

editorial

Elections tend to evoke a degree of tension among both parties and their rank and file support base. This trend is a global phenomenon and not just an African experience *per se*. This is so because elections involve contestation in which stakes are fairly high for all the contestants. In that situation tension and conflict are obviously inevitable.

If, therefore, elections are by their very nature conflict-ridden, the challenge for politicians and analysts then revolves around how best to manage election-related conflicts. This should be effected in a constructive manner with a view to avoiding a violent encounter between parties and/or their supporters. It is abundantly evident from the discussions in this fourth issue of the *Election Update* that although tension is bound to mark South Africa's forthcoming election, there is little likelihood of a violent eruption on a national scale. Anecdotal evidence suggests that possible election-related violent skirmishes between the ANC and the IFP are possible especially in the Kwazulu-Natal Province. Already incidences of intolerance between these parties in this particular province have triggered violent conflict that has claimed human

life. This situation has to be contained promptly and effectually in order not only to protect the integrity of the electoral process, but equally importantly to safeguard the country's stable democracy.

Since its ten years of democracy, South Africa has been able to put in place robust and effective institutions and one such institution is the Independent Electoral Commission (IEC). The IEC has developed mechanisms for handling election-related conflicts both timeously and effectively. EISA and the IEC run a Conflict Management Programme aimed at containing the adverse effects of conflict during election periods. The IEC has established conflict management panels and Party Liaison Committees that deal with conflicts early enough to avoid violent eruption. The IEC also administers an electoral Code of Conduct for political parties. Parties commit themselves to a clean and conflict-free election by signing the Code publicly. Thus, it behoves the parties to walk their talk throughout the electoral process by adhering to the letter and spirit of both the Code and the Electoral Act.

If the above structures are unable to deal with conflict situations adequately, then another institution enters the

fray, namely the Electoral Court. In other words, the institutional framework around elections in South Africa ensures that the management of election-related conflicts traverses various stages including dialogue, mediation, arbitration and finally litigation.

In this fourth issue of the *Election Update*, we explore various dimensions of conflict and elections and how election-related conflicts can best be managed. We are optimistic that the election will not be marred by violent conflict on a national scale.

Khabele Matlosa

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NATIONAL PERSPECTIVES

POLITICAL VIOLENCE AND INTIMIDATION

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The African continent has been an arena in which violent expressions of political conflict have been commonplace since the inception of colonial rule. The processes of achieving democratisation, both in the colonial and post-colonial eras, have been marred by violence. Violence has been so central to the structuring of these societies that it has become not only manifest in all spheres (private and public) but is also often the first resort as a means to settling disputes, especially those of a political nature. It is also partly because of this culture of violence that progress towards democratic reform on the continent is retarded through, for example, the re-emergence of civil wars and coup's. Democratisation is seen as the antidote for political conflict and a necessary ingredient for sustainable development. Often political violence transpires in the context of elections. Elections, therefore, may be a necessary part of democratisation but they are also a source of conflict as parties use whatever tactics are necessary to win. The

African Union and NEPAD have committed leaders on the continent to democratisation and elections that are 'free and fair.' The legislative framework and institutions necessary for this to materialise are existent in most African countries. It is the implementation of the legislation and the functioning of the institutions that are often left wanting. The challenge is to make these effective.

When South Africa embarked on its first national democratic elections, in 1994, the voices of doom and gloom predicted a blood bath. From the mid-1980s KwaZulu-Natal and the Rand were engulfed in a war that claimed the lives of thousands of people (it is estimated at 20 000). The violence was primarily between supporters of the ANC and those of the IFP but was fuelled by the apartheid regime's security forces, dubbed the Third Force. It was feared that this violence would derail the elections and the spectre of doom was reinforced when the IFP announced that it would boycott the elections. Thousands of SADF troops were deployed to the Natal area and several attempts were made to facilitate peace accords between the rival parties in the area. It was days before the elections, on 19 April that Buthelezi

agreed to have the IFP participate in the elections. Although there were incidents of violence, 'no-go areas', and accusations of fraud, the election results were accepted, partly because the IFP gained the majority of votes in that area. Things may have been different if it had not done so. The other worrying factor was whether there would be a rightwing coup for the far right supporters had violently tried to disrupt the CODESA talks. Though there was mobilisation for a coup after the elections, as evidenced by the recent trial of the *Boeremag*, none materialised.

During the second democratic elections, in 1999, the maturity of the electoral process and the electorate was evident. There were few incidents of political violence or overt intimidation. The South African government and civil society organisations have placed numerous resources into establishing credible electoral procedures, voter education, and a well-organised election machinery. This has to a large extent paid off for elections are overwhelmingly seen as 'free and fair' in this country. In addition, the proportional representation electoral system has reduced the possibility of violence in the post election period as

minority political parties are still provided with a space within the governing institutions of the country.

Legislative and Institutional Framework for Ensuring Equity and Credibility during Elections

The Bill of Rights ensures that every citizen has the right to freedom of expression, freedom of association and to make political choices including the right to form their own party. South Africa has seen a mushrooming of political parties with 35 currently due to contest the up-coming elections. The Constitution provides for the right of existence of an independent electoral body to oversee elections. The creation of the IEC has been key to the facilitation of peaceful elections in South Africa. Through it, the legislation contained in the Electoral Act, which governs elections, has become institutionalised in ways that are acceptable to all participating political parties. All political parties contesting elections are required to sign a Code of Conduct that is basically a document outlining ethical behaviour to ensure the integrity of the election process. Some of the principles within the Code of Conduct are that Political Parties:

- publicly condemn violence and intimidation;
- do not engage in violence or intimidation, or in language or action which might lead to violence or intimidation;
- do not allow weapons to be carried or displayed at political meetings, marches, demonstrations, voting stations, etc;
- do not publish or repeat false, defamatory or inflammatory allegations about political opponents;
- co-operate with other political parties to avoid scheduling political activities at the same times and places;
- do not impede access to eligible voters by political opponents;
- do not destroy, disfigure or remove other political parties' campaign materials;
- do not bribe eligible voters in respect of the election campaign or voting;
- facilitate the equal participation and access of women to political activities and to vote.¹

Contravention of the Code of Conduct is tried in an Electoral Court and those found guilty can be subject to a fine or prison sentence

¹ Taken from summary listed on web site
<http://www.aceproject.org/main/english/ei/eif01a1.htm>
accessed 4/3/2004.

of no more than 5 years. Provision is also made for monitors and observers to keep a close eye on the election process and to give independent appraisals of the status of the elections. More importantly, through voter education drives, voters are made aware not only of what they must do in order to vote but what political parties or individuals cannot do in order to secure their votes. These institutional and regulatory mechanisms set South Africa well on the way to democratic consolidation where elections take place regularly and in an environment conducive to achieving the aim of exercising political choice without intimidation. To state this, though, does not mean that there is no violence or contravention of the Code of Conduct, but it has been substantially reduced and/or taken on different forms for which there are as yet no mediating mechanisms.

