general of the Zimbabwe Congress of Trade Unions (ZCTU), which remains a key source of support along with other civil society organisations. The MDC's manifesto states that industrialisation is the key to economic growth. The party recognises the inequality in land distribution but emphasises the need for transparency and adherence to the rule of law. The manifesto stresses the need to reduce the budget deficit and stabilise the Zimbabwe dollar by re-opening negotiations with the donor community and multi-lateral agencies and accelerating the privatisation of public enterprises. It advocates free health services and free education at primary levels.

The MDC slogan 'Vote for Change' stressed the importance of replacing Zanu-PF with a party that could effectively manage the economy. The MDC blamed Zanu-PF for the violence and intimidation that preceded the election. It receives the majority of its support from the urban areas.

Election Observers

Prior to the 2000 election, the ESC was responsible for the accreditation of national observers. However, as noted above, in accordance with the Statutory Instrument 161A of 2000, in the Electoral (Amendment) Regulations, section 15B(1), issued on 7 June 2000, national monitors were appointed by the ESC and accredited by the registrar-general.

On 20 June 2000, section 15B(1) was amended by the Electoral (Amendment) Regulations to restrict domestic monitors to not more than one per polling station. The Zimbabwe Election Support Network (a coalition of 33 NGOs) had planned to rotate six monitors at each polling station. On 23 June 2000, however, an administrative circular was issued by the chair of the Election Directorate, which stated that despite the statutory amendment, the ESC and the Election Directorate agreed to permit four monitors at each polling station, provided that only one monitor be permitted inside the polling station at any one time. The circular also stipulated that monitors and polling agents be allowed to travel in the vehicles in which the ballot boxes were transported, if there should be room in the vehicle.

The late changes in the regulations governing the numbers and rights of access for national observers meant that the logistical operations for over 24 000 trained national

observers had to be altered twice in the course of the days immediately preceding the election. Owing to these delays, many national observers failed to observe the polling process on the first day of voting. Party agents were also able to observe the voting process and both the MDC and Zanu-PF had party agents at all polling stations.

The accreditation process for international observers was highly politicised, with Zanu-PF stating that no observers from the United Kingdom would be accredited. President Mugabe clearly stated that no British citizens would be welcome as international observers. He said: 'We will welcome any observer team as long as they do not include a single Briton. These young men (British government) are completely ignorant of us.' The largest international observer mission, from the European Union (EU), confirmed that it had not included any British nationals in its main observation team.

As with domestic observers, late regulatory changes added confusion to the process and were clearly designed to delay the deployment of international observers. International observers were accredited by the Election Directorate on the recommendation of the Ministry of Foreign Affairs, in accordance with Statutory Instrument 161A of 2000, gazetted on 7 June 2000. Section 15B(2) stipulates that international observers be accredited by the Election Directorate, on the recommendation of the Ministry of Foreign Affairs. Each international observer was required to pay an accreditation fee of US\$100. Furthermore, the Statutory Instrument Code of Conduct for election agents, polling agents, monitors and observers forbade them to interview voters at polling stations.

New regulations governing the accreditation process were issued in mid-June 2000. Further regulations were to follow. On 19 June 2000, the Election Directorate ruled that individuals representing NGOs would not be accredited as observers in terms of Statutory Instrument 161A of 2000. There were no written criteria on the definition of an NGO and once an international organisation was defined as such, it was immediately disqualified to conduct an observer mission. Similarly, diplomats or representatives of foreign governments were not accredited as observers, since they were already free to move around the country, but not to enter polling stations. Subsequently, the NDI and the International Republican Institute declared that they had been refused accreditation and withdrew from observing the election.

On 21 June 2000, the newly appointed chair of the ESC, Mr Gula-Ndebele, assured international organisations and NGOs that they would be accredited. Subsequently, these groups received their accreditation, some less than 24 hours before the polls were set to open. Finally, diplomats and other international embassy personnel were accredited on 23 June 2000. In the end, over 400 international observers received accreditation.

Election Day and Results

For all the violence and intimidation, the regulatory manipulation and the highly charged campaigning between Zanu-PF and MDC, the election days themselves were a largely peaceful affair. Most international observers agreed that the polling stations were generally well managed and well equipped. Thus, and surprisingly, given the general political climate in Zimbabwe prior to the election, the polling and counting days were observed to be peaceful and orderly.

Approximately 2.5 million of nearly 5.3 million registered voters cast their ballots. Voter turnout was 48%. Voter turnout has steadily declined in Zimbabwe, from 94 % in 1980, to 84% in 1985, to 54% in 1990, and 57% in 1995. In the 1996 presidential election, Robert Mugabe received 93% of the vote, with a voter turnout of 32%.

The registrar-general announced the results on 26 June 2000 in Harare. Table 1 indicates the final election results.

Political Party	Votes	Votes %	Seats
Zanu-PF ^a	1 207 298	47.23	62
MDC ^b	1 166 653	45.60	57
UP ^c	18 606	0.73	
ZANU-Ndonga ^d	17 823	0.69	1
Zapu ^e	11 331	0.44	
ZUD ^f	6 201	0.24	
Independents	57 622	2.25	
Other parties	3 510	0.14	
Total	2 556 261	97.32	120

Source: Zimbabwe Election Support Network

- a Zimbabwe African National Union – Patriotic Front
- b Movement for Democratic Change
- c United Parties
- d Zimbabwe African National Union – Ndonga
- e Zimbabwe African People's Union
- f Zimbabwe Union of Democrats

Conclusion

With these results Zimbabwe has its first-ever strong opposition, one that very nearly won the majority of elected seats. Had it done so, the MDC would have found itself in an even more highly charged situation, should Mugabe have decided to appoint his thirty seats in a manner that secured a majority of seats for his party while earning a minority of the popular vote. In any event, this scenario did not prevail. The MDC did charge that it was dissatisfied with the results in many constituencies and vowed to press its case in court challenges.

For the future, many administrative and legal issues remain to be settled. The delineation of roles between the ESC and the registrar-general is unclear and lack of resources for the ESC makes it a very weak electoral institution. The *debacle* around the accreditation of observers reinforced the very real power of elements in the bureaucracy loyal to Zanu-PF. The absence of public consultation and accountability in all aspects of the electoral process, from the constitutional review to delimitation to voter registration through to candidate nomination, builds little confidence in the willingness of the Zimbabwean government to reform its electoral practices.

The fact that voter turnout continues to decline, even in the face of a viable opposition party is still worrying, and continued land invasions and intimidation in by-elections following the 2000 election do not augur well for the future. After all, the presidential election is scheduled for 2002 and despite MDC efforts to press on with an impeachment process, they are unlikely to force Mugabe out of office. The MDC continues to press its case in court in the face of Mugabe's post-election legal manoeuvres to retain power for Zanu-PF. First, through Clemency Order No 1 of 2000 Mugabe pardoned all those accused of political violence and then issued a modification of the Electoral Act invalidating any electoral petitions against the June 2000 results. The MDC has subsequently brought a case against the government in the High Court in support of its court cases in 36 constituencies in which Zanu-PF won. Mugabe has

also attacked the judiciary on several fronts, from ignoring their rulings to end the land invasions, to attacking white judges for lack of patriotism, to threats to remove such judges from the bench, to the latest attack on the independence and legitimacy of the High Court. These moves, coupled with Mugabe's success at a special party congress in December indicate that he is determined to press on.

To dwell on the fact that the year 2000 closed without success on any of these fronts in part misses the point — for the first time since independence, Zimbabwe has a formidable opposition.

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Les Elections Ivoiriennes de l'An 2000

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Introduction

La Côte d'Ivoire est un Pays de l'Afrique de l'Ouest. Sa superficie est de 322 463 Km². Sa population est estimée à 15 800 000 habitants en 2000, avec 50.9% d'hommes et 49.10% de femmes. Elle est limitée au Nord par le Burkina FASO et le Mali, au Sud par le golf de Guinée, à l'Est par le Ghana et à l'Ouest par la Guinée et le Libéria.

Depuis la Proclamation de son indépendance le 7 Août 1960, elle est demeurée une République de Démocratie Constitutionnelle jusqu'au 24 Décembre 1999.

La Constitution du 3 Novembre 1960 qui a été modifiée à plusieurs reprises, prévoit le multipartisme. Mais la Démocratie multipartite ne sera réellement mise en pratique qu'à partir du 30 Avril 1990.

Avant cette date et pendant trois décennies, seul un candidat du parti unique le **PDCI-Rassemblement des Républicains (RDA)**, se présentait aux élections présidentielles.

En Octobre 1990, pour la première fois, un Candidat de l'Opposition, Laurent GBAGBO du **FPI**, s'est présenté comme adversaire du charismatique Président Félix Houphouët-Boigny (Candidat du PDCI-RDA) aux élections présidentielles.

Le 7 Décembre 1993, Félix Houphouët-Boigny décédait. Henri KONAN BEDIE qui exerçait les fonctions de Président de l'Assemblée Nationale achevait le mandat de Félix Houphouët-Boigny, conformément à l'article 11 de la Constitution.

En 1995, Henri KONAN BEDIE a été élu démocratiquement Président de la République, en face de Francis VANGAH WODIE, Candidat du PIT, (Parti Ivoirien des Travailleurs) parti d'opposition.

Le quinquennat du Président Henri KONAN BEDIE était interrompu par le coup d'état du 24 Décembre 1999. A la suite de ce putsch, un Comité National de Salut Public (CNSP) ayant pour Président, le Général de Brigade Robert GUEI, était mis en place. Le changement de pouvoir était suivi de la dissolution des Institutions ont été dissoutes et de la suspension de la Constitution.

En Février 2000, le nouveau Chef d'Etat, le Général de Brigade Robert GUEI, va nommé un Gouvernement de Transition composé de membres du RDR et de Membres du Front Populaire Ivoirien (FPI).

En Mai 2000, à la suite d'un remaniement ministériel, tous les membres du RDR ont quitté le Gouvernement de Transition. Dans le souci du retour à un système constitutionnel démocratique, le Gouvernement de Transition a mis en place une Commission Consultative Constitutionnelle et Electorale (CCCE) pour la coordination de la rédaction par 7 sous-Commissions des textes de la 2^{ème} République.

Ainsi une Constitution, un Code électoral et une charte des libertés et des droits humains ont été rédigés.

Une Commission de Supervision de l'Organisation du Référendum (COSUR) a été créée.

Le 1^{er} Août 2000, la Constitution de la 2^{ème} République et le Code Electoral adoptés par voie référendaire ont été promulgués. C'est sur la base de ces textes que se sont déroulées les élections de l'an 2000 en Côte d'Ivoire. L'écho des élections ivoiriennes de l'an 2000 a résonné en Côte d'Ivoire, en Afrique et dans le monde. Aussi présentent-elles l'intérêt d'être analysées pour permettre de mieux comprendre la dynamique interne et externe de la situation socio-politique de la Côte d'Ivoire.

Le présent article est axé sur trois (3) points :

- ♦ La période pré électorale
- ♦ La période électorale
- ♦ La période post électorale

Analyse de la période pré électorale

Le vote référendaire a été acquis à la grande majorité du OUI à 86,53 % contre le NON à 13,47 %, pour l'adoption de la Constitution de la 2^{ème} République et du Code Electoral.

Ce OUI massif signifiait la haute portée historique de poser cet acte juridique fondamental afin de sortir le pays de la période de transition et permettre les élections présidentielles et législatives pour avoir une vie institutionnelle normale.

L'idéal d'un pays démocratique avec la consolidation de l'Unité Nationale était le désir partagé par tous les Ivoiriens. La marque de confiance des Ivoiriens au système référendaire en raison de la transparence dans son organisation laissait présager une certaine transparence des élections générales.

Le taux de participation au référendum 56% exprimait la forte motivation des personnes disposant de leurs cartes d'électeurs à portée de main et la fastidieuse procédure de retrait des cartes pour les 40% d'abstention.

L'usage du Bulletin Unique a permis d'éviter les éventuels cas d'achat de conscience. Ce qui a renforcé la crédibilité du Scrutin référendaire pour lequel tous les responsables de partis politiques ont officiellement appelé à voter « OUI », même si des rumeurs faisaient état de ce que le Rassemblement des Républicains (RDR) aurait officieusement appelé ses partisans à voter « NON ».

C'est dans cet état d'esprit que le Peuple Ivoirien attendait les élections générales.

La période avant les élections générales a été marquée par la sélection des candidatures aux présidentielles.

Les élections présidentielles étaient prévues pour le 17 Septembre 2000. La Constitution prévoyait que les candidatures soient déposées 30 jours avant la date du Scrutin. la

Commission Nationale Electorale (CNE) instituée par l'ordonnance N° 2000 –551 du 9 Août 2000, a enregistré 19 Dossiers de candidatures aux élections présidentielles 2000.

Parmi ces dossiers, on notait essentiellement celui de: – Général de Brigade GUEI Robert, Chef de l'Etat, Président du Comité National du Salut Public (Gouvernement de Transition). Cette candidature a fait couler beaucoup d'encre et de salive.

Certains Ivoiriens et la Communauté internationale dont les Chefs d'Etat de la **CEDEAO** estimaient que le Général GUEI Robert devait être l'arbitre, la force tampon pour régler les conflits électoraux éventuels et donc ne devait pas être candidat.

D'autres Ivoiriens pensaient que « Robert GUEI est notre De Gaule. De Gaule a géré la transition, organisé les élections et les a gagnées. Le Général GUEI qui suit ses pas est l'homme de la situation. Nous rendrons le balai dès que la mission sera terminée ». ¹ C'est ainsi que le Général GUEI, écoutant son cœur, a été candidat.

Monsieur Alassane Dramane OUATTARA élu Président du Rassemblement des Républicains (RDR) au Congrès du 1^{er} Août 1999 de ce parti, après avoir choisi d'abandonner « Le Monde calme de la finance (Directeur Adjoint du FMI) pour celui plus trouble de la politique » ² a déposé son dossier de candidature, malgré la controverse relative à sa nationalité.

Monsieur Laurent GBAGBO, Président du FPI a été désigné Candidat aux Présidentielles par son parti, le FPI (Front Populaire Ivoirien). Selon les observateurs c'était la dernière chance de Laurent GBAGBO pour accéder à la Présidence de la République.

Monsieur Henri KONAN BEDIE, le Président de la République déchu par le putsch du 24 Décembre 1999 avait depuis la France où il était en exil, déposé un dossier de candidature aux Présidentielles 2000.

Monsieur le Contre-Amiral FADIKA Mohamed Lamine, Officier Général en disponibilité, Spécialiste des Affaires Maritimes, Ministre pendant une vingtaine d'années, membre de la Direction du **PDCI** a également présenté un dossier de candidature aux Présidentielles 2000.

Monsieur le Colonel Emile Constant BOMBET Colonel à la retraite, Ministre de l'Intérieur et de la Décentralisation pendant 9 ans a présenté un dossier de candidature.

Cependant, à la convention du PDCI-RDA du 17 Août 2000, pour la première fois dans son histoire, et sous l'impulsion du Contre-Amiral FADIKA Mohamed Lamine, qui sera alors appelé « le père de la démocratie au PDCI », le PDCI-RDA va procéder à un vote suivant les principes démocratiques pour désigner comme Candidat aux Présidentielles, Monsieur Emile Constant BOMBET.

Henri KONAN BEDIE arrivera en 2^{ème} position et le Contre-Amiral FADIKA occupera le 3^{ème} rang, parmi le nombre impressionnant de candidats à l'investiture du PDCI-RDA.

Monsieur le Professeur Francis V WODIE déposera également un dossier de candidature sous l'étiquette du PIT (Parti Ivoirien des Travailleurs).