Growing Concerns of Political Violence

Recently there has been a spate of news reports on incidences of violence in KwaZulu-Natal and of unethical behaviour on the part of some parties. Since the floor crossing in 2003, political tension has been on the increase in this province. The IFP was dealt a severe blow in this exercise, barely managing to hold onto the provincial legislature by a

majority of two. Lionel Mtshali also just held onto the premiership. The ANC's public statements that it, together with its new partner, the NNP, intended to go all out to gain the majority of seats in the province in the next election and the launch of its election campaign in the region ignited the sparks that have currently seen the re-emergence of patterns of pre-1994 political behaviour. Allegations of politically motivated deaths have surfaced, although statements to the contrary have now been made, for example, that the seven deaths at a rally in Estcourt were due to criminal activities rather than intra-party rivalry. It is alleged that three ANC supporters have been killed in recent months whilst the IFP claims its supporters have had their T-shirts ripped off, that an ANC councillor shot the car of an IFP MP and that some IFP supporters have been hospitalized due to violent attacks by ANC supporters.² The ANC and IFP are yet again engaged in peace talks and joint road shows and the IEC has sent in a mediation team. I concur with Deputy President Zuma when he notes that there is no longer space in South Africa for the scale of political violence that transpired before. However, it is not the number of acts of violence

that matter. One act is already too much! It is more important to understand why political violence is so easily resorted to in this province and/or why the numerous mediation and peace accord attempts have been so tenuous.

Theoretical explanations of political violence centre around 'grievance' (exclusion) and 'greed' (economic aspects), or a combination of both these factors (including ecological). It is obvious that any explanation of political violence in KwaZulu-Natal has to take into account the characteristics of the province in terms of its demographic make-up, historical evolution, monarchy, economy, and so forth. It also has to detail the protracted struggles between IFP supporters and ANC supporters, the militarisation of the area that ensued, the incomplete demobilisation of the militia that emerged and, in the context of high unemployment, and their easy resort to criminal activities. There is no space for this kind of analysis here and other authors have dealt with it at length. However, one can note that the tenuousness of the peace in KwaZulu-Natal is, as in most other countries in Africa, related to the structuring of a society in which access to state power is a key determinant to access to wealth/ resources. For the

IFP, holding onto provincial power is important for symbolic reasons of showing a correlation between the ethnic make-up of the province and power of the supposed party that represents the majority ethnic group which considers the province its 'natural' homeland. It is also arguable that the IFP's loss of power would drastically reduce its ability to sustain a patronage system of politics. The political stakes are high. When Buthelezi notes that he doubts that he will retain his cabinet position if the IFP does not succeed in gaining an outright majority, he is stoking a latent fear of exclusion from the flow of state/patronage resources that will set in for himself and his supposed ethnic compatriots. One needs to pose the question of whether or not the ANC's forward push in this province is premature? Given the volatility of the province, would a term of power sharing (the principle on which the transition in 1994 was based), even if one has the necessary support base to take over the province, not be a more strategic choice for the benefit of the province as a whole? Should S'bu Ndebele's impassioned statement not be heeded?"I am prepared to die for KwaZulu-Natal but I am not prepared to see KwaZulu-Natal dying for me"³.

² See "Nervous' Buthelezi warns of vote violence" <http://www.iol.co.za> February 10, 2004.

³"KZN in the spotlight as elections draw closer" <http://www.iol.co.za> February 23, 2004.

If overt political violence has not descended on the province, there have been serious cases of breaching the electoral Code of Conduct that infringe on the credibility of the election process. Accusations of the de-facing of posters have been made, illegal murals have been put up, rallies are held on the same day in the same area, and, as recently seen in President Mbeki's campaign trip to KwaZulu-Natal, attempts to disrupt parties from campaigning still happen. These transgressions have to be penalised. They are unacceptable and need to be shown to be so.

How do we Limit Political Violence and Intimidation?

South Africa, as noted above, has already done much in this regard. The underlying premise however, is that conflict is not necessarily bad as it is the catalyst for change, but it has to be channelled constructively. The mechanisms are in place but more work needs to be done on changing attitudes. To do this requires more voter education and an entrenchment of respect for the rule of law. More importantly, it demands inculcation of the idea that violence is not a means to solve political conflict or to acquire status/power. People fed on a constant diet of violence and intimidation in the home and community

will easily transgress the rules governing behaviour for elections. Violence between supporters of political parties will, anywhere in the world, always be but a reflection of the larger culture in which it exists.

Violent crime is endemic in our society and it affects particularly women and children. It has been reported that there is a murder or attempted murder every 12 minutes and a rape every 26 seconds. Often the lines between political violence and crime are blurred and the effects of larger problem of violence are not taken into account during elections. For example, how many women who have been raped in the week of elections will want to get up to go and cast their vote? How many wives beaten, people whose places have been burgled the night before or who have been robbed or assaulted will want to exercise their right to choose a political party when they have so little control over their daily lives? How many people will be mugged on their way to go and vote? Are voters protected only on that day when the police come out in full force so that we can have a 'free and fair' election but live the rest of our daily lives in fear, until the next election! How many people are intimidated into casting votes for particular parties in ways not that obvious to us? To eradicate political violence and

intimidation requires that democracy becomes a way of life not merely a form of governance conducted by the state and in which we participate every five years.