Monsieur MEL Théodore, Maire de la Commune de COCODY au titre du PDCI, a présenté son dossier sous l'étiquette de l'**UDCY**, un parti qu'il venait de créer.

Monsieur DIOULO Nicolas, présentera un dossier de candidature pour les présidentielles 2000 etc ...

1 Cf Afrique Education N° 73 de Septembre 2000 p24–26

2 Cf J.A N° 2009 du 13 Juillet 1999 p9

Sur les 19 dossiers de candidatures dont 9 émanaient du PDCI et 1 du RDR, réceptionnés par la Commission Nationale Electorale (CNE), 14 ont été rejetés par la Chambre Constitutionnelle de la Cour Suprême, présidée par Monsieur TIA KONE, l'ancien Conseiller Juridique Spécial du Général de Brigade GUEI Robert Chef de l'Etat, nommé Président de la Cour Suprême et Président de la Chambre Constitutionnelle.

Parmi les personnes éliminées pour la course aux présidentielles, on note le Président Henri KONAN BEDIE auquel il a été reproché d'avoir présenté un dossier incomplet. L'examen médical prévu à l'article 35 de la Constitution exigeant « un état complet de bien-être physique et mental dûment constaté par un Collège de *trois Médecins désignés par le Conseil Constitutionnel sur une liste proposée par le Conseil de l'Ordre des Médecins de Côte d'Ivoire. Ces trois Médecins doivent prêter serment devant le Conseil Constitutionnel* », cette exigence n'aurait pas été remplie par le Président BEDIE.

La candidature de Monsieur Alassane Dramane OUATTARA, ancien Premier Ministre sous HOUPHOUET BOIGNY, Candidat du RDR, a été disqualifiée. Il lui a été reproché « un doute sur l'identité de ses parents et que sa mère Nabintou OUATTARA déjà décédée n'a pu devenir Nabintou CISSE et que le mariage coutumier n'entraîne pas de changement de nom à l'état civil et qu'il existe un doute originel qui affecte la validité de ses déclarations sur l'honneur de non renonciation à la nationalité ivoirienne et de non prévalence d'une autre nationalité car il était de nationalité voltaïque d'origine quand il était inscrit à l'université de Pensylvanie et au moment de son mariage avec Dame Barbara Jean Davis à Philadelphie le 10 Janvier 1966, qu'il a été nommé Vice - Gouverneur de la BECEAO le 1^{er} Décembre 1982 et décoré la même année en qualité de Voltaïque » en conclusion de ne pas être « Ivoirien d'origine, né de père et de mère eux-mêmes ivoiriens d'origine » et de s'être « prévalu » à des moments de sa vie, de la Nationalité Burkinabé et donc d'être de moralité douteuse.

La candidature de Monsieur Emile Constant BOMBET, Candidat investi par le PDCI-RDA, a été rejetée à cause de l'instruction judiciaire dans l'affaire de détournement de deniers publics « Affaire des 18 milliards de l'Union Européenne » dans laquelle il est inculpé.

La Chambre Constitutionnelle de la Cour Suprême sans tenir compte de la présomption d'innocence, a considéré qu'il y a moralité douteuse.

La candidature du Contre-Amiral FADIKA Mohamed Lamine a été écartée aux motifs qu'il n'aurait pas remboursé depuis longtemps un prêt d'argent que des banques lui ont consenti pour des travaux de sa maison et pour le fait qu'une Société sous tutelle de son Ministère aurait fait cadeau à son épouse de billet d'avion.

L'arrêt de la Chambre Constitutionnelle de la Cour Suprême précise même qu'aucune procédure judiciaire n'a été initiée contre Monsieur FADIKA Mohamed Lamine. Mais conclut qu'il est de moralité douteuse parce que sa dette a trop duré.

Le principe de la quérabilité des dettes d'argent prévu par le Code civil ivoirien surtout quand cette dette est garantie par une hypothèque, ainsi que la règle de savoir vivre qui consiste à faire quelque fois des cadeaux à son supérieur hiérarchique ou ses proches surtout lorsque le coût de ces cadeaux est conforme à la ligne budgétaire prévue pour la tutelle à cet effet, sont bafoués par la décision de la Cour Suprême qui est sans recours. Ainsi, les seules candidatures retenues sont celles du Général Robert GUEI « Le Candidat du Peuple » qui n'a pas pu se présenter à l'investiture du PDCI parce que « les militants du PDCI ne voulaient pas donner en mariage leur mère à l'assassin de leur père ». Il a été retenu malgré sa qualité de militaire non en disponibilité selon les requêtes déposées contre ladite candidature, parce qu'« il était Président de la République en exercice et cette fonction est incompatible avec

toute fonction publique et toute activité professionnelle » selon l'arrêt de la Chambre Constitutionnelle.

La candidature de Monsieur Laurent GBAGBO du FPI a été retenue malgré les cris de Monsieur Paul Arnaud qui dira : « Je suis encore en procès avec lui devant les juridictions correctionnelles pour l'affaire SADEA-Editions » et sa décision de mise en disponibilité en date du 9 août 2000 pour compter du 3 Août, parce que le code électoral a été promulgué le 1^{er} Août 2000 et donc le délai de 6 mois ne pouvait prospérer. Naturellement ce code ne prévoit pas de dispositions transitoires.

Le Professeur Francis WODIE a été qualifié comme Candidat du PIT.

Monsieur MEL Théodore a été retenu malgré des rumeurs de « l'affaire de drogue aux USA dans laquelle il aurait recouvré sa liberté par le versement d'une caution ».

Monsieur Nicolas DIOULO dont le peuple Ivoirien entendait parler pour la première fois à l'occasion des présidentielles, a été aussi retenu.

En réaction à l'élimination de sa candidature, Monsieur Alassane Dramane OUATTARA a estimé que la décision de la Chambre Constitutionnelle était une décision imposée par GUEI.³

Avant d'en arriver à cette sélection des 5 Candidats pour les Présidentielles, la Côte d'Ivoire a reçu le 10 Août 2000 à Yamoussoukro, conformément à la décision sur la Côte d'Ivoire adoptée par les Chefs d'Etat et de Gouvernement de l'OUA lors de la 36^{ème} Session ordinaire de l'OUA et à la demande de son Président en exercice, à Yamoussoukro, Messieurs YASSINGBE Eyadema, Président de la République du Togo, Monsieur Mathieu KEREKOU, Président du Bénin et Président en exercice du Conseil de l'Entente.

Cette mission à laquelle ont participé le PDCI-RDA, le FPI, le RDR et le PIT et des Chefs traditionnels, préparait celle de la Commission des dix Chefs d'Etat de l'OUA en vue de trouver avec tous les leaders politiques ivoiriens un compromis pour assurer une transition pacifique dans l'unité et la stabilité de la Côte d'Ivoire.

A cette occasion, le Général GUEI Robert avait rassuré que le processus de transition permettra le retour à une vie constitutionnelle normale dans les délais fixés et que le référendum constitutionnel et électoral s'est bien déroulé. Avec cette avancée majeure, il a manifesté sa ferme volonté de conduire les prochaines échéances électorales dans un climat de paix et de concorde propre à consolider l'unité nationale.

Le 25 Septembre 2000 le Comité des 10 de l'OUA était à Abidjan. Il a recommandé que les élections présidentielles soient précédées des législatives pour la mise en place de l'Assemblée Nationale. Il ne trouvait pas nécessaire la publication de la liste des candidats à la Présidence de la République.

Le Comité des 10 de l'OUA a en outre recommandé que pour la réconciliation nationale, les élections présidentielles soient organisées avec la participation de tous les candidats dans un esprit de justice et de transparence. Les membres du Comité ont affirmé leur volonté de fournir une assistance individuelle et collective en coopération avec les Nations Unies et des partenaires internationaux pour faciliter la tenue d'élections libres et régulières qui reflètent la volonté du peuple ivoirien.

3 Cf Le Jour N° 1698 du 9 Octobre 2000 et déclaré au quotidien sénégalais 'Le Soleil' que GUEI n'est pas Ivoirien Cf. Inter N° 736 du 9 Octobre 2000

En réponse à ces recommandations, le Général de Brigade Robert GUEI, Chef de l'Etat a adressé une correspondance au Général EYADEMA pour expliquer que: « la Constitution adoptée par une majorité de près de 87% règle désormais la vie des citoyens et des institutions de Côte d'Ivoire et que des personnes qui n'ont pas accepté de suivre la volonté du peuple ont voulu mettre en péril la cohésion nationale et la sécurité de la Côte d'Ivoire; Que le peuple qui est moins prompt que ses responsables à saisir les enjeux politiques a voulu exprimer par ses prises de position souvent brutales, son exaspération devant les provocations répétées d'un homme dont la prétention et la morgue irritent la Côte d'Ivoire toute entière et que l'expression de cette colère a connu des excès dont le Président EYADEMA a dû souffrir et qu'il voudrait donc le prier d'accepter les excuses sincères de la Côte d'Ivoire, pour les écarts regrettables observés ... »

Des développements qui précèdent, il ressort que le peuple de Côte d'Ivoire de par sa réaction, n'a pas tenu compte des recommandations du Comité des 10 de l'OUA et il a été procédé à la sélection des candidatures à la Présidence de la République. En outre, la sélection des candidatures a abouti à l'élimination de tous les Candidats d'obédience PDCI-RDA, la raison fondamentale était-elle le fait que le PDCI-RDA ait refusé d'investir le Général GUEI Robert, Chef de l'Etat et Président du CNSP?

Le rejet des recommandations de l'OUA pourrait s'expliquer par le fait que la règle de non ingérence contenue dans la Charte de l'OUA s'est muée en obligation d'ingérence. Mais le peuple Ivoirien n'entendait pas « mettre de côté sa constitution élaborée de manière laborieuse ». Car ce serait comme « si après un accouchement aux forceps d'un enfant, la mère sacrifiait son bébé né vivant et viable parce que une tierce personne ne voulait pas voir ce bébé grandir ». La constitution ainsi que le Code Electoral ont trouvé un sens à leur application. Des organisations de la Société Civile ont fait des marches pour soutenir l'application de la Constitution. Aussi, sur la base de ces textes fondamentaux, la période électorale a été ouverte.

Face à l'élimination de nombreuses candidatures, Washington a suspendu son aide à la préparation du scrutin. Ses observateurs ont considéré que le processus électoral a pris du plomb dans l'aile. Monsieur EYADEMA et l'OUA ont déploré le rejet de nombre de candidatures tandis que la France a appelé les Ivoiriens à prendre leurs responsabilités. L'Union Européenne a rappelé ses observateurs. Les Nations Unies ont fait autant. C'est dans ce climat que le calendrier électoral a été publié:

La Présidentielle fixée au 22 Octobre 2000, les Législatives au 10 Décembre 2000 et les Municipales au 21 Janvier 2001 puis reportées au 25 Mars 2001.

La Période électorale

Des Elections Présidentielles

L'Organisation de la campagne électorale présidentielle fixée par les textes apparaissait respectée par la **CNE** et par les candidats. Au niveau de la Communication, les plages horaires étaient respectées sauf que naturellement le Général Robert GUEI étant le Chef de l'Etat en exercice paraissait plus en vue puisque l'Etat continuait d'exercer des activités de par son Chef et qui bénéficiaient de la couverture médiatique.

Le 19 Octobre 2000 l'on lira sur le Journal N° 731 « Notre Voie » : « Laurent GBAGBO, depuis SAN Pedro, prévient : nous ne nous laisserons pas faire face à la fraude qui se prépare ».

Lors de son passage à SAN Pedro, il dira : « Chers parents, nous allons gagner le 22 Octobre même si certaines personnes veulent bourrer les urnes. On dit qu'à Abidjan, quand on arrête les bandits, on les amène à l'école de police, dans les camps militaires et on met leurs empreintes sur les bulletins de vote. Je voudrais dire à ceux qui font ça qu'ils pensent à la Côte d'Ivoire parce qu'ils sont entrain de préparer la guerre civile. Les enfants de Côte d'Ivoire ne se laisseront pas faire.

Nous avons lutté, lutté. Nous sommes comme les enfants de Dieu sortis d'Egypte, qui ont marché pendant 40 ans dans le désert. Nous voyons la terre promise, et tous ceux qui se dresseront contre nous, nous allons les combattre ... si nous élisons Dimanche prochain un militaire arrivé à la suite d'un coup d'Etat, la Côte d'Ivoire sera mise au banc des nations ... chaque chose a son temps. Ceux qui parlent d'HOUPHOUET BOIGNY oublient que le temps HOUPHOUET est passé ».

On peut déduire de la période de campagne qu'en réalité, en fait de cinq candidats en liste, le jeu devait se faire entre deux : GBAGBO et GUEI. Alors qu'au moment de la sélection pour l'élimination des candidats du PDCI-RDA et du RDR, la rumeur faisait état d'un accord secret entre GBAGBO et GUEI pour que GUEI soit le Président et GBAGBO son premier Ministre, peu importe le résultat des élections. Vers la fin de la campagne, tout le monde s'est rendu à l'évidence que GBAGBO n'était pas candidat à un poste de Premier Ministre mais bien au poste de Président de la République.

L'atmosphère très cordiale du début de la campagne avait au fur et à mesure qu'on s'approchait vers la date du 22 Octobre 2000 un ton tendu, grave avec suspicion de l'adversaire : « le savoir faire du pouvoir en matière de fraude n'est un secret pour personne.⁴ Ceci avait crée une inquietude de la part de Gbagbo qui dira le samedi 21 Octobre que « nous souhaitons que le Général accepte le verdict des urnes, sinon tout est possible, y compris une révolution pour faire respecter le suffrage universel. A l'occasion de son dernier meeting à YOPOUGON, il dira : « Le choix qui s'offre à la côte d'Ivoire : soit une alternance à la sénégalaise c'est-à-dire en douceur et dans la dignité, soit une alternance à la Yougoslave où la rue se charge d'imposer sa volonté. Si on vous vole votre victoire, prenez la Radio, la Télévision, la Primature, la Présidence de la République ».

De son côté, le Général dira à la presse : « si je suis élu, je tiendrai la main à tous les Ivoiriens » et il prônera une administration de développement et en accordant une place de choix à ce qu'il appelle « une douce révolution culturelle » « soyez assurés d'une chose, mes chers compatriotes. Si je venais à être battu aux prochaines élections, c'est en digne héritier du Président Félix HOUPHOUET BOIGNY et en démocrate convaincu et sincère que je remettrai le pouvoir selon les formes légales à son nouveau titulaire que le peuple Ivoirien aura librement choisi.

Toutes les dispositions seront prises et d'autres mesures suivront pour que le peuple de Côte d'Ivoire s'exprime librement le 22 Octobre 2000 et choisisse sans entraves et dans la transparence totale, celui qui devra le conduire vers sa nouvelle destinée.

Guei a fait appel aux Ivoiriens de n'écoutez pas les voix qui les appelle au boycott de ces élections car ce sont ces voix-là qui veulent l'aventure pour notre pays. Oui ces voix sont pour la plupart celles de ceux de nos compatriotes qui n'hésitent pas à monnayer leur conscience en plaçant leur personne au dessus de l'intérêt général des ivoiriens et de la Côte d'Ivoire.

4 Cf J.A. L'Intelligent N° 2078-7 au 13 Novembre 2000

GUEI va aussi évoquer les graves menaces qui pèsent sur le pays et annoncé en conséquence la fermeture nocturne des frontières et aéroports du Vendredi 20 Octobre 2000 au Mardi 24 Octobre 2000. « Cette précaution sécuritaire a-t-il dit, a pour but de garantir la paix et la stabilité de notre pays et ne saurait être interprétée comme une stratégie électorale ».

Il ressort des propos qui précèdent que les 2 candidats de poids de la liste se donnaient des réponses dans leurs discours à l'heure du scrutin.

La fin de la campagne a été quelque peu gênée par les mesures d'état d'urgence et de couvre-feu. Le climat était tel que l'OUA n'a pu envoyer des observateurs en déclarant à l'AFP : « Au vu de l'évolution de la situation dans le pays et des circonstances dans lesquelles les élections seront tenues, l'OUA ne sera pas en position d'envoyer des observateurs pour les suivre ... Envoyer des observateurs serait ressenti comme un soutien et ce serait légitimer ce qui s'y passe maintenant ».

Ce communiqué de l'OUA trouve son fondement dans le climat d'insécurité et le fait que sa recommandation de voir tous les candidats déclarés participer aux présidentielles n'ait pas été suivie par GUEI. Le climat était non sécuritaire parce que les deux principaux partis d'opposition avaient leurs candidats écartés et avaient donc appelé au boycott pacifique pour le PDCI et au boycott citoyen pour le RDR.

La décision de l'OUA a ainsi suivi celle du Bureau des Nations Unies chargé de la coordination des élections en Côte d'Ivoire qui a suspendu sa mission pour les présidentielles. Le pays était sous couvre-feu et en état d'urgence lors du référendum constitutionnel électoral. Il était également sous couvre-feu et en état d'urgence lors des présidentielles.

Une déclaration du CNSP lue par le Chef d'Etat Major, relativement à la situation socio-politique à la veille des élections présidentielles va porter au RDR des accusations de recrutement de mercenaires en vue de renverser le régime avant le Dimanche 22 Octobre 2000, pour installer leur leader qui conteste la Constitution et la décision de la Chambre Constitutionnelle. Le RDR va s'en indigner en affirmant dans une déclaration du 18 Octobre 2000 (publiée le 20 Octobre 2000, dans Soir INFO N° 1856), son souci de préserver la paix sociale malgré l'injustice et l'ostracisme dont il est l'objet.

Le Président de la Commission Nationale Electorale va rassurer quant à la rumeur de fraude en précisant que les militaires ont droit de vote mais ne voteront que le Dimanche 22 Octobre 2000. Ce fut avec la psychose de la fraude et la peur au ventre que le scrutin du 22 Octobre aura lieu. Les aides extérieures étant suspendues, les Ivoiriens, les Ivoiriennes et leurs amis ont fait une collecte nationale pour appuyer la CNE dans l'organisation des élections présidentielles.

Le Dimanche 22 Octobre 2000, le Scrutin se déroule dans un calme plat. Sur 15.8 millions d'habitants, 5 475 143 figurent sur la liste électorale — 16 317 bureaux de vote — 240 000 électeurs âgés de 18 à 20 ans — 22 550 électeurs à l'étranger. Les jeunes de moins de 21 ans n'avaient pas voté au référendum mais ont pu prendre part aux présidentielles.

Le bulletin unique expérimenté pendant le référendum a été également utilisé lors des présidentielles. Les résultats du scrutin devaient être centralisés à la CNE pour la proclamation provisoire des résultats avant leur transmission à la Cour Suprême. Le taux de participation a été faible en raison du mot d'ordre du boycott du RDR et du PDCI, dans certaines régions. Mais dans d'autres régions notamment la région de l'Ouest d'où sont ressortissants, le Général Robert GUEI et Laurent GBAGBO, la participation a été massive tout comme dans la région de l'Agnéby où les ressortissants se sont toujours considérés comme des oubliés de tous les régimes qui se sont succédés et désiraient donc le changement, et

dans le Centre où le désir de rejeter le régime militaire de GUEI le tombeur de BEDIE a pris le pas sur la consigne d'abstention donnée par le PDCI-RDA à ses militants.

La nuit du 22 Octobre 2000 a été blanche pour tous les Ivoiriens. Les résultats du scrutin n'avaient commencé à être annoncés par le Président de la CNE à la Télévision que le lendemain 23 Octobre 2000. Ces résultats égrenés, circonscription par circonscription, régulièrement par Monsieur GUIE Honoré, Président de la CNE, seront suspendus. Après l'annonce de 20% des circonscriptions, le Général Robert GUEI se trouvera favorisé avec 53% des voix contre 39% à Laurent GBAGBO. Après l'annonce de 40% des résultats, Laurent GBAGBO se retrouvera en tête.

Les résultats partiels annoncés étaient les suivants :

<u>Suffrages Exprimés valables</u>	:	126 683
- Robert GUEI	:	51 186 voix, soit 40%
- Laurent GBAGBO	:	65 054 voix, soit 51.35%
- MEL Eg Théodore	:	2 714 voix
- Nicolas DIOULO	:	1 351 voix
- Francis WODIE	:	7 261 voix

Ces résultats provisoires partiels étaient annoncés dans l'ordre sur le bulletin unique utilisé pour le vote. Le fait remarquable à souligner ici est que le total des nombres de voix obtenues par tous les candidats est 127 566 et le nombre de suffrages exprimés (valables) annoncés est de 126 683.

Il a été noté une différence de voix de 883 voix dont on ne sait la provenance. Après le dépouillement de 40 circonscriptions, Laurent GBAGBO a obtenu 52.9% et Robert GUEI toujours 40%.

Tout d'un coup, les résultats partiels provisoires ne tombaient plus. Ceux qui étaient devant leur petit écran ne connaîtront la cause de cette suspension que plus tard. Par contre, les personnes aux alentours de la CNE sauront que le Sergent-Chef BOKA YAPI et son équipe auraient reçu l'ordre d'enlever le Président de la CNE de force ou de gré et de l'emmener chez le Général GUEI. Monsieur Honoré GUIE s'y refuse.

Ce refus le fera subir avec ses collègues Raphaël OUATTARA de AID-Côte d'Ivoire, Bilé BOUA Mathieu de la LIDHO et les autres membres de la CNE, les violences des forces de l'ordre avant d'être enfermés dans une pièce.

Le reste de la journée du 23 Octobre 2000 se passera sans annonce de résultats. Le 24 Octobre 2000, Laurent GBAGBO rencontre GUEI en présence de Monseigneur Bernard AGRE, l'Archevêque et les autres Religieux. Il demande à Robert GUEI de reconnaître sa défaite et lui propose une porte de sortie honorable avec un statut d'ancien Chef de l'Etat avec tous les avantages (salaire, Cabinet Civil, Logement et même le cas échéant la présidence d'une institution de la République).

En réponse le Général GUEI répondra : « je suis respectueux de l'Etat de droit et les Ivoiriens m'ont élu Président de la République ».

L'après-midi du 24 Octobre 2000, on annoncera à la Télévision la dissolution de la CNE par voie d'ordonnance présidentielle, ses attributions étant dévolues selon une autre ordonnance, au Ministère de l'Intérieur et de la Décentralisation.

Aussitôt, un couvre-feu et l'état d'urgence ont été décidés pour le même jour jusqu'au Samedi 28 Octobre 2000.

La « proclamation » des résultats du vote est alors effectuée par le Président de la coordination électorale Monsieur BAMBA CHEICK Daniel du Ministère de l'Intérieur et de la Décentralisation d'alors dont le Ministre était le Colonel MOASSI GRENA. A cette proclamation « officielle » provisoire, vont suivre, l'auto proclamation du Général Robert GUEI sur les antennes de Radio Côte d'Ivoire, l'auto proclamation de Monsieur Laurent GBAGBO sur les antennes étrangères.

Les textes instaurant l'Etat d'urgence et le couvre-feu sont lus à la Télévision ivoirienne par le Général Martin ASSAUD AKAWA, Ministre de la Sécurité. La nuit du 24, aux environs de 3 heures du matin, le Camp d'AKOUEDO (AKANDJE) Camp des jeunes gens du Général Robert GUEI, le point de départ du putsch du 24 Décembre 1999, est attaqué par une division blindée favorable à Monsieur GBAGBO. Le Commandant Jean REMARCK y perdra la vie.

L'affrontement s'est poursuivi jusqu'au petit matin. Entre temps, Monsieur Laurent GBAGBO passera à la Télévision pour appeler à la résistance contre « ce putsch électoral » en demandant à tous les Ivoiriens et à toutes les Ivoiriennes, les jeunes, les adultes, de descendre dans la rue et d'occuper la Présidence de la République ainsi que le siège de la RTI.

Aussitôt après le message de Monsieur Laurent GBAGBO, plusieurs dizaines de milliers d'Ivoiriens surtout des jeunes ont marché vers le Plateau et vers COCODY en provenance de tous les quartiers. Une dizaine de personnes a laissé la vie sous les balles des éléments de la Garde présidentielle. Nombreux ont été blessés.

C'est finalement la manière Yougoslave qui a été choisie. La marche du peuple à la MULOSEVIC va donner le Pouvoir à Laurent GBAGBO qui va annoncer à la Télévision la dissolution du Gouvernement et la réhabilitation de la CNE en lavant Honoré GUIE de toute la souillure dont il a été couverte par le régime militaire.

Le Premier Ministre SEYDOU DIARRA, en compagnie du Capitaine de vaisseau, Henri SAMA DAMALAN, Ministre de la Communication, avait auparavant, tenté de convaincre le Général GUEI de se soumettre à la volonté populaire, mais en vain.

C'est dans ces conditions que l'appel à la résistance de Laurent GBAGBO étant entendu, le peuple l'a choisi comme son Président. De nombreuses personnalités vont lui faire allégeance. On y compte les Chefs Militaires, les responsables de partis politiques et des personnalités comme le Président Sénégalais Monsieur WADE, Monsieur Henri Emmanuelli qui vont l'appeler pour le féliciter. Mais le même 24 Octobre 2000 vers 16 heures, le RDR entreprend d'organiser une marche pour réclamer la reprise des élections présidentielles avec la participation de tous les candidats.

Entre temps, le 25 Octobre 2000, la CNE « réhabilitée » a repris ses travaux pour continuer de proclamer les résultats provisoires des présidentielles au terme desquels Laurent GBAGBO a été élu Président de la République.

Le 26 Octobre 2000, les résultats provisoires proclamés par la CNE sont confirmés par la Chambre Constitutionnelle de la Cour Suprême présidée par Monsieur TIA KONE qui, à 17 heures du même jour, a procédé à l'investiture de Monsieur Laurent GBAGBO en qualité de Président de la République de Côte d'Ivoire.

Après l'investiture, l'on constate que Robert GUEI n'est plus à Abidjan. Il a quitté le Palais Présidentiel en Hélicoptère. Le peuple Ivoirien ignorait sa destination. Un charnier a été découvert dans la zone industrielle de YOPOUGON le 27 Octobre 2000.

En effet, la journée du 26 Octobre 2000 a été bien pénible pour les Ivoiriennes et les ivoiriens. Les militants du RDR revendiquaient par une marche l'organisation d'une nouvelle

élection présidentielle jugeant celle du 22 Octobre ainsi que la victoire de Monsieur Laurent GBAGBO illégitimes. Ils sont donc descendus dans les quartiers pour protester.

Il y avait pratiquement une course poursuite entre militants du RDR et militants du FPI. Ces derniers ne voulaient pas que certaines personnes profitent de leur victoire pour assouvir leurs desseins personnels.

Les forces de l'ordre ont mis fin à ces affrontements. Puis une peur – panique s'est emparée des populations la nuit du 26 Octobre à cause des rumeurs d'empoisonnement de l'eau de la SODECI. Ces rumeurs ont été vite dissipées par les responsables de la SODECI.

Les leçons à tirer de ces élections présidentielles sont que : Le dernier mot appartient toujours au peuple.

A l'analyse, la proclamation des résultats n'était pas terminée, lorsque la CNE qui a été créée par ordonnance a été supprimée et ses attributions ont été dévolues au Ministère de l'Intérieur et de la Décentralisation.

Le parallélisme des formes est respecté et donc c'était légalement que le Ministère de l'Intérieur et de la Décentralisation a proclamé « des résultats provisoires ». Mais quelle crédibilité accorder à ces résultats quand on sait que les représentants des partis politiques n'avaient ni participé, ni assisté aux totaux et évaluations donnant ces résultats en faveur du Général GUEI Robert.

En revanche, la CNE est légalement dissoute. Il n'y avait pas eu une autre ordonnance présidentielle pour la rétablir dans ses fonctions. Monsieur Laurent GBAGBO n'était pas encore élu. Au moment où il avait déclaré la « réhabiliter », tous les résultats du scrutin n'étant pas connus, 40 circonscriptions sur 250 étaient connues et aucune proclamation officielle n'avait encore eu lieu par la Cour Suprême. En poursuivant la proclamation des résultats de la suite des opérations de vote, la CNE dissoute n'avait plus qualité pour le faire.

Aussi une institution devenue illégale qui a prononcé des résultats provisoires d'un scrutin a rendu illégaux lesdits résultats. En proclamant définitifs ces mêmes résultats provisoires, la Chambre Constitutionnelle de la Cour Suprême a proclamé des résultats illégaux puisqu'elle n'a pas pu régulariser l'illégalité de base de l'institution CNE dissoute.

Il aurait fallu, pour rendre les résultats du scrutin légaux, au moment de la dissolution de la CNE, saisir la Chambre Constitutionnelle de la Cour Suprême sur le fondement de l'article 47 du nouveau Code Electoral qui prévoit : « En cas d'événements ou de circonstances graves ... rendant impossible, le déroulement normal des élections ou la proclamation des résultats, le Président de la Commission chargée des élections saisit immédiatement le Conseil Constitutionnel aux fins de constatation de cette situation.

Le Conseil Constitutionnel décide dans les 24 heures de poursuivre ou de suspendre les opérations ou la proclamation des résultats. Lorsque le Conseil Constitutionnel constate la cessation des événements ou circonstances graves, il fixera un nouveau délai qui ne peut excéder 30 jours pour la proclamation des résultats. Toutefois, si l'on peut estimer que les résultats du scrutin sont entachés d'illégalité, l'investiture du Président Laurent GBAGBO est parfaitement légitime parce que intervenue après la descente du peuple dans la rue.

En effet la légitimité vient du peuple et le dernier mot lui appartient. A l'appel du Président du Front Populaire Ivoirien (FPI) le Mardi 24 Octobre 2000 toutes les populations d'Abidjan et du pays profond sont descendus dans les rues pour rejeter le régime militaire qui voulait opérer « un Hold-up électoral ». C'est ce soulèvement populaire qui a entraîné la chute du régime militaire de la Transition et l'investiture par le peuple de Monsieur Laurent GBAGBO comme Président de la République de Côte d'Ivoire.

La voix du peuple est donc bien la voix de Dieu et toute contestation de la légitimité du Président Laurent GBAGBO ne saurait prospérer. Les vies humaines qui ont été perdues pendant cette page de l'histoire Ivoiriens et qu'on a appelés martyrs de la démocratie ont contribué de manière notable à a défaire la dictature militaire. Aujourd'hui Côte d'Ivoire, toute personne qui voudra prendre le pouvoir par force sait qu'il saura plus le maintenir car l'expression de la volonté du peuple a toujours triomphé des dictatures.

Autant le peuple n'a pas compris pourquoi le Général GUEI Robert qui a lui-même créé la CNE, tenait à conserver le pouvoir au point d'utiliser les antennes de la Radio pour s'annoncer comme Président alors que les résultats provisoires n'étaient pas tous proclamés, autant le peuple n'a pas compris Monsieur Alassane OUATTARA qui avait appelé ses partisans au calme, après la proclamation le 6 Octobre 2000 des candidats éligibles aux présidentielles où il était éliminé. Or une telle situation aurait pu justifier une réaction de la part de ses militants même si cela ne procédait pas de la culture civique et républicaine et le peuple l'aurait certainement compris.