MANAGING CONFLICT PREPARING FOR THE 2004 ELECTIONS

Ilona Tip

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Background

Electoral Management Bodies are bodies established through legislation to manage elections and, as such, play an important role in sustaining and deepening democracy. Electoral Management Bodies are the principal conduit for transparent, accessible, free and fair elections. The Electoral Commission of South Africa (IEC) was established through the Electoral Commission Act (Act 51 of 1996) and tasked with managing national, provincial and municipal elections; ensuring that these elections are free and fair and declaring the results of these elections.

Elections are by their very nature adversarial and generate conflict. Whilst conflict in itself is not negative, how conflict is managed is the challenge. Conflict acts as a catalyst for change, transformation and progress. Indeed, a sign of a healthy democracy is one that is tolerant of opposing points of view and ideas and ensures an environment conducive for the articulation of such views.

The pre-election period provides the opportunity for contesting parties to campaign and canvass for potential voter support. In an environment that is tense, where high levels of intolerance are displayed by contesting parties and their supporters and which is punctuated by the strong competition for control of power, levels of conflict are increased. This conflict has the ability to induce fear in the electorate, inhibit voter turnout thereby undermining the outcome of the process. This conflict can spill over to election day and the post election period putting at risk the conduct of regular elections as required by the South African Constitution.

The IEC has recognised that appropriate mechanisms should be developed to effectively manage conflict so that it does not manifest itself in a destructive or negative way. To this end they have established Conflict Management Panels. The Electoral Institute of Southern Africa (EISA) has worked collaboratively with the IEC in putting in place Conflict Management Panels in preparation for the 1999 national and provincial elections, 2000 local government elections and again in preparation for the 2004 national and provincial elections.

The introduction of alternative methods of

resolving conflict, other than litigation, have been utilised in the electoral context in South Africa since 1994. The Interim Electoral Commission, put in place to co-ordinate and manage the elections, established an Adjudication and Monitoring Division. The Division undertook investigations, specialist monitoring, accreditation and logistics and mediation. The Division was serviced by full-time and part-time mediators and arbitrators to assist the IEC in preparing a secure environment in which the elections could take place.

The Independent Electoral Commission supported by legislation contained in the Electoral Commission and Electoral Acts provides mechanisms to contain and manage electoral related conflict through the legal process. The *Government Gazette* (No 19572, 4 December 1998) contains the Rules Regulating Electoral Disputes and Complaints about Infringements of the Electoral Code of Conduct. The Magistrate's Court and High Courts may hear an electoral dispute or complaint about an infringement of the Electoral Code which arises in its area of jurisdiction. (Section 96 (2) of the Electoral Act sets out the sanctions the courts can impose). The Electoral Commission Act (ECA: 18) also provides for the establishment of the Electoral Court, a body with

the status of the High Court. The Electoral Court sits to hear matters that would affect the determination of the final results.

Within the context of the prescribed legislative framework and supporting regulatory provisions, the IEC had sought to promote a culture of consultation and consensus to create a sound foundation for the conduct of the 1999 elections. This included the establishment, through regulation, of Party Liaison Committees which provided an ongoing platform for the Commission and the contesting political parties to identify problems and seek solutions. Partnerships with civil society organisations were established as they enjoy the confidence of the communities within which they work.

The seriousness with which the IEC views alternative dispute resolution as a process was indicated by the amendment to the Electoral Laws Amendment Act, (Act No 34 of 2003, *Government Gazette* No. 25687 dated 6 November 2003) that reads:

The Commission may attempt to resolve through conciliation any electoral dispute or complaint about an infringement to the Code brought to its notice by anyone involved in the dispute or complaint.

Objectives

The overall objective of the Conflict Management Programme is to put in place mechanisms that will assist in managing and/or preventing possible electoral conflict. Through the programme the IEC hopes to develop a clear understanding of the nature and origin and possible prevention of electoral conflict; strengthen its capacity to deliver free and fair elections; encourage voter turnout by ensuring an environment conducive to free and fair elections and encourage the resolution and management of election conflict

Structure

The structure set up to implement the conflict management programme for the 2000 elections differed slightly to that of the 1999 elections and will again differ slightly to that of the 2004 elections. As the 2000 elections were local government elections, the structure placed more emphasis on resolving conflict at local level with two distinctive panels in place, namely provincial and local conflict mediation panels. For the 1999 elections, provincial panels were put in place with a small team of highly skilled mediators that could be called on to mediate disputes at national level.

The Number of Panelists per Province

Province	1999	2000	2004
Gauteng	14	11	15
NorthWest	9	4	5
Mpumalanga	5	5	10
Free State	5	7	5
Limpopo	7	5	5
Eastern Cape	20	6	14
Kwa Zulu/Natal	19	15	20
Western Cape	20	6	30
Northern Cape	8	8	8

For each of these elections, and again in 2004, provincial co-ordinators located in provincial IEC offices, were appointed to co-ordinate the deployment of mediators.

Choice of Panelists

As with previous elections, a set of criteria has been agreed on in regard to the selection of panelists. The underlying basis for selection to serve on the panel is the need to ensure both the credibility and legitimacy of the process and to reflect the professional nature of the IEC.

Types of Intervention

The types and nature of intervention in the previous two elections, related to issues of intimidation/harassment and political intolerance with a lesser number of complaints relating to removal of or damage to posters.

The 1999 elections recorded 359 complaints that required intervention.

KwaZulu/Natal recorded the most complaints, ie 161, with intimidation/harassment and political intolerance related complaints topping the list (80%), followed by poster-related disputes. The **Eastern Cape** recorded 60% of the 17 complaints were about political intimidation and intolerance. **Gauteng** recorded 51 complaints. The **Northern Cape** only recorded 6 complaints with 4 relating to intimidation and 2 to the removal of posters. **Northwest** recorded 15 complaints with the majority relating to poster removal. The **Free State** recorded 15 complaints relating mainly to logistics and procedures on election day. **Mpumalanga** recorded 20 complaints with 5 relating to dismissal of works for absenteeism on election day. **Limpopo** (Northern Province at the time) noted 15 complaints and the **Western Cape**, 61.

During the 2000 Local Government Elections, 314 reports were logged of which 167 were resolved telephonically by the provincial co-ordinators and did not require further intervention. One hundred and ninety three (193) complaints were lodged requiring intervention. One hundred and fifty seven (157) of these complaints were resolved through mediation. The remaining complaints were resolved at

the Party Liaison Committees, 7 were investigated by the police and 2 were litigated through the courts. In 3 cases mediation failed to achieve resolution. The nature of the complaints related to registration issues (7), demarcation issues, (6) posters issues (20), canvassing in or near voting stations (15) and intimidation (18). Twenty one cases were lodged against the IEC for IEC bias. A full report was prepared by EISA and the IEC for both the 1999 and 2000 elections

It is difficult to predict the amount and nature of electoral related conflicts that may arise in the forthcoming 2004 elections. We have seen recently an increase in incidents of violence in KwaZulu/Natal. Although it has not been possible to categorically relate these incidents to the elections, these incidents certainly heighten and add to tension in the province and impact on the pre-election period. There have also been allegations from several parties about damage to posters, or posters being removed which again impacts on the pre-election environment and affects the overall credibility and legitimacy of the election. It is expected that the electoral process should be peaceful and conducted in a spirit of political tolerance. At the moment, Intelligence and

Safety and Security have identified KwaZulu/Natal as potentially problematic. However all political parties as well as President Mbeki have made it clear to supporters that violence will not be tolerated. Panelists in that Province may be more challenged.

The value of mediation is that it can be conducted anywhere and anytime. The process is streamlined and as intervenors are regarded as neutral and non-partisan. They are able to satisfy the interests of stakeholders bringing an acceptable resolution agreed upon and developed by all concerned.

ELECTION AND CONFLICT

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Introduction

Democracy is a fairly complicated system of governance. It does not only denote broad representation of key political forces in the running of national affairs as well as sufficiently equitable distribution of national resources, but equally important is the management of conflicts. Given the broadly inclusive nature of 1994 political settlement and the electoral model in South Africa, it is evident that in terms of political participation and representation in the governance process, democratic practice and culture is increasingly becoming entrenched and institutionalised. Further more, deliberate government policy towards economic empowerment of the historically marginalised social groups has also gone a long way in redressing the economic imbalances of the apartheid era. In this area, however, much more still needs to be done if, for instance wide-spread poverty and unemployment are to be reversed. Democracy entails a multiplicity of conflicts of various types due mainly to the fact that this system opens up political space for a plethora of public demands

that often times are not sufficiently met through deliberate policy initiatives. It is also fair to argue that democracy is all about managing societal conflicts in a constructive manner. In this way, it is helpful to conceive of conflicts not so much as destructive phenomena, but as a natural part of social development. The challenge then is not to wish conflicts away, but rather to devise effective institutional mechanisms for managing them much more effectively. This article reviews election-related conflicts in South Africa ahead of the 2004 election and sheds some light on how to deal with these effectively.

Nature and Magnitude of Conflicts

Major conflicts in South-Southern Africa, as elsewhere in the world, revolve mainly around four (4) areas. First, both South Africa and Southern Africa have experienced resource-based conflicts; that is conflicts that are linked to or triggered by contestation over the distribution of resources. Second, the SADC region as a whole has also witnessed conflicts around control over territory and this has been much more pronounced in, for instance Angola than in South Africa. Thirdly, conflicts have also rotated around differing and divergent ideological world-views among key political

actors. To be sure, this type of conflict has marked the political landscape in South-Southern Africa and party systems as well as elections in the region are premised upon this type of contestation. Fifth and finally, conflicts in the SADC region have also revolved around social identity be it racial, ethnic, class and/or gender stratification of society. Quite obviously, this type of conflict has marked the then apartheid South Africa and undoubtedly identity conflict still confronts post-apartheid democratic South Africa today. What is important to note, however, is that the common denominator of all these structural conflicts in South-Southern Africa is contestation over power and in particular control and utilisation of state power. Thus, in a word, power is the heart of all conflicts in society and the same argument extends perfectly well into an analysis of election-related conflicts.

Role of Elections in a Democracy

Elections constitute one of the most important ingredients of democratic governance the world over. Although elections, in and of themselves, do not constitute democracy as such, they are considered one of the KEY principal pillars of a working democracy in any given country. Key functions of elections in entrenching

democratic governance are many and varied, but the most critical ones for the purpose of this discussion are:

- Legitimation of the political system and government;
- Providing for orderly succession of governments;
- Selection and recruitment of leaders;
- Linking political institutions with voters' preferences;
- Mobilisation of the electorate for social values, political goals and programmes, etc;
- Channeling of political conflicts in procedures for their peaceful settlement; and
- Giving rise to a competition for political power on the basis of alternative policy programmes.

Thus elections provide the requisite legitimacy for the winning party to govern. They assist in institutionalising democratic means for change of governments. They link leadership succession to preferences of the electorate. They provide a mechanism for peaceful settlement of political conflicts. All the elections in South Africa since the epoch-making 1994 political transition have played these functions fairly adequately, in particular the entrenchment of an electoral process as a conflict management process. This is

where elections become crucial for democracy - for elections have a great potential to either escalate or de-escalate an existing structural conflict. You need not look far for evidence on this; in Angola, the 1992 abortive election entrenched a culture of political violence, while in Mozambique since 1994, elections have helped entrench a political culture of constructive management of conflicts much the same way as they have assisted entrench political harmony and reconciliation in South Africa.

Election-Related Conflicts

Elections involve a contest over political power, especially state power. Given the nature of the contestation and the high stakes, elections are, by their very nature, conflict-ridden phenomena. In other words, all elections involve a fair amount of conflict between and among parties in contestation; and this should not come as a surprise and/or cause for alarm, for all forms of competition involve varying degree of conflict of sorts. For a conflict to occur three (4) conditions exist:

- Context (eg. Election);
- Actors (eg. Parties);
- Issues (eg. Registration);
- Incompatibility of interests (eg. Control of government).

Having occurred, a conflict situation either escalates into

a violent encounter between belligerent forces or de-escalates into a peaceful settlement depending on how it is managed. Thus, conflict cannot be wished away in any election, as argued earlier. The challenge therefore, is not to wish them away, but rather to ensure that appropriate institutional mechanisms are in place to manage election-related conflicts. Given that an election process evolves over various stages or phases then it is easy to identify key areas in each phase that are more conflict prone. We can identify these areas by classifying elections into three phases namely (a) pre-election phase; (b) election or polling phase; and (c) post-election phase. What then are the key conflict areas in the pre-election phase?