Aussi si la manifestation du RDR des 25–26 Octobre était légalement fondée sur la liberté d'expression, de manifestation pacifique, elle paraissait illégitime pour avoir laissé les élections se dérouler sans être Candidat et sans avoir voté puisque le mot d'ordre de boycott citoyen a été observé, mais d'avoir appelé à une descente dans les rues pour réclamer la reprise des élections en contestant la légitimité du Président investi au nom du peuple.

Finalement les résultats connus du scrutin étaient comme suit :

- Laurent GBAGBO	:	59.36% des Suffrages Exprimés
- Robert GUEI	:	32.72%
- Francis WODIE	:	5.70%
- MEL Eg Théodore	:	1.47%
- Nicolas DIOULO	:	0.76%
- Taux d'Abstention	:	62%
- Taux de Participation	:	35%

Le scrutin a été régulier même si le taux d'abstention a été fort et la proclamation des résultats troublée. L'esprit de paix commande d'accepter l'investiture du Président qui pour charge immédiate de faire marcher le train de la Démocratie pour permettre à la Côte d'Ivoire de retrouver rapidement sa stabilité et et la paix sociale pour un développement équilibré durable.

Tout le peuple Ivoirien doit accepter et respecter l'institution du Président de la République et être patient puisque les leaders des partis ont la possibilité tous les 5 ans de se faire choisir, ou rechoisir.

Des Elections Legislatives

La Commission Nationale Electorale « réhabilitée » par le Président du FPI va poursuivre sa mission avec les élections législatives fixées au 10 Décembre 2000 par Décret.

La date des dépôts de candidature est prévue pour le 3 Novembre 2000. Mais par une requête adressée à Monsieur Laurent GBAGBO, premier Chef d'Etat de la 2^{ème} République, la Direction du PDCI-RDA a demandé le report des élections législatives en raison des violences qui ont perturbé le climat socio-politique après la présidentielle du 22 Octobre 2000, pour laisser le temps aux esprits de se calmer.

Cette requête n'a pas eu gain de cause. Ainsi les candidatures aux législatives ont été enregistrées par la CNE depuis le 3 Novembre 2000. Certains candidats éliminés aux présidentielles dont Emile Constant BOMBET candidat du PDCI, Alassane Dramane OUATTARA, Candidat du RDR et FADIKA Mohamed Lamine du PDCI-RDA etc ... ont été enregistrés.

Le Code Electoral prévoit que « si la CNE estime que la composition du dossier d'un Candidat n'est pas conforme aux conditions de présentation des candidatures et aux conditions d'éligibilité, la candidature est rejetée : le Conseil Constitutionnel est saisi par le Candidat ou le parti qui l'a parrainé dans un délai de trois jours à compter de la notification de la décision de rejet ». art. 82 C électoral.

La CNE n'a pas jugé utile de faire usage des dispositions sus- visées. Elle a déclaré recevable les candidatures de Emile Constant BOMBET, Alassane Dramane OUATTARA, FADIKA Mohamed Lamine. La motivation de la décision de la CNE est que la condition de bonne moralité et de grande probité prévue pour la présidentielle, n'est pas exigée pour les législatives.

La condition de non prévalence d'une autre nationalité non plus n'est pas exigée pour les législatives. C'est la condition de non renonciation à la nationalité Ivoirienne qui est exigée.

Par ailleurs, l'article 98 du Code électoral prévoit que le droit de contester une éligibilité appartient à tout électeur dans le délai de 8 jours à compter de la date de publication de la candidature. Ce contentieux de l'éligibilité est de la compétence de la Chambre Constitutionnelle de la Cour Suprême.

C'est ainsi que plusieurs requêtes en contestations dont celles contre le dossier de candidature de Monsieur Alassane OUATTARA ont été déposées à la Cour Suprême. Il a été enregistré 1117 requêtes en contestation d'éligibilité du Président du RDR.

La Chambre Constitutionnelle, analysant ces requêtes a considéré qu' « il y avait des contradictions et des incohérences multiples quant au nom et au lieu de naissance de la mère du Candidat et donc ce dossier laisse apparaître des doutes qui entachent la crédibilité des documents produits, preuve n'étant pas rapportée que NABINTOU OUATTARA et NABINTOU CISSE désignent une seule et même personne ».

C'est ainsi que le Président du RDR n'a pu se présenter aux législatives. Son parti le RDR a en conséquence retiré ses 221 autres candidats du scrutin législatif et il s'est aussi retiré du processus de réconciliation.

Pourtant Monsieur Alassane OUATTARA dira à Josiane BADET de « Lettre du Continent 612 » « De toute façon, je n'ai jamais voulu être Député,⁵ cette déclaration est intervenue après de violentes manifestations des 4 et 5 Décembre 2000 des militants du RDR qui ont fait une trentaine de morts et de nombreux blessés, des dégâts matériels importants et des personnes interpellées.

Ces personnes visaient à réagir contre l'invalidation de la candidature de leur leader. Ces manifestations dans le nord de la Côte d'Ivoire ont abouti à l'expulsion des Sous-Préfets, Gendarmes et Fonctionnaires de la Commune de Kong, dans le Département de FERKESSEDOUGOU où le Député – Maire sortant se trouve être Monsieur GAOUSSOU OUATTARA, frère aîné d'Alassane OUATTARA.

5 Cf Soir INFO N° 1890 du 8 Décembre 2000

D'autres Candidats aux législatives comme Madame Simone GBAGBO du FPI la première Dame de Côte d'Ivoire, Emile Constant BOMBET du PDCI-RDA, BAMBA MORIFERE du RDR, FADIKA Mohamed Lamine du PDCI-RDA etc ... ont vu les requêtes dirigées contre leur éligibilité rejetées parce que mal fondées.

Ainsi, sur le nombre de dossiers enregistrés, la CNE avait retenu 776 dossiers, rejeté 28, et déclaré éligibles 979 dont 84 femmes. La Cour Suprême (Chambre Constitutionnelle) à son tour, a rejeté une dizaine de dossiers.

La campagne électorale a commencé depuis plus d'une semaine. Le 9 Décembre 2000 à la veille des élections, le Comité de Médiation pour la Réconciliation Nationale a fait un communiqué dans laquelle elle proposait « la réhabilitation du Candidat Alassane OUATTARA dans ses droits civiques et politiques ; Le report des élections législatives à une semaine. A l'examen des propositions susvisées, le RDR accepte de participer aux élections législatives et s'engage à lancer un appel à ses militants pour un retour définitif au calme et à la paix sociale ».

Mais la déclaration du Comité de Médiation pour la réconciliation Nationale ne fait pas mention d'une présence du PDCI et du FPI à cette audience du 8 Décembre 2000 qu'elle a accordée à la Direction du RDR.

La conséquence a été le refus du PDCI et du FPI pour le report des élections législatives du 10 Décembre 2000. C'est ainsi que les législatives se sont déroulées le Dimanche 10 Décembre dans 145 circonscriptions électorales sur un total de 174.

Dans la circonscription d'Agnibilékrou où un des candidats était décédé, le vote n'a pu avoir lieu que le 7 Janvier 2001 pour pourvoir aux 2 sièges.

Les 27 circonscriptions restantes sont toutes situées dans le Nord de la Côte d'Ivoire. Si les élections dans les 145 circonscriptions comme sus — indiquées ont pu avoir lieu, c'est parce que par décret N° 2000-848 du 4 Décembre 2000 portant réquisition des Forces Armées, les forces de l'ordre ont été mobilisées pour assurer la sécurité de toutes et tous. Le peuple a donc voté sous la surveillance des Forces Armées réquisitionnées.

Indépendamment du contexte socio-politique qui prévaut, les élections se sont déroulées régulièrement car les textes en vigueur ont été respectés. Si le scrutin n'a pu avoir lieu dans 27 circonscriptions représentant environ 17% du total, comme sus — indiqué c'était parce que le matériel électoral a été détruit (listings brûlés, urnes cassées, ... etc) et l'administration de la CNE n'a pu livrer à temps le matériel et les documents électoraux de remplacement.

Dans les 83% (145 circonscriptions) où le vote a eu lieu, la CNE a décelé quelques retards dans le début du scrutin. Le taux de participation a varié entre 7% dans le Nord du pays et 40% environ dans les autres régions. Un nombre élevé de bulletins nuls a été constaté. Ceci s'explique par l'insuffisance de la formation ou la trop grande rigueur des formateurs.

En effet, tous les bulletins uniques sur lesquels l'empreinte digitale des personnes qui ne savent pas lire ni écrire est posée sur la photo ou sur le sigle du candidat de leur choix, sont considérés comme nuls, alors qu'ils y est indiqué de manière non équivoque leur choix en faveur dudit candidat.

Ainsi des bulletins sont déclarés nuls alors qu'ils renferment des suffrages valablement exprimés. Il y a lieu de tenir compte du fort taux d'analphabétisme (67%) pour revoir cette situation. Par ailleurs, il y a eu une confusion dans l'utilisation de l'encre indélébile et du tampon encreur.

Avec le tampon encreur, les personnes analphabètes peuvent voter en apposant leur empreinte digitale sur le bulletin unique dans l'isoloir, et sur la liste d'émargement devant le bureau de vote pour donner la preuve qu'elles ont voté.

L'encre indélébile permet d'éviter les cas de double vote. En conséquence, si l'on utilise l'encre indélébile à la place du tampon encreur, pour voter et pour émarger, c'est la porte ouverte aux fraudes puisque l'encre indélébile ne laisse pas transparaître les empreintes digitales imprégnées mais une tâche.

Ainsi, toute personne pourrait émarger pour des personnes qui n'ont pas personnellement voté, en votant à leur place. Cette erreur qui s'est glissée à l'article 37 du Code électoral doit être corrigée.

En outre, la circulation des véhicules devrait être interdite le jour du vote sauf des « Laisser – Passer » spéciaux pour les superviseurs et les agents électoraux et observateurs. Ceci pour éviter les cas de double – votes.

Aussi la formation des agents électoraux était-elle indispensable? C'est le seul moyen d'évaluer la représentation sociologique des partis politiques, le niveau de culture civique démocratique des populations et d'apprécier l'organisation matérielle et intellectuelle du scrutin.

Au terme des élections législatives partielles du 10 Décembre 2000, le FPI (Front Populaire Ivoirien) le parti au pouvoir a obtenu 96 sièges. Le PDCI-RDA (Parti Démocratique de Côte d'Ivoire) a obtenu 79 sièges. Le PIT (Parti Ivoirien des Travailleurs) a obtenu 4 sièges, l'UDCY (Union Démocratique Citoyenne), 1 siège et le MFA 1 siège ; Les candidats indépendants, transfuges du PDCI-RDA ont obtenu 17 sièges.

Le pouvoir FPI voulait procéder à la rentrée parlementaire et élire le Président de l'Assemblée Nationale le Vendredi 5 Janvier 2001, pour faciliter la mise en place de toutes les institutions et voter les lois nécessaires pour la mise en œuvre de son programme de gouvernement.

Mais le PDCI crédité de 79 Députés a décidé de ne pas faire siéger ses Députés tant que des partielles ne seraient pas organisées dans les trois régions du Nord où il n'y avait pas eu d'élection le 10 Décembre 2000 en raison du boycott par le RDR.

Cette décision du PDCI-RDA a fait couler beaucoup d'encre et de salive pour sa motivation. Certains soutenaient que c'est la bataille pour le perchoir à l'Assemblée Nationale. D'autres ont pensé qu'il était normal que toutes les régions du pays soient représentées à l'Assemblée Nationale pour exprimer la politique de régionalisation et de démocratie participative.

La réflexion et le bon sens des dirigeants ont permis de fixer les législatives partielles du Nord du Pays au 14 Janvier 2001. Ce qui repousse la 1^{ère} Session de l'Assemblée Nationale au 1^{er} Février 2001 au plus tard puisqu'aussi bien la Constitution prévoit que l'Assemblée Nationale doit se réunir dans les 6 mois de la promulgation de la Constitution qui a eu lieu le 1^{er} Août 2000.

Toutefois, la décision d'organiser les partielles avant la première session parlementaire a été sage quand on a senti les velléités de sécession de la Commune de Kong qui a fait flotter dans sa circonscription sur le sol Ivoirien, le drapeau Burkinabé lors des événements des 4 et 5 Décembre 2000.

Les élections partielles du Nord se sont déroulées le Dimanche 14 Janvier 2001 sous haute surveillance des Forces Armées Nationales de Côte d'Ivoire. 1500 Agents de l'ordre étaient présents dans les régions concernées par le scrutin partiel.

Le vote a eu lieu dans le calme, la régularité, la transparence totale et la sérénité mais le taux de participation était faible (13.27%), soit sur 438 028 inscrits 58 118 votants dans ces élections partielles. Tandis que les circonscriptions de KASSERE et KOLIA ont enregistré un taux de participation de 36.84%, FERKESSEDOUGOU Commune et Sous-Préfecture enregistrerait 3.62%. Ce qui signifie que le boycott du RDR a surtout prospéré en zone urbaine. Dans la circonscription de Kong, les élections n'ont pas eu lieu pour 2 sièges.

Les élections ont donc été faites dans 23 circonscriptions sur les 25 restant à pourvoir. Les résultats obtenus sont les suivants :

- **Le PDCI-RDA a obtenu** : 15 sièges
- **Les indépendants** : 5 sièges
- **Le RDR** : 3 sièges
- **Le FPI** : 0 siège

Les résultats des législatives sont au total :

- **FPI** : 96sièges
- **PDCI-RDA** : 94sièges
- **RDR** : 5 sièges
- **PIT** : 4 sièges
- **Indépendants** : 22 ièges
- **UDCY** : 1siège
- **MFA** : 1 siège.
- SOIT : **223 sièges pourvus.**

Des élections partielles pourraient être organisées ultérieurement pour les 2 sièges restant à pourvoir dans la Sous-Préfecture et la Commune de Kong, si les conditions s'y prêtent.

Au delà du mot d'ordre de boycott « pacifique » cette fois lancé par le RDR, la faiblesse du taux de participation peut s'expliquer par les menaces sur les populations et la peur naturelle de ces populations lorsqu'elles voient les forces de l'ordre armées en grand nombre.

Beaucoup d'électeurs ont préféré rester chez eux ou aller au champ, pas forcément par conviction partisane, mais aussi et surtout pour éviter de se faire agresser surtout que le pays venait de vivre, il y a quelques jours, une tentative de coup d'Etat et que des recherches sont entreprises pour en découvrir les auteurs, des enquêteurs trop zélés pouvant s'en prendre à des personnes mêmes innocentes.

De L'Installation Des Structures De L'Assemblée Nationale

Après les élections législatives, la bataille entre les partis politiques pour le perchoir s'est amorcé. Le FPI qui avait 96 Députés s'est crédité des 4 Députés PIT, du Député UDCY et de 14 Députés indépendants, transfuges du PDCI-RDA. Soit au total 115 députés. Ce qui correspond à la majorité absolue.

Le PDCI-RDA avait obtenu 94 Députés auxquels se sont ajoutés 8 Députés indépendants qui retournent ainsi à leur parti d'origine, soit 102 Députés. Le Député MFA, ancien membre du FPI ne s'était pas encore prononcé. Les 5 Députés du RDR ont décidé de ne pas siéger à la

session ordinaire du Lundi 22 Janvier 2001 à laquelle le Président de l'Assemblée Nationale doit être élu.

Loin des partis politiques, des gens s'imaginaient que des négociations entre le FPI et le PDCI auraient pu aboutir à désigner un membre du PDCI comme Premier Ministre et le PDCI marquerait son accord pour faire voter deux membres du FPI Président et Vice-Président de l'Assemblée Nationale.

Mais le jour même du 22 Janvier 2001 arriva et la presse fit état de trois candidatures à l'Assemblée Nationale toutes du FPI dont 2 hommes le Ministre de l'Economie et des Finances, Monsieur MAMADOU KOULIBALY et le Ministre de l'Intérieur et de la Décentralisation, Monsieur Emile BOGA DOUDOU pour la Présidence de l'Assemblée Nationale et une femme Madame AMON AGO Marthe, Secrétaire Générale Adjointe du Gouvernement, pour la 1^{ère} Vice-Présidence de l'Assemblée Nationale.

A l'heure du scrutin Monsieur BOGA DOUDOU retirera sa candidature pour ne laisser compétir que Monsieur MAMADOU KOULIBALY pour le poste de Président de l'Assemblée Nationale.

Le PDCI n'a présenté aucune candidature. Or, le Dimanche 21 Janvier 2001, au Journal de 20 heures, l'on a constaté la démission du Gouvernement et du Premier Ministre remise sous pli au Chef de l'Etat par le Premier Ministre, au cours d'un Conseil des Ministres Spécial tenu ce même Dimanche après midi, à la Résidence du Chef de l'Etat.

Dans le même instant de cette remise, le Chef de l'Etat a séance tenante reconduit le Premier Ministre dans ses fonctions. En remettant la démission le Premier Ministre a souligné : « Soyez assuré que tous les Ministres qui ont été à vos côtés restent disponibles à tout instant pour vous apporter leurs expériences, leurs expertises dans le cadre de la lourde et exaltante mission que vous avez à conduire à la tête de l'Etat ».

En réponse le Président a dit : « je reçois votre démission comme la marque de la confiance que vous me faites vous n'avez pas commencé à faire le travail pour lequel je vous ai nommé. Donc je voudrais dire devant vos collaborateurs ici que dès maintenant je vous reconduis comme Premier Ministre et je vous donne 72 heures pour me présenter la liste de votre nouveau Gouvernement qui tiendra compte de la configuration politique de la Côte d'Ivoire d'aujourd'hui » dans l'esprit de l'accord de Yamoussoukro de Gouvernement d'unité nationale.

Ainsi, le FPI a la Présidence de la République, la Primature, la Présidence et la Vice-Présidence de l'Assemblée Nationale. L'Assemblée Nationale une fois installée avec toutes ses structures devra procéder au vote des lois pour l'installation des autres institutions et pour les réformes en vue de la re fondation.

La question que se posaient les Ivoiriens était de savoir si les 10 Ministres du FPI élus Députés allaient rester à l'Assemblée Nationale ou revenir au Gouvernement ou cumuler les deux postes. En effet, l'article 56 de la Constitution prévoit que les fonctions de membres du Gouvernement sont incompatibles avec l'exercice de tout mandat parlementaire, de tout emploi public et de toute activité professionnelle.

C'est pour cette raison que le Gouvernement avait démissionné en bloc pour permettre aux Ministres concernés de siéger librement à la session extraordinaire de l'Assemblée Nationale afin d'apporter leurs voix pour élire le Président et la Vice-Présidence de l'Assemblée Nationale, puis être renommés par la suite au Gouvernement.

Ceci signifie que le 21 Janvier 2001, la Côte d'Ivoire était sans Gouvernement, bien qu'elle ait eu un Premier Ministre. Le fait de laisser le Gouvernement démissionner en bloc au lieu de

n'accepter les démissions que des personnes concernées par l'Assemblée Nationale et prendre un acte de Gouvernement pour que les autres demeurent à leurs postes assurant l'intérim de celles-là, permet de penser que le Gouvernement d'ouverture d'avant deviendra un Gouvernement d'union véritable, avec un partage équitable des portefeuilles importants.

Par ailleurs, il est certain que avec sa majorité qui est devenue absolue avec les alliances, le FPI pourra voter la loi relative à la suppléance. Mais une telle loi ne pourra s'appliquer que pour la prochaine législature puisque « la loi ne dispose que pour l'avenir. Elle n'a point d'effet retro actif ». Logiquement la question de la suppléance devra être soumise à référendum. Car c'est une question de fond. Une telle loi référendaire devrait être élaborée en tenant compte des conditions dans lesquelles le Député titulaire et son suppléant devront être candidats en même temps et prévoir un statut du suppléant, son indemnité etc ...

Tout cela pour éviter des cas de « décès par courte maladie » des Députés titulaires dans le contexte des mystères de l'Afrique. Le Député étant choisi par le peuple pour le représenter, son suppléant devra également être choisi par le peuple pour remplacer le Titulaire en cas d'empêchement absolu.

Les élections législatives étant terminées et les structures de l'Assemblée Nationale mises en place, la question de la suppléance ne paraît pas être une priorité pour la présente législature.

En effet, après la mise en place des structures de l'Assemblée Nationale, un nouveau Gouvernement a été formé. Tous les anciens Ministres démissionnaires du Premier Gouvernement de la 2^{ème} République ont été rappelés avec en plus d'eux, cinq nouveaux. Juridiquement, ils ne peuvent plus repartir à l'Assemblée pour siéger mais il est certain que si un projet important devrait être soumis au vote à l'Assemblée, ils pourraient remettre au Chef de l'Etat leur démission en bloc pour aller y siéger et revenir au Gouvernement à la suite d'un autre nouveau Gouvernement un peu comme si les compétences ou les expertises manquaient dans le pays de sorte que le système de vase communicant soit érigé en système de Gouvernement.

Nous devons absolument éviter de contourner les règles constitutionnelles relative notamment aux incompatibilités pour solliciter la culture de l'alternance.

De la période post électorale

Après la présidentielle du 22 Octobre 2000, la vie a repris comme à l'accoutumée mais les populations étaient quelque peu traumatisées par les atrocités qui ont accompagné la chute du Général de Brigade GUEI Robert et l'investiture par le peuple, du Président Laurent GBAGBO en raison des manifestations des 24 – 25 et 26 Octobre 2000 et depuis la découverte du charnier de YOPOUGON le 27 Octobre 2000. Les enquêtes nationale et internationale menées n'ont pas encore donné de résultats fixes sur la situation des responsabilités.

Par ailleurs, le problème de la situation du Général Robert GUEI et de son collaborateur BOKA YAPI, qui n'ont pas quitté le pays, inquiétait les populations.

Pendant, un comité de médiation mis en place par le Gouvernement a pour mission de procéder à la réconciliation nationale. C'est dans le droit fil du souci de reconstruction de l'unité nationale que le Chef de l'Etat S.E. Monsieur Laurent GBAGBO avait rencontré au mois de Novembre, le Général Robert GUEI à Yamoussouko.

Cette rencontre n'a pas été du goût de nombre d'Ivoiriens. Le Président Henri KONAN BEDIE dont le retour dans son pays était annoncé au moment de la campagne électorale pour le mois de Décembre n'est pas encore rentré.

Monsieur Alassane Dramane OUATTARA se trouve en dehors du territoire. La nuit du 7 au 8 Janvier 2001, survint une tentative de Coup d'Etat qui a encore coûté des vies humaines et traumatisé les Agents de la Radio et de la Télévision Ivoirienne.

Un couvre – feu a été décrétée de 21 heure à 6 heures, du Lundi au Mercredi. Ce qui a réduit également le temps de la campagne électorale pour les partielles du 14 Janvier, comme ce fut le cas des campagnes électorales présidentielles du 22 Octobre et pour les législatives du 10 Décembre 2000.

Les assaillants arrêtés sont traduits devant la justice qui punira les coupables car « le peuple de Côte d'Ivoire est fatigué des Coups d'Etat et des couvre – feu ».

Depuis le 8 Janvier 2001, Monsieur Alassane OUATTARA n'a plus été entendu sur les antennes de Radio / Télévision, ni de Côte d'Ivoire, ni étrangère malgré l'efficacité de son réseau de communication. Chaque Ivoirien se demande le motif de ce silence.

Au delà de toute autre considération, la préoccupation majeur du parti au pouvoir réside dans le souci d'éviter de donner raison et les moyens d'action aux déstabilisateurs et pour donner à l'Afrique et au monde l'exemple et l'image d'une société Ivoirienne, réconciliée avec elle- Même, en donnant tout le crédit nécessaire au FPI vis-à-vis de l'extérieur, conformément aux accords de Yamoussoukro ».

Mais à Dakar où se tenait le Mardi 23 Janvier 2001 un Séminaire sur la xénophobie et le racisme, le Président de la République Sénégalaise S.E.M. WADE dira ceci dans son discours : « un burkinabé subit en Côte d'Ivoire ce qu'un noir ne subit pas en Europe »

Sans chercher à savoir qui est ce Burkinabé, les Ivoiriens, les Ivoiriennes ont été indignés par ces propos du Président Sénégalais et ont entrepris d'organiser une marche pour un sit-in devant l'Ambassade du Sénégal. L'Ambassadeur Sénégalais en Côte d'Ivoire et le Premier Ministre Sénégalais qui a joint le Président GBAGBO au téléphone, sont intervenus pour que les 2 peuples continuent de vivre en harmonie.

Il ressort de tout ce qui précède que les hommes politiques devront s'efforcer de modérer, de mesurer leurs propos, de respecter leur peuple, de respecter mutuellement leurs pays et ne poser aucun acte qui puisse compromettre l'avenir de leur peuple ou les relations entre leurs peuples pour une paix durable.

Des leçons à tirer sur ces élections générales en Côte d'Ivoire

Ces élections politiques en Côte d'Ivoire ont démontré que le PDCI-RDA est fortement représenté dans le Pays en particulier dans le Centre et dans le Nord soit dans les 12 régions traditionnellement considérées comme son fief. Le FPI qui jusque-là avait pour fief l'Ouest a acquis également le Sud en passant de 13 sièges à la 9^{ème} législature, à 96 pour cette 10^{ème} législature.

Depuis le référendum des 23 – 24 Juillet 2000 et les présidentielles du 22 Octobre 2000, la Côte d'Ivoire commence à s'habituer à la culture de l'alternance démocratique. La culture démocratique se développe avec l'éducation civique, bien que cette éducation soit encore lente à cause du fort taux d'analphabétisme (67%). On assistera à des débats plus enrichissants à l'Assemblée Nationale dans la mesure où aucun parti n'a plus de la majorité absolue de manière écrasante comme par le passé.

On vote de plus en plus des partis politiques, des idéologies au lieu des personnes. Le peuple Ivoirien s'est rendu compte de l'utilité d'une observation nationale et internationale des élections, la nécessité d'une Commission Nationale Electorale Indépendante pour l'organisation et la gestion du processus électoral, de l'utilité de l'usage d'un bulletin unique

etc ... toute chose rendue possible par l'esprit de liberté et d'ouverture à l'occasion de la période de transition où les Ivoiriens ont accepté de remettre en cause leurs système électoral.

- ◆ Le bourrage des urnes est devenu presque impossible.
- ◆ Les intimidations n'ont plus droit de cité pour se faire élire. Les populations civiles n'ont plus grand peur des armes quand il s'agit de sauver la démocratie ou l'intérêt de la Nation.

Les régimes militaires qui cherchent à se maintenir au pouvoir après les périodes de transition ont de moins en moins de chance de le réussir.

- ◆ Le pouvoir appartient au peuple et seul le peuple le donne lui donne la legitimité.
- ◆ L'alternance par la voix des armes n'a plus de chance d'aboutir en Côte d'Ivoire. Car celui qui en prend l'initiative ne peut être investi par le peuple.

Particulièrement en Côte d'Ivoire, la recherche de la responsabilité historique face au charnier de YOPOUGON, des morts de la lagune et des différents coups de force ont nécessité l'engagement d'une Commission Nationale et Internationale d'enquête.

- ◆ La solidarité du peuple quand l'intérêt supérieur de la nation est en jeu.
- ◆ Le devoir d'ingérence est boudée par les nationaux. Cette situation a eu des conséquences sur l'intégration économique sous-régionale. Les perspectives d'investissements et le dialogue avec les partenaires financiers du développement deviennent difficiles en raison du climat d'insécurité que connaît le pays.

30% des marchandises sont détournées vers le Ghana et le Togo selon les responsables du Port d'Abidjan alors que depuis fin 1998, la Banque Mondiale et le Fonds Monétaire International (FMI) ont suspendu leurs programmes d'ajustement au motif de l'inobservation de la bonne gouvernance.

L'union Européenne a suivi avec l'affaire du détournement des 18 milliards. La chute des cours mondiaux du Café et du Cacao (40% du PIB) vient aggraver la pauvreté. Des étrangers sont menacés par des jeunes. Des Ambassadeurs sont inquiets pour leurs ressortissants. Les opérateurs économiques, les entreprises, ploient sous le poids des impôts.

- ◆ L'analyse juridique de la période électorale fait ressortir que le retrait aux législatives du RDR et son boycott citoyen des présidentielles, son boycott actif des législatives du 10 Décembre 2000 et son boycott pacifique des partielles dans le Nord du pays, sont mal venus.

En effet, la publication définitive des candidatures ayant déjà eu lieu, le retrait au plan juridique n'était plus possible. Les cautions déjà versées ne pouvaient plus être restituées. La déclaration de candidature est un acte individuel et volontaire. Le retrait des candidats du RDR devait être individuel et volontaire par souci du parallélisme des formes.

Ce ne fut pas le cas, car c'est le parti les parrainant qui seul, a annoncé le retrait de tous les candidats du RDR après que tous les bulletins uniques de vote aient été déjà confectionnés. C'est pourquoi malgré le refus de leur parti, 5 candidats du RDR ont été élus Députés.

Le RDR devrait féliciter ces 5 candidats qui malgré le contexte ont été élus. Car ce sont eux qui marquent l'existence du RDR en tant que parti politique au sein de l'institution politique d'importance capitale qu'est l'Assemblée Nationale.

Le pouvoir se trouve à l'Assemblée Nationale où le peuple a la possibilité de s'exprimer par la voix des représentants, pour faire connaître ses aspirations qui peuvent être traduites en lois.

Tout parti politique non représenté à l'Assemblée Nationale se fait souvent oublier sur l'échiquier politique. C'est à l'assemblée que le désir de chaque Ivoirien d'apporter sa pierre contributive à la construction de l'édifice nationale s'exprime par le biais de son représentant.

C'est pourquoi il aurait fallu que, malgré l'élimination de la candidature de Monsieur Alassane OUATTARA par la Cour suprême, le RDR permette à ses 221 autres candidats de faire librement leur propagande électorale et d'aller aux élections en toute sérénité.

En prêtant une oreille attentive à la recommandation du PDCI de voir organiser les législatives partielles dans le Nord avant la mise en place des structures de l'Assemblée Nationale, cette réaction du Gouvernement est à saluer. Elle contribue à la réalisation d'une démocratie participative préalable à la politique de régionalisation.

En tout état de cause, l'organisation des législatives partielles du Nord même dans les conditions difficiles de l'après tentative de Coup d'Etat des 7 – 8 Janvier 2001, vient crédibiliser le régime.

Les velléités de sécession de conflits internes peuvent alors s'atténuer au profit des caractères, indivisible, laïc de la Nation Ivoirienne, de l'unité et la paix. Il est mieux qu'au terme des législatives, aucun parti politique n'ait obtenu la majorité absolue des sièges. Une telle situation a obligé à des alliances.

Les alliances de partis peuvent à long terme aboutir à la bipolarisation ou à la tri polarisation du paysage politique. Ceci peut mener à un partage équitable des pouvoirs pour un véritable Gouvernement d'union différent du Gouvernement d'ouverture actuel.