In the pre-election phase, the usual hot-spots in SADC elections are around (a) constituency delimitation, (b) voters registration, (c) registration of parties, (d) nominations and party lists, (e) political campaign, (f) independence of the IEC and election staff recruitment and (g) party funding. The issue of delimitation of election boundaries or constituencies does not arise in the case of the forthcoming election in South Africa given that the country uses the PR electoral model which considers the whole country as one large single constituency. This becomes a major problem in

almost all other SADC states such as Malawi, Zimbabwe and Zambia that operate the British-style First-Past-The-Post electoral model.

Voter registration in South Africa is a continuous process and as we have indicated in the previous issues of this bulletin, the IEC organised targeted registration in November 2003 and January 2004. No major conflicts have been experienced around voter registration for the 2004 election and in fact all parties have applauded the IEC for the job well-done. Given the smooth registration process, it also goes without saying, of course, that the voters register is well managed by the IEC to ensure that accurate information about all eligible voters is well captured. The register is open for inspection by the voters and parties to ensure openness and transparency of the electoral process.

Although the registration of parties has been undertaken with minimum amount of conflict, with parties required to pay R500.00 for registration, R150 000.00 for National Assembly elections and R30 000.00 for each Provincial Legislative election, two parties contested their registration for election through the courts and won the case. The nomination process may seem fairly straight-forward given the electoral model in

South Africa, but is inherently fraught with tension and conflict. Parties work out their lists on the basis of their own internal arrangements. Depending on how much internal democracy has been institutionalised in each party, conflicts may or may not disrupt the party machinery. For instance, as we have indicated in our previous issues, in some parties, such as the ruling African National Congress (ANC), the process is fairly open and allows not only inputs from the provinces for the development of party lists, but the Electoral Institute of Southern Africa (EISA), an independent organization, facilitates and monitors the whole process.

Election-related conflicts during the campaign process are dealt with through the Code of Conduct for parties, conflict management panels, party liaison committees and/or the electoral court. To date, no major violent conflicts (on a national scale) have occurred during the run-up to the April election. A number of violent encounters between the ANC and IFP supported have been reported in Kwazulu-Natal and at the time of going to press these had claimed about ten (10) lives.

Independence of the IEC and the nature of election staff recruitment have become heated issues around elections in a number of

SADC states including Lesotho, Zambia and Zimbabwe. Interestingly, the independence of the IEC and the recruitment of election staff have not triggered any major conflicts as South Africa prepares for its third democratic election and this may suggest effectiveness of the democratic institutions and entrenchment of democratic culture and practice in the country.

In our earlier issues of the *Election Update* we have reported on the process of party funding and observed that although public funding for parties is well regulated and come in handy for institutional capacity building for political parties, we have raised the key issue around regulation of private funding. Private donations to political parties are not regulated and this situation can, as the Institute for Democracy in South Africa (IDASA) has aptly argued, lend itself easily to political corruption and abuse of power. Political parties are divided on this matter; bigger parties do not seem to favour regulation and disclosure of private donations, while smaller parties prefer regulation and public disclosures.

Conclusion

Democracy requires that a country holds regular multi-party elections. Elections are therefore an important ingredient of democracy.

However, elections on their own, do not constitute democracy. Elections presuppose contestation over control of state power. Given the high stakes in the contestation, then elections tend to be conflict-ridden phenomena. Election-related conflicts are therefore part of the political game. They should be accepted as reality of electoral politics. Having accepted that elections are conflict ridden phenomena, political actors then need to strive to put in place institutional mechanisms for managing them effectively

In South Africa, the Code of Conduct for parties helps deal with election-related conflicts. Institutional arrangements for ensuring compliance with the Code include conflict management panels, party liaison committees and the electoral court. Electoral Commissions also need to have in place plans for managing conflicts through the three (3) phases of an electoral process. This can be done more effectively by anticipating or identifying critical 'hot-spots' that could trigger a conflict. Observers and monitors need to focus their minds and plans on the key areas that have greatest potential for generating conflict during elections during pre-election phase, election phase and post-election phase.

POLITICAL VIOLENCE AND INTIMIDATION, AND THE ROLE OF SECURITY FORCES

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Unisa

An election is the most densely contested moment in any democratic dispensation. One of the reasons for this being that an election is both the most reliable and legitimate instrument of distributing political power in a society. For an election to be free and fair, its outcome should be uncertain and not absolutely predictable, despite opinion polls and surveys. In these circumstances of relative uncertainty and periodic 'instability', constitutional support mechanisms ought to be in operation to support the election processes and to dispense with possible disputes regarding election fraud and the election results. Without such support structures, or even if they are weak, elections have a high potential for conflict. We have witnessed it in the presidential elections in Angola (1992) and Madagascar, and in the parliamentary elections in Lesotho (1998).

In a recent speech, Dr Brigalia Bam, Chairperson of the Independent Electoral Commission (IEC) reiterated

the importance of these points:

A campaign disfigured by violence, chaos at the polls or in the country, and a consequent aftermath of controversy, can do great and lasting damage to the electoral process and image of a country. In fact, in many African countries election outcomes have become the focus of bloody conflicts and costly legal battles. The ideal is a tolerant electorate, wise political leadership and an electoral administration that is competent and impartial.

In contrast to the most prevalent form of political violence associated with elections in several African states - namely, challenging the election results after election day - in South Africa political conflict and intimidation manifest themselves during the election campaign before election day.

What is Electoral Conflict and Intimidation?

Conflicts associated with elections are described in multifarious ways. For the purpose of this discussion it is most appropriate to confine it to the stipulations of the Electoral Act, No. 73 of 1998. The Act deals with it in Chapter 7 as 'Prohibited Conduct'. Under this heading the following are included: undue influence, impersonation, intentional false statements, infringement of secrecy, prohibitions concerning

voting and election materials, and concerning placards and billboards during elections, obstruction or non-compliance with directions of the IEC and its officers, and contravention of the Electoral Code of Conduct. Not all of them qualify as conflict or intimidation, though they can all indirectly be associated with it. We shall highlight the more obvious prohibited forms of conflict and intimidation.