Par exemple un Président de la République élu peut accepter de confier la primature à un autre parti politique et contrôler lui-même l'Assemblée Nationale, ou inversement, laisser le perchoir de l'Assemblée Nationale à un autre parti et confier la primature à un membre de son parti etc ...

Pour éviter que le Président ne soit l'otage de son parti, la Constitution (article 54 rend les fonctions de Président de la République incompatibles avec toute fonction de dirigeant de parti politique. Ainsi, même si le Programme qu'applique le Président de la République a été élaboré par son parti, ce programme devient le programme de gouvernement.

C'est pourquoi au lieu de rechercher une majorité parlementaire, il est mieux d'avoir une majorité gouvernementale pour éviter l'hégémonie et sortir du Parti – Etat pour entretenir le nouvel esprit de la rupture en procédant effectivement à la re- fondation pour toutes et tous.

Ceci est nécessaire car le peuple qui, le 24 Octobre 2000, était sorti dans la rue pour enlever Monsieur Robert GUEI et pour donner le pouvoir à Monsieur Laurent GBAGBO était un peuple composé à la fois de : PDCI, FPI, RDR, PIT, UDCY, MFA, USD etc ...

- ♦ Les responsables politiques doivent prêter une oreille attentive au droit à la différence, aux droits des minorités ethniques, religieuses, politiques et par une ferme volonté politique encourager le processus de réconciliation nationale.
- ♦ Le fait d'organiser les élections présidentielles avant les législatives donne souvent la majorité parlementaire au parti du Président élu. Les raisons sont que le peuple préfère rester dans la mouvance du pouvoir et craint des représailles ou des discriminations dans la répartition des ressources. Tout ceci procède d'une insuffisance de culture politique.

En réalité, il est opportun dans un régime présidentiel de procéder d'abord aux élections présidentielles avant les législatives. L'institution du Président de la République doit être mise en place avant toute autre, car elle constitue la pierre angulaire de toutes les autres institutions qui doivent se construire autour d'elle.

En revanche, dans un régime parlementaire, c'est d'abord le parlement qu'il faut mettre en place. Car il importe peu que le parti du Président de la République y soit majoritaire ou non par la suite. Le choix est beaucoup plus libre en commençant par les législatives car les électeurs n'ont aucune contrainte politique d'ordre moral ou psychologique.

Ils n'ont outre leurs intérêts partisans ou sympathisants propres, aucun autre intérêt à sauvegarder puisqu'ils ne connaissent pas encore le Président de la République. Par exemple le Président du FPI étant élu d'abord Président de la République, son parti est passé de 13 Députés en 1995 à 96 Députés avec l'alliance de ceux qui n'ont pas la culture de l'opposition, il y a eu 115 Députés pour voter tous ses projets de lois. Ce qui est bien parce que le régime est présidentiel.

- ♦ Sur le processus de réconciliation nationale les causes de la contradiction doivent être analysées avant qu'on ne puisse en maîtriser les effets.

Au plan social, économique et culturel, il est évident que l'intégration totale est indispensable à tout point de vue.

Au plan juridique, l'approbation des termes des textes fondateurs de la 2^{ème} République n'est pas encore effective à telle enseigne que l'éligibilité paraît se confondre avec la nationalité.

Il convient donc d'expliquer à tous les ivoiriens et à toutes les populations les textes et surtout la Constitution, pour mieux les faire comprendre. C'est sur le fondement de cette connaissance des textes que chaque élément du peuple ou des populations devra se poser la question de savoir si le nationalisme des Ivoiriens est légitime ou non.

- ♦ Le nationalisme est l'attachement à la nation dont on fait partie et à tout ce qui lui est propre. En politique le nationalisme revendique la primauté de la puissance nationale sur toute autre considération de rapports internationaux.

C'est aussi la prise de conscience par les nationaux de leur raison d'être, de faire et de leur droit de former une nation. La nation étant une communauté humaine caractérisée par la conscience de son identité historique ou culturelle, de ses particularités.

Alors que le citoyen du monde met l'intérêt de l'humanité au dessus du nationalisme, le citoyen d'un pays déterminé en respect les libertés démocratiques et met le bien de son Etat au premier rang de ses préoccupations.

Définie comme une entité politique, la nation réunit un territoire propre organisé institutionnellement en Etat. C'est une personnalité juridique distincte des individus qui la composent en tant que nationaux et dotée de la souveraineté.

Le lien d'appartenance d'une personne à un Etat, c'est la nationalité d'origine ou acquise. Les principes de la nationalité sont différents des critères d'éligibilité des élections politiques.

La confusion de ces principes a entraîné des contradictions qui ont provoqué la fracture sociale que la mauvaise compréhension du concept d'ivoirité est venue enrichir parce que mal expliqué, mal exposé.

Du concept d'Ivoirité

L'Ivoirité est un outil conceptuel d'intégration et d'ouverture qui doit se comprendre comme la synthèse des valeurs notamment de paix, de dialogue, d'hospitalité légendaire qui caractérisent la communauté nationale. Le concept de l'Ivoirité se distingue des entités ethniques. La communauté nationale devient consciente de la nécessité de la mise en commun des efforts pour renforcer la confiance au niveau interne et externe.

L'Ivoirité est donc l'unité nationale Ivoirienne dans la diversité. Si la nation Ivoirienne n'est pas unie par la recherche de son identité, elle ne peut pas être forte à l'extérieur.

Revendiquer son unité ne signifie nullement hostilité à l'égard des autres nations. Le concept d'Ivoirité signifie donc identité nationale en Côte d'Ivoire, comme le concept de Sénégalité, de Togolité, signifie identité nationale au Sénégal et au Togo.

Dans tous les pays d'Afrique et du monde, chaque citoyen aspire à être en paix chez lui et fraterniser avec ses compatriotes. Cette affirmation de l'identité nationale se retrouve partout. En France, en Allemagne, au Togo, au Burkina ou au Gabon etc ...

C'est le même constat de recherche d'identité et d'unité nationale pour les 60 ethnies de Côte d'Ivoire. La recherche d'une identité nationale ne signifie pas xénophobie. L'Ivoirité n'est donc pas une incongruité.

Cependant, des personnes peuvent être xénophobes pour une raison ou une autre mais tout un pays ne doit pas être taxé de xénophobe. Le manque de règles de réciprocité dans les relations des pays africains est pour beaucoup responsable de ce qui se passe actuellement en Côte d'Ivoire.

Depuis les années 1985, les organismes internationaux ont constaté l'importance du flux migratoire en Côte d'Ivoire et ont attiré l'attention des dirigeants sur le fait que si l'on y prend garde, le pourcentage d'Ivoiriens sera inférieur à celui des étrangers en Côte d'Ivoire et les Ivoiriens risqueraient de se sentir étrangers chez eux et au pire de se faire chasser de leur propre pays. Notamment, le PNUD a révélé que en l'an 2025 la Côte d'Ivoire comptera plus d'étrangers que d'autochtones.

C'est ainsi qu'une politique d'Ivoirisation des postes avait été entreprise, comme ce fut le cas de la Gabonisation des emplois au Gabon.

Si des pays africains peuvent constituer par exemple la CEDEAO, c'est parce que chaque pays apporte au sein de cette CEDEAO, ses valeurs économiques, culturelles, politiques, son identité, sa spécificité pour inspirer les autres et s'inspirer des expériences des autres.

Chaque pays est donc lui-même avant de s'intégrer dans l'ensemble que constitue la CEDEAO. Ainsi, même en établissant une citoyenneté africaine, chacun aura d'abord une identité nationale qui est l'Ivoirité, la Sénégalité, la Gabonité, la Burkinabéité etc ...

Seulement, le concept est soit mal exposé soit mal défendu et mal exploité par des hommes politiques de part et d'autre de sorte que, le peuple Ivoirien comme les autres pays, gagneraient à chercher à comprendre en toute bonne foi, avant toutes réactions. Car si ce concept est bien perçu, bien compris comme élément du nationalisme Ivoirien, il sera un instrument de stabilité de la nation Ivoirienne et des leçons pourraient en être tirées dans le concert des nations qui sont conscientes que nul ne peut servir deux parties avec le même élan.

Malgré le nationalisme bien conçu dans chaque pays, la Côte d'Ivoire restera ouverte à l'unité africaine dans laquelle des règles harmonisées seront établies pour l'économie, le social et la politique. On peut signaler que la Côte d'Ivoire a signé le traité de l'Unité Africaine

La fracture sociale va chercher également dans des facteurs comme la religion et l'ethnie ou la région. Il est certain que les vicissitudes géographiques ne sont pas des facteurs déterminants à prendre en compte car il y a un véritable brassage des populations par les nombreuses migrations intérieures en Côte d'Ivoire.

Cependant, le discours politique propagandiste et souvent pernicieux tend à prendre le pas sur la réalité du brassage.

Aussi selon des musulmans « le problème de l'ethnie s'est posée depuis 1990. Il faut que la vérité et la sincérité nous habitent. Avant le problème des ethnies ne se posait pas. Tout est parti de l'Ivoirité qui n'est pourtant pas une loi.

Il y a la quête identitaire bien sûr, mais la re-fondation doit prendre en compte le problème de l'idéologie et chercher à le résoudre car il y a des gens qui se sentent exclus », bien que personne ne les exclue.

Des chrétiens disent : « l'impression d'exclusion se ressent dans les discours des hommes politiques qui déteignent sur les populations. Or dans toutes les régions de la Côte d'Ivoire, on retrouve toutes les ethnies.

Nous ne sommes pas d'accord avec le concept d'Ivoirité car les gens ne se retrouvent plus. Les Ivoiriens ont vécu dans la paix et les interprétations sont à éviter.

Dans les églises on prône la paix et la réconciliation. Les hommes politiques doivent prendre leurs responsabilités et favoriser la paix. Ils doivent avoir la ferme volonté de cultiver la paix.

On n'a pas le droit pour les ambitions politiques d'instrumentaliser une ethnie, une religion. C'est ce qui doit être combattu. C'est ce discours politique qui doit être revu. Il faut se mettre d'accord sur les discours politiques »

Des hommes politiques disent :

« On a vu flotter le drapeau du Burkina Faso à Kong. Ce qui peut inciter à la division de la Côte d'Ivoire. Or aucun Etat ne peut tolérer l'idée même de la sécession. La Constitution consacre l'unité et l'indivisibilité de l'Etat.

Sur le plan politique on ne saurait émietter, morceler la Côte d'Ivoire car l'Etat risque de disparaître. Il faut que le peuple contribue à assurer l'intégrité de l'Etat ».

En effet, aucune ethnie n'est suffisamment nombreuse ou forte pour se constituer en Etat. C'est dommage qu'aucun message n'ait été donné ni par les autorités de Côte d'Ivoire, ni par le Burkina Faso, pour apaiser les 2 peuples sur les motifs du Drapeau Burkinabé qui a flotté sur Kong, une partie du territoire Ivoirien. On se contente alors de conclure que ce sont les questions d'éligibilité qui nous ont amenés à ce point et nous devons donc nous asseoir pour discuter.

Pendant 40 ans, les populations Ivoiriennes ont vécu ensemble. Aujourd'hui, il y a eu des morts d'hommes. De plus en plus on a le sentiment que des gens sont exclus ou s'auto excluent. Le virage pris est donc dangereux. Il y a lieu de rechercher ce qui est à la base de ces problèmes.

Les ivoiriens vivent en parfaite symbiose. La Côte d'Ivoire est très hospitalière mais est victime de son manque de courage pour revendiquer comme bien dans d'autres pays, dans sa quête identitaire.

L'origine du mal se trouve donc dans les ambitions politiques démesurées qui veulent sacrifier la Côte d'Ivoire. Nous devons donc bannir la thèse de l'exclusion pour que tous les Ivoiriens, toutes les Ivoiriennes retrouvent la fierté d'être Ivoiriens et Ivoiriennes.

La diversité ethnique est une richesse. L'OUA, l'ONU ne peuvent pas accepter la sécession. Mais cette velléité de sécession est un cri d'alarme. Nous sommes conscients qu'aucun homme du Nord au Sud, ni de l'Est à l'Ouest en passant par le Centre, ne veut de sécession.

Cependant, les exécutions sommaires extra judiciaires des personnes en raison de leur appartenance politique ou religieuse ou ethnique si elles existent, doivent attirer l'attention des autorités politiques civiles ou militaires pour veiller au grain, chercher à découvrir les coupables et éviter l'impunité si l'on a la ferme volonté politique de bâtir une nation unie, laïque et prospère.

Il faut en outre la ferme volonté de respecter les lois qu'on s'est données volontairement. Tous les partis politiques dont le RDR devraient aller aux élections locales et contribuer à faciliter le processus de réconciliation nationale.

Il faudrait que la violence cesse et qu'il y ait plus de courtoisie de part et d'autre pour éviter que les gens ne se sentent traqués. Le langage politique devrait être un langage de chair et non un langage de pierre.

Car, en réalité, le vrai problème du Nord du pays est un problème de mal-développement. C'est donc un problème économique qui sera réglé par la mise en pratique des lois sur la décentralisation, la régionalisation où chaque région aura son propre budget qu'elle va gérer. Ce n'est donc pas un problème de religion, ni un problème d'ethnie.

Les Organismes internationaux devraient donc comprendre qu'avec leur aide au développement, la crise que vit la Côte d'Ivoire peut notablement s'atténuer afin qu'elle renoue avec la croissance.

Conclusion

Nous sommes, société civile et société politique nationale et internationale, tous responsables, les médias y compris, des problèmes de la Côte d'Ivoire. L'amateurisme et le manque de moyens des médias les obligent parfois à envenimer la situation socio-politique.

L'Etat devrait permettre un traitement adéquat de l'information et mettre l'accent sur la nécessité de promouvoir le développement équilibré des régions. S'il y a une crise de confiance, c'est à cause de l'impunité, de la corruption, des injustices, du népotisme etc ...

Une re-fondation des mentalités devrait permettre de régler le problème de déficit de communication qui nous est reproché. Les hommes politiques et les religieux devraient avoir un code de conduite et les partis politiques une charte des partis politiques, l'Etat une charte des droits et des libertés, avec une Commission Nationale des Droits humains et un tribunal des libertés.

Il faudrait donner la vraie information aux tiers à l'extérieur, car ne connaissent réellement les problèmes de la Côte d'Ivoire que les Ivoiriens et les Ivoiriennes. Une Commission Parlementaire devra s'occuper de l'observation de la situation socio-politique. Il faudrait tendre vers une gestion neutre et partagée de l'Etat pour plus d'équité et de justice.

Il faut éviter les redresseurs de torts, les revanchards. Le Président doit être Président de tous les Ivoiriens et de toutes les Ivoiriennes. Il faut le dialogue permanent pour préserver l'intérêt supérieur de la Nation. Nous devons éviter de demander au chef de l'Etat des choses qu'il ne peut pas faire conformément à la Constitution ou aux lois.

Toutes les forces en présence devraient être d'accord pour se réconcilier. Car si l'on refuse les règles du jeu en cherchant à tout prix la justice, on peut créer soi-même l'injustice. Entre religieux, il faut respecter l'autre dans sa foi.

C'est cela la tolérance religieuse, le respect du droit à la différence facteur de la paix qui doivent être cultivée dans le cœur de chaque Ivoirienne et Ivoirien pour une vie harmonieuse et prospère en Côte d'Ivoire. Si par exemple des religieux catholiques remettent le produit d'une quête au gouvernement pour la reconstruction d'une mosquée détruite, en réponse, les représentants des musulmans ne devraient pas dire « au lieu de donner de l'argent, c'est du cœur des chrétiens que nous avons besoin » car remettre en tant que chrétiens une quête pour contribuer à la construction d'une mosquée est un acte de foi donc un acte qui vient du cœur.

L'Etat devra mettre en place un mécanisme pour garantir la sécurité des musulmans et des chrétiens en cas de perquisition notamment. Le principe de la laïcité devra triompher en tout état de cause.

Autant l'islam n'appartient à aucun parti politique, autant la religion chrétienne n'est à la solde de personne. Concernant le processus électoral, ce qui est fait est fait et il nous faut l'accepter pour la paix et pardonner les erreurs éventuelles car aucun système électoral n'est parfait. L'exemple des présidentielles Américaines en témoignent éloquemment.

C'est dans cette optique de la culture du pardon et de la réconciliation que la Côte d'Ivoire pourra redevenir un pays où il fait bon vivre et qui inspire la confiance des nationaux, des investisseurs étrangers et de la communauté internationale.

Maître KAUDJHIS – OFFOUMOU

A Summary of the Parliamentary and Presidential Elections in Mozambique, 1999

By
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The 1994 and 1999 presidential and parliamentary elections were widely hailed as a vote for peace. They were also seen as a test of electoral management, being held in the wake of the failure of the 1998 local government elections. Those elections were boycotted by the opposition parties who alleged that the national elections committee, the Comissão Nacional de Eleições (CNE) and the Technical Secretariat for Election Administration (STAE) were partial to Frente de Libertação de Moçambique (Frelimo). Only Frelimo and four groups of independent citizens in Maputo, Beira, Nacala and Manhiça took part in the local government elections.

The staging of well-run elections, and gaining acceptance of the results are often separate issues. Mozambique is a case in point, with the legitimacy of its recent commitment to multiparty elections hinging on all parties recognising the election results. One of the key mechanisms to achieving this acceptance of election results is to ensure that the body administering the elections operates in a transparent and accountable manner. Even the suspicion or allegation of wrongdoing, well founded or not, can be sufficient to derail an electoral process.

Political Background

In 1990, under the auspices of the religious mediators from Sant Egidio in Rome, Frelimo and the Resistência Nacional de Moçambique (Renamo) began a series of negotiations. In October 1992, Frelimo and Renamo signed the Rome General Peace Accord and ended the 16-year civil war.

On 27–29 October 1994, Mozambique held its first multi-party presidential and parliamentary elections. Frelimo's Mr Joaquim Alberto Chissano won the presidential election in the first round with 53.3% of the total votes cast. His rival Mr Afonso Macacho Marceta Dhlakama of Renamo obtained 33.3% of the vote. The election for the 250-member Parliament was also won by Frelimo with 44.3% of the vote, followed by Renamo with a strong showing of 37.8%. The Democratic Union (UD), a coalition of three parties, obtained little more than the national threshold of 5% of the total votes cast required to enter Parliament. The remaining 13% represented the total votes won by the other parties, which had failed to obtain the required minimum of 5%. These votes were redistributed among the winners. Their respective percentages changed as follows: Frelimo moved to 51% (129 parliamentary seats) Renamo increased its share to 44% (112 parliamentary seats) and the UD maintained its 5.15% share (9 parliamentary seats).

An analysis of the results in terms of party strength by province shows that Frelimo secured a majority of votes in six of the 11 electoral constituencies, namely, Maputo City,

Maputo Province, Gaza, Inhambane, Niassa and Cabo Delgado. Renamo was the majority party in the remaining five provinces of Manica, Nampula, Sofala, Tete and Zambezia.

A request by Renamo to be assigned the governorships of the five provinces where it secured a majority of the votes in the parliamentary election was rejected by Chissano. Instead, he appointed new governors in several provinces, all of whom were Frelimo members. Moreover, all the portfolios in the new national government were assigned to Frelimo members.

The first local government elections were held in June 1998 after several postponements. Poor organisation, a boycott by Renamo and 15 smaller parties, and the electorate's lack of confidence in the electoral machinery obstructed the elections. The result was a voter turnout of only 15%. This lack of participation stimulated key political actors and other electoral role-players in Mozambique, and the international community, to become more involved in the running of the 1999 presidential and parliamentary elections.

There were three electoral coalitions: the Democratic Union, the Mozambican Union (Umo) and the Alliance for Democracy (APD). There were a number of small parties that had not joined any of these coalitions, namely, the Labour Party (PT), the United Democratic Front (UDF) and the Independent Party of Mozambique (Pimo). The two major political parties were the ruling Frelimo and the main opposition party, Renamo.

On 16 July 1999, Renamo entered into an electoral alliance with 10 smaller political parties, despite its public announcements in March 1999 that it would not enter into any such arrangements following failed negotiations with several parties. This coalition was known as Renamo Electoral Union (UE), and Renamo was undoubtedly the main partner. Renamo-UE endorsed Afonso Dhlakama as its presidential candidate. All coalition members used the flag and symbols of Renamo in their electoral campaigning in exchange for the inclusion of their leaders in Renamo's parliamentary electoral lists.

The Electoral System

The Mozambican electoral system for parliamentary elections is a party-list proportional representation one. There are 11 constituencies, corresponding to the ten provinces in the country and the city of Maputo. These constituencies send between 13 and 50 representatives to the Assembly of the Republic (AR) (Parliament) based on the number of registered voters.

In the case of the presidential election, article 111 of the Electoral Law states that the winner must obtain more than a half of the valid votes, including the null and void votes.

The Supreme Court acts as the Constitutional Court and, therefore, has authority over all electoral disputes.

In late March 1999, a new national electoral commission, Comissão Nacional de Eleições (CNE), was established to supervise the second multiparty presidential and parliamentary elections. Seventeen members comprise the commission — two appointed by the government, eight by Frelimo, six by Renamo and one by the UD. The Reverend Jamisse Taimo, a Methodist pastor and rector of the Higher Institute for International Relations, was appointed chairperson of the 1999 CNE. In late March 1999, Antonio Carrasco was appointed as the new director general of the STAE.

The 1999 Electoral Law provides for greater transparency by ensuring that every aspect of the electoral process can be monitored. The inclusion of party representatives in the CNE and STAE at national, provincial, and district levels has created more confidence in the electoral

machinery. There are provincial CNEs with six members appointed proportionally by political parties to their respective parliamentary representations and one by government. At the district level, there are four members nominated by their political parties in proportion to their seats in Parliament and one by government. During the registration and election periods, the two largest parties, namely, Frelimo and Renamo, name deputy director generals to STAE, nationally and locally.

Election Preparations

Voter Registration

Because the local government elections lacked legitimacy, the 1998 electoral roll was discarded and voter registration was started anew. It was held between 20 July and 17 September 1999, in compliance with the legal requirement that it take place over 60 days. In 1996, the total population of Mozambique was estimated at 18.2 million inhabitants and the voting population was assumed to be approximately 8.3 million. A total of 7 099 105 people registered for the 1999 elections (85.5% of the eligible population) compared to 6.1 million people (78%) in the 1994 elections. This increase in registration figures affected the numbers of parliamentary seats allocated to each province.

The registration exercise was observed by 3 520 local observers from the Forum for Civic Education (Fòrum de Educação Cívica) (Feciv) and the Mozambican Association for Democratic Development (Associação Moçambicana para Desenvolvimento da Democracia (Amode). International observers, from institutions such as the US-based Carter Center and the Electoral Institute of Southern Africa (EISA), also observed the registration process. There were 1 930 registration posts countrywide, of which 1 902 (98.5%) began work on the first day of registration. The remaining registration posts were in operation within the first week of the process. In addition, a number of mobile posts enabled voters who lived in remote and sparsely populated rural areas to register.

However, the registration process faced a number of problems, such as:

- ◆ many people had to walk long distances to reach the registration posts in order to register;
- ◆ the inadequate road infrastructure which made the delivery of registration material difficult;
- ◆ registration material shortages at a number of posts;
- ◆ ineffective communication between registration posts and the STAE;
- ◆ the supply of food to and payment of the electoral staff was delayed at certain posts;
- ◆ electoral authorities did not issue letters of accreditation timeously to the local observers from FECIV, AMODE and various church groups; and
- ◆ Renamo representatives were included in the provincial and district STAE only towards the end of the registration process.

International observer missions and local observers, however, declared that there was no systematic occurrence of the above problems and in most cases, the registration staff effectively managed the issues that arose. Moreover, Renamo, which had alleged that false identity documents were issued to Malawians, South Africans, Tanzanians and Zimbabweans, failed to substantiate its claims.

Registration of Political Parties and Candidates

The registration of political parties, coalitions of parties and individual candidates took place between 15 and 30 September 1999. The following parties and coalitions were confirmed by the CNE as having fulfilled all the legal requirements to stand for the National Assembly election after a number of party splits, floor crossings, and the formation and collapse of electoral alliances:

- ◆ Independent Party of Mozambique (Pimo);
- ◆ Liberal Party of Mozambique (Palmo);
- ◆ Freedom Front of Mozambique (Frelimo);
- ◆ Labour Party (PT);
- ◆ Green Party of Mozambique (PVM);
- ◆ Democratic Party of Mozambique (Padelimo);
- ◆ Party for Liberal Progress of Mozambique (PPLM);
- ◆ Liberal Social Party (Sol);
- ◆ Partido Nacional dos Operários e Camponeses (Panacoa);
- ◆ Partido de Ampliação Social e Soberania de Moçambique (Pasomo);
- ◆ Democratic Union (UD);
- ◆ Democratic Union of the Opposition (Umo); and
- ◆ Renamo-Electoral Union (Renamo–UE).

Candidate nominations were preceded by intra-party elections. Frelimo and Renamo organised primary elections in each of the provinces and produced their party lists for the National Assembly elections. These primary elections were an opportunity for the party provincial structures to reward or punish representatives according to their perceived performance from 1994 to 1999. Mr Manuel da Fonseca and Mr Jafar Gulamo Jafar, two Renamo Members of Parliament failed to maintain their positions as heads of the party lists in their respective provinces.

Renamo did not have a policy to ensure a fair representation of women and other marginalised groups. This resulted in the party having very few female candidates. In addition, Renamo failed to have a single woman heading any of its 11 lists.

In contrast, Frelimo had a clear policy in this regard. In fact, the ruling party's policy about the selection of candidates requires that one-third of candidates are women, one-fifth are youths and one-tenth former liberation fighters. In addition, the ranking of these candidates was done in such a way that their respective positions on the electoral list did not compromise the required levels of their representation. As a result of this policy, Frelimo had a fair representation of women on its lists and there were several cases of women heading their party list, such as Ms Veronica Macamo in Gaza and Ms Margarida Talapa in Niassa.

Presidential Candidate Nominations

Whereas in 1994 12 candidates stood for the presidential election, the 1999 presidential election had only two candidates. The CNE extended the deadline for the submission of nomination papers from Saturday, 9 October to Monday, 11 October 1999, as the Supreme Court is closed over the weekend. When nominations closed only three applications were accepted, namely, Chissano of Frelimo, Dhlakama of Renamo and Mr Yá-Qub Sibindy of Pimo. The court rejected the other three applicants, Mr Wehia Ripua of Umo, Mr Joachim Nyota of Padelimo and Mr Armando Siueia of Panacoa. The identity cards submitted by Sibindy's supporters were rejected on the grounds of signature irregularities. Sibindy was thus forced to withdraw from the presidential race, as the majority of the signatures supporting his presidential

candidature came from Angoche in the northern province of Nampula and it would be impossible to amend the irregularities within the five days granted him by the court. Thus, only Chissano and Dhlakama qualified to stand for the 1999 presidential election.

Voter Education

There is NGO involvement in voter education but it could be improved on. In 1999, three of the international NGOs that had actively supported civic education in 1994, the National Democratic Institute (NDI), European Parliamentarians for Southern Africa (AWEPA), and the Frederick Ebert Foundation, withdrew their support. A study done in 1999 by the Centre of Studies on Democracy and Development (CEDE) a recently created organisation led by the 1994 CNE president, Dr Brazao Mazula, revealed that these international organisations not only financed most of the NGOs but also controlled the conception of programmes, the strategies involved and their general execution.

The 1999 elections demonstrated that, although the overwhelming majority of voters were aware of the dates of registration and polling, many still had difficulties following the voting procedures and did not yet understand the meaning of the elections in the national political system. The involvement of more NGOs in voter education over a longer period could serve to popularise many aspects of the electoral process, such as the procedures of registration and voting. There is still a lot to do regarding NGO involvement in voter education, to ensure that such work is more effective, efficient and lasting.

Public Funding of Political Parties

Approximately US\$2 million was made available for the electoral campaigns of contesting political parties. USAID contributed US\$500 000; the Mozambican government, US\$480 000; Sweden, US\$470 000; the Netherlands, US\$340 000 and Switzerland, US\$100 000. The funds were equally allocated between the presidential parties, the parties represented in Parliament in proportion to the number of parliamentary seats, and the other contesting parties in proportion to the number of candidatures filled for the National Assembly election.

Parties received an initial payment and then subsequent instalments only when they had accounted for the expenditure of the preceding instalment. This was done in order to avoid the irregularities and abuses that had occurred in 1994 when a number of political parties failed to provide the CNE with documentation to justify their use of public funds. The new regulation led to several opposition parties accusing the CNE of purposefully delaying the release of funds to the advantage of the ruling party.

Cost of the Elections

The budgeted cost of the 1999 Mozambican presidential and parliamentary elections amounted to US\$40.8 million. The Mozambique government provided US\$8.8 million while the European Union contributed US\$22 million and the UNDP US\$10 million.

The Electoral Campaign

The electoral campaign took place from 19 October to 30 November 1999. Frelimo and Renamo dominated the campaign period. One of the consequences of this political polarisation was the increase of mutual hostility between members and supporters of the two parties.

Renamo began its campaign in the districts of Majacaze, Chibuto and Chokwe, the birth-places of Frelimo's presidents, Mr Eduardo Mondlane, Mr Samora Machel and Chissano. This

was followed by an outbreak of violent incidents including confrontations, beatings and the use of firearms. Many locals accused the police of standing by and watching the Chokwe violence unfold. In Changara, Tete province, Frelimo supporters burnt down the house of the Renamo representative after a Renamo rally was held in the area. The two parties accused each other of inciting the violence.

The Manica campaign was strongly contested, with Renamo and Frelimo criticising one another. Renamo used the threat to return to civil war and both parties often relied on insulting language in campaign speeches and songs.

Given the prevalence of transport difficulties in Sofala province, offers of bicycles were used as a means of winning over potential party activists during the election campaign. As in other provinces, both parties waged vigorous campaigns, relying on party songs, door-to-door campaigns, rallies and processions to improve party visibility.

The Media

Local and international observers praised the media for its contribution to raising awareness of the elections. Radio Mozambique and Television of Mozambique (TVM) gave continuous summaries and updates on the activities of the electoral candidates and the election campaigns as a whole. Both corporations seemed to provide balanced electoral news. In addition, Radio Mozambique had set up a code of conduct for its reporters. However, several other media houses were accused of biased coverage of electoral matters. The excessively partisan character of the newspapers was notorious. The daily Noticias and the weekly Domingo were reportedly more favourable to Frelimo and Imparcial to Renamo. In its assessment of the campaign, the Carter Center found that 'coverage of confrontations between supporters of Renamo and Frelimo has been one-sided and often inflammatory'.