Prohibition against undue influence is not only to protect the voters, parties and candidates but also the IEC officials. Voters are protected as follows: they may not be compelled or unlawfully persuaded to register or not to register, to vote or not to vote, to support or vote for a particular party, or to attend and participate in a political meeting, march, demonstration or other political event.

Parties are protected in the sense that any party representative or candidate may not be prevented from gaining reasonable access to voters. They may also not be unlawfully prevented from holding any political meeting, march, demonstration or other political event - in other words, 'no-go areas' are outlawed.

The IEC is protected against interference with its

independence or impartiality as an election manager. Members and officials of the IEC may not be prevented from gaining reasonable access to voters.

The Act outlaws a wide spectrum of actions as election fraud (though the concept is not used): undue influence in respect of registration of voters [section 87(3) and (4) in the Act], impersonation [section 88], intentional false statements [section 89], infringement of secrecy [section 90] or actions concerning voting and election materials [section 91].

A common characteristic of many election campaigns but one that is potentially explosive is interference with election placards and billboards. In section 92, the Act explicitly prohibits that any person may deface or unlawfully remove any party billboard, placard or poster during the campaign period. For this election it means from February 11 until the election results are officially declared.

Another, more subtle form of intimidation addressed by the Act, is obstruction of, or non-compliance with directions of the IEC and its officers. Persons have to give effect to a lawful direction or instruction by them. A person may not obstruct or hinder (and therefore also not intimidate) them in the exercise of their powers.

Furthermore, section 108 of the Act prohibits any political meeting, march, demonstration or other political event on voting day (April 14). It also outlaws any person engaging in any political activity, except voting, within the boundary of a voting station - which means the whole of the country. It is a preventive measure to deny any opportunity for political activities, and therefore for demonstrations of power and other forms of intimidation.

What is the Nature of Political Electoral Conflict and Intimidation in SA?

In the period 1983-1994 political conflict assumed many forms, but the two that continued into the 1994 election campaign were the ANC/IFP internecine confrontations in most of KwaZulu-Natal and also in some townships on the East Rand, Soweto and in the Vaal Triangle, and a limited sabotage campaign by the far-right wing. In respect of the first type, the National Peace Accord (1991) established the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation - the Goldstone Commission. This type of violence was intimately linked to the uncertainties and party political bargaining during the constitutional negotiation and can be ascribed to transitional violence.

Though the ANC and the IFP have concluded two agreements to curb this violence, it developed new permutations since early 2004. The endemic violence between the two organisations was addressed by the Agreement for Reconciliation and Peace (19 April 1994) between the ANC, IFP and NP. The IFP agreed to participate in the general election a week thereafter, and in consequence, the level of political violence declined dramatically. This relatively low level of violence was sustained for the following five years. Prior to the 1999 general elections, the ANC and IFP concluded a cooperation agreement regarding cooperation in the national and KZN provincial governments. This agreement continued to suppress open political conflict between the two parties. It also established a liaison mechanism between the two - known as the '3-A-Side Committee' or lately the '5-A-Side Committee' - for ongoing dialogue and consultations since 1999. Serious crises in KZN provincial politics were often resolved in this forum. Their cooperation (and therefore the prevention on possible violence) came under tremendous pressure when the ANC national government introduced a constitutional amendment and legislation to allow for floor-crossing by representatives between

parties. The consequent damage in their relationship of trust motivated the IFP to search for new allies, and late in 2003 concluded the 'Coalition for Change' with the DA. Its alienation from the ANC opened the way for renewed political conflict for the first time since 1994.

In quantitative terms the levels of violence and intimidation during election periods have declined quite dramatically. Complaints received by the IEC regarding no-go areas, political violence and intimidation declined from 3 558 in 1994, to 1 032 in 1999. One of the characteristics of the 1999 incidents was that a marked number of them were in the Western Cape between the UDM and the ANC, especially in informal settlements.

Currently, electoral violence appears to manifest itself in different forms: as sporadic, unpredictable and individual incidents, and not open warfare between groups in townships. Assassinations and killings of individuals or families appear to continue from the pre-1994 period. Such violence is exceedingly difficult for security forces to prevent. Preventive measures based on reliable intelligence and political restraint preached by the political leaders, are the only prevention against this type of political conflict. Physical protection (especially in

rural areas) will, in most cases, be a futile exercise.

The unknown factor regarding electoral violence is the potential of the far-right wing. In 1999 they did not commit any acts of conflict, but since then a conspiracy by the 'Boeremag' has been exposed. For the 2004 general election the HNP continues its call for a boycott of the election, but it does not pose any violent threat. The backbone of the rightwing infrastructure in rural areas - the commando system - is being dismantled by the SANDF and thereby their disruptive potential is also reduced. Isolated incidences of violence and disruptions cannot, however, be completely excluded.

How can Electoral Conflict and Intimidation be Contained and Prevented?

Not only is the IEC responsible for all aspects of administering general elections, but it should also ensure that they are free from conflict and intimidation. For this purpose it has a number of instruments to its disposal.

Dr. Brigalia Bam is confident that they will not be the necessary factor to prevent conflict, but rather the experiences of the past ten years. In a recent speech she said:

If the 1994 elections were conducted in an atmosphere

of violence and political conflict in certain areas, the 2004 elections will be violence-free and peaceful. This we can guarantee because, firstly, South Africans are appreciative of the democratic change and the opportunity to be part of this exciting period in our history. Secondly, our multiparty democracy has developed to the extent that political parties now exercise maturity and tolerance in their interaction with each other and the electorate.

In concrete terms, the IEC's strongest instrument to prevent electoral conflict is the *Electoral Code of Conduct* for the participating parties. It was implemented for the first time in 1999. In Schedule 2 of the Electoral Act, the Code's principles are set out. Parties pledge to refrain from the following forms of prohibited conduct:

- to use language or act in a way that may provoke violence during the election, or intimidation of candidates, supporters and voters.
- to publish false or defamatory allegations in connection with any aspect of the election
- to plagiarise the symbols, colours or acronyms of other parties
- to offer any inducement or reward to a person to join a party, to attend any public political event, to vote and to refuse or

- withdraw nomination as a candidate
- to carry or display arms and weapons at a political meeting or in any march, demonstration or public political event
- to unreasonably prevent any person access to voters for the purpose of voter education, collecting signatures, recruiting members, raising funds or canvassing support
- to deface or unlawfully remove or destroy the billboards, placards, posters and other election materials of a party
- to abuse a position of power, privilege or influence, in order to influence the conduct or outcome of the election.

These forms of prohibited conduct overlap to some degree with the prohibited conduct listed in the Act's Chapter 7.

Political parties and their candidates are also expected to make a public commitment in which they state that everyone has the right to –

- freely express their political beliefs and opinions
- challenge and debate the political beliefs and opinions of others
- publish and distribute election and campaign materials

- lawfully erect banners, billboards, placards and posters
- canvass support for a party
- recruit members for a party.
- hold public meetings
- attend public meetings.

The parties' public commitment also includes the fact that they will publicly condemn any action that may undermine the free and fair conduct of elections. Most importantly, it also includes a public commitment to accept the results of the election. They can only challenge it in a court. Given the experiences in Lesotho, Angola, Madagascar and other countries, such a commitment is of paramount importance.

Through the Code of Conduct the parties pledge to liaise with one another in order to ensure that there are no duplications (and therefore contestations) in terms of time and place of public meetings, marches, demonstrations or other public political events. They also publicly pledge to respect the role of women, of the media and of the IEC. Finally, all the parties commit themselves to promote and publicise the Code of Conduct within their own ranks and also in public when conducting the election campaign.

All parties and candidates are expected to sign the Electoral Code of Conduct as part of the IEC's management of the election campaign. Two ceremonies were conducted in public to perform this task: the first has been on 20 February in Durban for the parties in KZN (which became known as the 'peace pledge') and for the other parties on 1 March in Pretoria.

In accordance with the Code, the ANC's Thabo Mbeki wrote in *ANC Today* (27 February - 4 March 2004) the following:

Not a single member of our organisation must be held responsible for actions that compromise our possibility to hold free and fair elections. We must fully and faithfully respect and implement the Code of Conduct prepared by the IEC, to which we are signatory. ... We also have an obligation to work with all other parties and organisations jointly to oppose violence and intimidation and ensure that the April 14 elections are free and fair.

A second instrument available to the IEC to prevent or contain electoral conflict, is the system of *Party Liaison Committees* both at national and provincial level. Each party registered for the elections is entitled to two representatives in each of the

committees. The IEC designates a chairperson as its representative for each of the committees. The committees' main task is to serve as a forum for consultation and cooperation between the IEC and the registered parties on all electoral matters, including security matters. It is therefore a pre-emptive measure to prevent incidents of conflict, to improve and facilitate communication between the parties and to work jointly towards a free and fair election. In the IEC's management structure, one department (Voting, Democracy Development and Liaison) is dedicated to this task.

A third instrument for conflict prevention is the presence of domestic and international *election observers*. They are bound by their own IEC Code of Conduct to ensure that they do not become an obstacle instead of providing assistance in the election. Observers should be accredited by the IEC. Their overall function is that their presence should promote conditions conducive to a free and fair election. They are allowed to observe the proceedings of voting, the counting of votes at voting stations and at places other than voting stations, and of the determination and declaration of the final election results. One of the weaknesses of observer practices in South Africa is

that not enough emphasis is placed on observing the election campaign before election day. Observers are well-placed to detect election fraud on election day, but also electoral conflict and intimidation. In other countries it receives much more attention from observers. In a recent speech, Dr Brigalia Bam highlighted this deficiency in the South African practice, and encouraged observer groups in the coming election to be more involved at the rallies and campaigns, especially in KZN.

A fourth instrument of electoral conflict containment and prevention are the *security forces*. The SANDF, SAPS and the intelligence community are primarily responsible for this task. President Mbeki wrote recently about them in *ANC Today*:

"We must therefore understand that our police officers, our soldiers and our intelligence operatives are there to defend democracy. They occupy the forward trenches in the struggle to ensure the consolidation and further deepening of our democracy". He therefore called on ANC party structures to maintain continuous contact with them.

The events in Lesotho in 1998 emphasised the importance of effective and politically-impartial security

forces as a stabilising presence. In the 1994 general election much of this capacity had not yet been established in South Africa, and hence a subcommittee of the Goldstone Commission proposed a Multiparty Peacekeeping Service. In the end the National Peace-Keeping Force was established, but with limited success.

In the present circumstances, the first indication of security force presence in the election process appeared in October/November 2003 when a National Intelligence Agency report on divisions within the Western Cape was leaked to the media. It identified three internal groups or factions vying for nominations on the party lists. It prevented the Provincial List Conference from convening on its originally scheduled date and only with its second attempt, after consultations to overcome the divisions, did it succeed. This intervention by the NIA arguably prevented possible internal conflict.

After a number of incidents of political violence in KZN, the IEC met with the cabinet security cluster (Defence, Safety and Security, Intelligence and Justice). At a ministerial media briefing on 19 February, the Minister of Intelligence, Lindiwe Sisulu, assured the journalists that intelligence operatives are on the ground

to collect information regarding security-related aspects of the election. They were deployed during the two voter registration weekends in November 2003 and January 2004 "to assess the mood". The areas with the highest conflict potential during the election period, the Minister identified as KZN, Western Cape, and the East Rand. She also cautioned that the Northern Cape poses serious logistical challenges.

The Minister of Safety and Security, Charles Nqakula, provided assurances at the same event, that the security agencies will prevent any 'no-go areas'. Five days later SANDF members were deployed in KZN hotspots Ulundi, Nongoma, Mahlabathini, Estcourt, Tongaat and Greytown. For obvious reasons, the security forces do not wish to disclose more of their strategy for the election period.