Election Observers

National Observers

In provinces where NGO forums existed associations were set up for observation purposes. In addition, individuals also took it upon themselves to partake in the observation process. The national observation programme, however, was primarily organised by two NGOs, the Forum for Civic Education (Feciv) and the Association for the Development of Democracy (Amode). They deployed almost 1000 observers throughout the country. The Christian Council of Mozambique (CCM), which consists of the main churches and Protestant institutions, deployed 514 observers. One group of individuals defined itself as 'thirty-seven Mozambican citizens, individually and independently, duly accredited by the competent organisations of the electoral administration, conscientious of their civic responsibilities'. It included people such as Mr Teodoro Waty, the president of the Municipal Assembly for Maputo City, Mr Magid Ossman, president of the Council of Administration of BCI and Professor Dr Lourenco de Rosario, Rector of the Instituto Superior Politecnico e Universitario. Another such group was the Associacao Mulheres, Lei e Desenvolvimento Amuleide in Sofala province. A team of 14 observers worked in Dondo, Buzi and Nhamatanda. This was the first time Mozambican organisations and individuals took part in the observation of elections in their own country.

International Observers

The Carter Center sent two observation missions to Mozambique, one to observe the registration process and another to observe the voting. A delegation of 50 observers,

representing 16 countries, led by former presidents Mr Jimmy Carter and Mr Ket Masire observed the voting period of the elections. On the polling days, these observers visited 649 voting stations spread across almost 50 districts in all 11 provinces of the country.

The electoral observation mission sent by the European Union was composed of 64 observers from 12 countries. They visited almost 750 voting assemblies in 34 districts throughout the country. They reported 'very few problems or breaches of the electoral rules' and that 'none of those had an impact on the results'.

The Commonwealth, as well as the CPLP, organised small observation missions that expressed satisfaction at the behaviour of the voters and the manner in which the electoral process had been conducted.

The Southern Africa Development Community Electoral Commissions Forum (SADC ECF) sent a delegation of eight observers and associated researchers, led by Justice L M Makame, the forum's president, to Mozambique for the electoral period. The goal of this mission was to identify those aspects of the electoral process that could be improved upon in future elections and to make recommendations to the Mozambican authorities. The ECF delegation observed the elections in Tete, Zambezia, Nampula, Cabo Delgado, Maputo Province and Maputo City and stated that 'the elections themselves were conducted in a peaceful atmosphere and in a satisfactory fashion'.

International observers from the Organisation for African Unity (OAU), the SADC Parliamentary Forum and other international bodies were also present for the elections.

The Poll

Between 3 – 5 December 1999, Mozambicans went to the poll for the second time. Voters arrived early at the stations and waited patiently in the queues. National and international observers reported that there appeared to be a strong commitment to abiding to the electoral rules and procedures by polling staff, party agents and voters.

The CNE extended polling by one day as heavy rains and poor infrastructure delayed the delivery of voting materials to many polling stations. The Electoral Law does not allow the CNE to extend voting time to individual parts of the country. Thus, when it became evident that further opportunities to vote were needed in the areas where the voting could not be carried out timeously, the CNE had to extend the process to the entire country. It was generally felt that the third day had been unnecessary in most of the voting districts, with the exception of those areas where materials had arrived late. In some voting districts, the number of voters on the third day did not reach double digits. According to the reports, most of those who appeared at the voting stations on the third day were those citizens who had been prevented from voting earlier for various reasons such as employment commitments or ill health. Electoral staff who had not been posted to their own registration stations were allowed to leave their posts to cast their votes. It appears that a partial extension would have been preferable, given the costs involved.

A fundamental rule of the Mozambican electoral process, and one that guarantees transparency, is that the counting of votes begins immediately at the close of the poll. A partial extension raises the problem of the results from some polling stations being displayed, and probably announced by the media, while at other polling stations voters would still be casting their votes or waiting to do so. The alternative to this scenario would be to begin the counting only when all the votes had been cast nation-wide. However, this delay could compromise transparency of the process.

The election results for the parliamentary elections in Nampula were close, with Renamo gaining close to 43% of the vote and Frelimo 39%. Nampula province has the largest number of voters in the country and therefore was allocated 50 seats, the highest number of any province. At the provincial level, Dhlakama won considerably more of the presidential votes (57%) than his rival Chissano (43%).

Over the three days there was a voter turnout of 70%, which was a clear demonstration of Mozambicans' commitment to, and belief in, the electoral process. Although the 1994 elections had a voter turnout of 88%, many more Mozambican citizens were directly involved in the 1999 election as observers and electoral officials.

A number of problems, however, were reported, such as:

- ◆ errors in the completion of voters' cards during the registration process that prevented the voters from being able to cast their votes. This problem could have been avoided if the voters had checked their names during the period when the electoral lists were displayed for this purpose;
- ◆ incidents of violence between Frelimo and Renamo supporters during the electoral campaign. Renamo claimed it was prevented from campaigning in the districts of Changar, Cahora Bassa and Mague in the Tete Province;
- ◆ failure of the police to restore order;
- ◆ late delivery of voting materials to certain polling stations in Nampula province (Nacarroa, Muecate and Erati), in Gaza province (Macandazulo), in Manica province (Chinete and Zembe) and in Sofala (Marromeu, Chibabava and Gorongozza). The main cause for late delivery of the voting materials was the poor state of the road network in the countryside;
- ◆ voting did not take place at all at the eight polling stations in the district of Pebane, Zambezia, owing to technical and communication problems caused by heavy rains and a helicopter crash. This affected approximately 8 000 voters;
- ◆ difficulties in controlling the queues (sometimes of thousands of voters), especially on the first day of voting;
- ◆ inadequate lighting at the polling stations, especially at closing and in the rural areas, which, combined with the fact that voting took place over three days, may have contributed to the number of errors made in the filling out of registers;
- ◆ the size of the polling stations was so small that the secrecy of the vote was compromised;
- ◆ proximity of police officers at certain polling stations to the polling booths or not maintaining the distance recommended by the Electoral Law; and
- ◆ insufficient security guards to watch the election materials overnight at several polling stations. In addition, there were no Renamo party agents to monitor the voting and counting in the entire Changara district in Tete province.

The Results

The final results were released by the CNE on 22 December 1999 after a delay owing to technical problems. This delay caused anxiety and contributed to rising tensions within the country.

Chissano was re-elected President of the Republic with 52.3% of the votes, against 47.7% for Dhlakama. The ruling party consolidated its parliamentary majority by obtaining 48.5% of the vote against Renamo-UE's 38.8%.

In terms of overall representation Renamo, which secured 112 seats in the 1994 Parliament, increased its representation to 117 seats, of which only 100 were from the party, the remainder being distributed among its coalition partners. The votes gathered by the smaller parties that could not reach the minimum requirement of 5%, totalled 12.8%. This was slightly higher than the total of 11.68% reached in the 1994 elections. This increase in percentage was one of the reasons the smaller parties were prepared to enter into a coalition with Renamo. The coalition was mutually beneficial as it allowed the candidates from the smaller opposition parties to be elected and, consequently, Renamo boosted its representation in the legislature.

The distribution of votes in the 1999 elections repeated the pattern of the 1994 elections. Frelimo retained a majority of the seats in the southern half of Mozambique as well as Cabo Delgado and Nampula in the north. Renamo retained its strongholds in the central provinces. (see table below). The country is in fact polarised into areas of support for the two major political parties.

Representation in the national assembly is based on the results of 11 provincial elections. Because of proportional representation, regional electoral strength plays a significant role in a party's electoral success. The provinces of Nampula, Zambezia and Cabo Delgado have the most registered voters, thus they have the most national assembly seats assigned to them. Based on the distribution of votes in the 1999 elections, Mozambique can now be described as a two-party electoral system, with support for the parties rooted in their regional strongholds.

<i>Mozambique 2000 Elections: Provincial Distribution of National Assembly Seats</i>		
<i>Province</i>	<i>Frelimo</i>	<i>Renamo-Electoral Union</i>
Niassa	6	7
Cabo Delgado	16	6
Nampula	24	26
Zambezia	15	34
Tete	8	10
Manica	5	10
Sofala	4	17
Inhambane	13	4
Gaza	16	0
Maputo Province	12	1
Maputo City	14	2
Total	133	117

In the provinces of Cabo Delgado, Niassa, Inhambane, Maputo Province and Maputo City, Frelimo secured twice as many seats as Renamo. This was reversed in the provinces of Zambezia, Manica and Sofala. In the remainder of the provinces, the two parties obtained a similar number of votes, although Renamo-UE obtained more seats than Frelimo.

The Uniao Democratica (UD) which had been the third political force in the AR in 1994, obtained only 1.5% of the votes in 1999 and therefore was unable to participate in Parliament.

Palmo, which had been part of the UD in 1994 but had subsequently left the coalition, took 2.5% of the votes.

In the 1994 election, Frelimo had 129 deputies in the AR. This number increased to 133 in 1999 and in effect, meant that opposition representation in the AR decreased. However, Renamo-UE managed to obtain 117 seats (Renamo obtained 112 in 1994) out of a total of 250 seats. Seventeen of these deputies were from the smaller parties that had united with Renamo.

The results affected both the number of seats held by the political parties as well as the composition of their lists. This was obvious in the lists presented to the CNE. For example, Mr Abdul Carimo, the former first Vice-President of the AR for Frelimo, did not appear on the list. This was because he was 20th on the electoral list in Zambezia where Frelimo only managed to elect 15 deputies. The same situation applied to a lawyer from Renamo, Mr Jafar Gulano Jafar, the former spokesperson for Judicial Affairs, who was fourth on the electoral list in Maputo City where Renamo-UE had two deputies elected.

Post-electoral Disputes

Before the release of the results by the CNE, the Renamo-Electoral Union declared that they would not accept any results that awarded a victory to Chissano and Frelimo. When the CNE declared Chissano and Frelimo victorious on 22 December 1999, Renamo-UE declared the results fraudulent and submitted a claim to the Supreme Court for a re-count of the ballots.

Although Renamo-UE did not divulge the details of its claim, Mr Maximo Dias, lawyer and President of Monamo, one of the parties united with Renamo, stated in an interview with *Metical* on 24 December 1999, that the Renamo-UE's objections were as follows:

- ◆ the processing of the results at the CNE was done on the basis of computer disks from the provincial electoral circles whereas it should have been done on the basis of the data from the registers and respective editions;
- ◆ the computer disks in question did not accurately reflect the number of registers and editions and a comparative analysis shows large discrepancies between the two;
- ◆ 938 editions in the presidential election and 1 170 in the legislative election were not considered in the final count. In the presidential election this represented approximately 700 000 votes, including abstentions, blank and spoilt votes. In the legislative elections, this represented 800 000 votes. This could have altered the overall results of the elections, given that the difference between Chissano and Dhlakama was 205 000 in favour of the declared winner; and
- ◆ the re-qualification of the spoilt votes was not completed and valid votes drawn from those which had been considered spoilt were not taken into account. This increased the number of abstentions to more than 30%, but that did not reflect the reality of the situation. The electoral bodies themselves had declared that the abstention could not be higher than 25%.

Renamo requested the results of the election be nullified and a re-count of the ballots be held. The Supreme Court responded in detail to each of the arguments raised by Renamo. It declared that the documentation provided by Renamo and the reasons contained in it were insufficient to nullify the election results or to justify a re-count of the ballots. For instance, with regard to the use of computer disks from the provincial commissions, which Renamo considered illegal and fraudulent, the court responded by stating that:

in order to protect the data, the CNE had decided to use — not computer disks — but compact discs, also called CD-Rom (Read only Memory), which were used in the transportation and reproduction of data from various electoral circles. By using electronic supports instead of registers and editions, the CNE was still acting legally, according to the norms established by the Law and its own deliberations. The electronic supports also allow comparison of the registers and editions, provided that they are faithful copies of the originals.

The Supreme Court recognised the fact that the remaining editions had needed to be processed but it rejected the figures suggested by the coalition. According to the STAE, 7 772 and 7 595 editions were processed in the centre for the presidential and the legislative elections respectively. Five hundred and fifty and 727 editions respectively remained unprocessed. The court noted that these editions encompassed the provinces of Manica and Maputo-City and that it had been impossible to process them. This was because the data contained such errors as:

- ♦ missing codes of the electoral assembly;
- ♦ missing numbers of votes in the ballot boxes;
- ♦ no indication of the numbers of votes per candidate, party or coalition;
- ♦ non-indication of valid votes;
- ♦ discrepancies between the number of the valid votes, spoilt votes, blank votes and the total number of ballots;
- ♦ editions and registers with erasures and unclear alterations; and
- ♦ editions processed without saving the data on computer.

The Supreme Court stated that:

The irregularities were so obvious that there was no claim from any candidate or party for the rejection of any of them. This represents 6.61% and 8.74% of the electoral assemblies respectively in the presidential and legislative elections. If we consider the maximum of 634 voters per register and the participation rate of 69.51%, the total number of voters would be 3 777 773; not 900 000 as alleged by the contender, including blank and spoilt votes, which represent about 10%.

In response to the re-qualification and validation of the spoilt votes and their redistribution to the candidates, the court stated that these votes had been re-qualified and distributed to the candidates, political parties and coalitions.

The court estimated the number of spoilt votes in the presidential election to be 194 345; of which 58 262 were re-qualified and redistributed as follows: Dhlakama, 30 349 votes, and Chissano, 27 913 votes. The results were thus validated and announced by the CNE on 4 January 2000.

Renamo-UE threatened to install parallel governments in the provinces where it won a majority of parliamentary seats, namely, Manica, Nampula, Sofala, Tete and Zambezia.

A number of the smaller political parties in the Renamo-UE coalition did not support the parliamentary boycott. On 14 January 2000, Renamo reversed its boycott stance and all parliamentarians took their seats during the first sitting of the new Parliament.

On 15 January 2000, Chissano was inaugurated for a second and last mandate as the president of the Republic in the presence of Dr Mario Mangaze, the president of the Supreme Court. Mr Joachim Mulembwe was re-elected president of the Assembly of the Republic.

Conclusion

Mozambique's second general elections were considered by local and international observers to be a success. At one level, the 1999 Mozambican elections demonstrate general compliance with due process and the use of formal channels for complaints. After all, Renamo was fully within its rights to submit its appeal for a re-count of the votes to the Supreme Court. However, interim statements by Renamo officials that Frelimo had 'stolen' the elections, that the party would make Mozambique 'ungovernable' and that the Supreme Court lacked independence, serve notice that Mozambique's path to democracy continues to require careful navigation.

Frelimo remains intransigent about its claim to appoint all provincial governors as the majority party at national level. This constitutional issue poses a major obstacle to continued reconciliation in Mozambique. After all, Frelimo is rightly suspicious that Renamo governors might be tempted to play the same game of working with Frelimo inside government while threatening to undermine it, as has emerged was often the case in the CNE. Frelimo refuses to give in to Renamo's demands in this regard, particularly because a hard-fought constitutional settlement was lost immediately before the elections when Renamo refused to honour its commitments, calculating that it stood to win more power through the ballot box.

Acknowledgements

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Notes for Contributors

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John W Makumbe and Daniel Compagnon, *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*, Harare: University of Zimbabwe Press, 2000, pp12–14.

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Dickson Eyoh, 'Conflicting Narratives of Anglophone Protest and the Politics of Identity in Cameroon', *Journal of Contemporary African Studies*, vol 16, no 2, July 1998, pp249–276.

Hage G Geingob, 'South Africa in Africa: a Namibian Perspective', in Adebayo Adedeji (ed.), *South Africa and Africa; Within or Apart?*, London and Cape Town: Zed Books and SADRI Books, 1996, pp39–43.

Subsequent references: a reference to a single source in the previous note may be replaced by 'ibid.'; in later notes by author's surname and page number(s); several titles by one author may be replaced by shortened forms:

First reference: Bill Freund, *The Making of Contemporary Africa: the Development of African Society Since 1800*, Bloomington: Indiana University Press, 1984, p9.

Next note: Ibid.

Subsequent notes: Freund, p*.

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