Summary of the Current Situation

In this section a brief summary of events of relevance for conflict or intimidation since January 2004 is presented:

10-11 January 2004:

The ANC launches its election manifesto in Durban and Pietermaritzburg

13 January:

An ANC billboard is vandalised in Umlazi

township after it had been erected the day before; two days later two suspects are arrested. Shortly before this incident a huge billboard for the provincial Department of Transport (with the provincial ANC chairperson and Transport MEC, Sbu Ndebele's face on it) is defaced in Ulundi

18 January:

The IFP launches its election manifesto and its leader Mangosuthu Buthelezi declares:

At the launch of the ANC's election Manifesto, the President of the ANC, who is also the President of South Africa, appealed for tolerance during the forthcoming elections. I wish to endorse the appeal of President Mbeki, and today I appeal to members of the IFP and all our supporters, to refrain from any conduct that can be interpreted as intimidation of other citizens for exercising their right to vote freely. Our freedom does not mean that we must interfere with the freedom of others.

18 January:

Political violence in Durban claims the life of one person and another one is injured. The ANC condemns the violence and reaffirms its commitment to an election free of intimidation or violence.

19-22 January:

In Umsinga (northern KZN), a group of people wearing IFP t-shirts and displaying rifles were allegedly seen posting IFP posters on top of the ANC's. Two ANC election billboards are defaced. A senior police officer in uniform (and a well-known IFP sympathiser) is caught in

Mpumalanga township near Hammersdale, tearing down ANC posters.

26 January:

The IFP-ANC's 5-A-Side meeting takes place in Durban as part of the IFP-ANC cooperation since 1999. Sbu Ndebele (ANC) presents it in the media as part of a reconciliation /peace-building process between the two parties. Buthelezi (IFP) denies it. *"This has the effect of confusing the electorate and our two constituencies, as if these meetings are about the present, when they are meetings which are by and large, about the past relations and the impact of this on the present".* President Mbeki presented another view on the meeting, namely that a *"focal point of this interaction is the challenge to create a climate for peace in the province. This is part of our sustained effort to ensure that we enter the elections with the people knowing that they have the freedom to vote for the party of their choice"*.

29 January:

The seventh provincial *imbizo* of President Mbeki visits KZN. According to media reports, at Tugela Ferry near Msinga, he was prevented by a group of people with traditional weapons from visiting the area as he was not welcome there. Mbeki denies it thereafter, but the ANC issues a statement on the same day in which the incident is ascribed to IFP

supporters. *"These actions demonstrate a level of political intolerance and contempt for basic rights which has no place in a democratic South Africa"*.

11 February:

The election date of April 14 is announced, and the election campaign officially commences

19 February:

SABC3 election programme 'Interface' broadcasts from Durban. Both ANC (Sbu Ndebele) and the IFP (Musa Zondi) call for peace in the province on the eve of signing the 'peace pledge'.

20 February:

Signing of the 'peace pledge' takes place in Durban by all the parties contesting the elections in KZN. Zondi states at the signing ceremony: *"The Inkatha Freedom Party unequivocally rejects violence and the perpetrators of violence. We stand shoulder to shoulder with everyone that rejects the path of violence and walks the path of peace"*. He also announces that the provincial ANC and IFP will develop a mutually agreed programme to monitor events in the province.

23 February:

The ANC releases a press statement regarding another incident of political violence and death in KZN without accusing the IFP but *"pockets of individuals who have yet to accept that South Africa is a democracy"*.

28-29 February:

Corné Mulder (Western Cape leader of the Freedom

Front Plus) is accused of removing DA posters in Cape Town.

1 March:

Signing of the Electoral Code of Conduct and the Pledge by all parties in Pretoria.

First week in March:

The IFP and ANC negotiate a peace agreement in addition to the 'peace pledge'.

In summary, according to Dr Bam, in the last three weeks of February eighteen political rallies were held and only three incidents of political violence were recorded - all of them in KZN. Eight persons died in the process.

From this discussion it appears that electoral conflict and intimidation is more of a concern in 2004 than in 1999. The absence of an ANC/IFP post-election cooperation agreement is one of the main reasons for this. The recent initiatives by the two party leaders to openly promote dialogue and work on a peace agreement, is a critical requirement for stabilising the situation. Conflict from the far-right wing and possible altercations with the Landless Peoples Movement, who call for an election boycott, cannot be completely dismissed. Their actions, however, will not jeopardise the overall legitimacy of the election.

PROVINCIAL ROUNDUP

GAUTENG

REGISTRATION OF PRISONERS IN GAUTENG

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Introduction

Prisoners in South Africa have been granted the right to cast their votes in the country's general elections on April 14, 2004. This decision has been reached following the Constitutional Court's ruling that the Independent Electoral Commission (IEC) should have systems in place to accommodate the registration of prisoners irrespective of the nature of the crime committed and the type of sentence meted out. The application for prisoners to be accorded a right to vote, like any other eligible citizen, was lodged by the South African Institute for Crime Prevention and the Reintegration of Offenders (NICRO) and two prisoners serving sentences without an option of a fine, while the respondents included the Minister of Home Affairs and the IEC⁴. It is important to mention that this is not be

the first time that prisoners will be voting. Previously, awaiting trial prisoners and those whose sentences allowed them an option of a fine, had a right to vote. This year, however, all prisoners, irrespective of the nature of their offences and the type of a sentence have been given the opportunity to vote. However, the ruling has raised many eyebrows from concerned political parties, NGOs, and various stakeholders. Some observers arguing that the ruling has broadened the parameters of the country's democracy, while others opine that the judgement is stretching the country's democracy beyond limits.

The Challenges

To be eligible to vote, prisoners must be South African citizens with green bar coded identity document or have a valid Temporary Identity Certificate (TIC)⁵. Although the IEC had been showered with accolades for its technical competence during the voter registration process, some logistical problems complicated the registration of prisoners. Various problems have been cited as contributory factors in the registration of prisoners in the Gauteng

province. Prominent among these was the issue of identity documents. According to Maupi Monyemangene, the spokesperson of the Correctional Services in Gauteng, many prisoners were unable to register because they did not have bar-coded identity documents. He further observed that "the problem had been exacerbated by the short time-frame given for prisoners to acquire IDs"⁶. However, this did not prevent the registration process to take place as some inmates in various prisons in Gauteng registered their names. Despite the difficulties of having the appropriate documentation for registration, the grand total of the number of all prisoners who registered in Gauteng's prisons is 6246⁷. The registration period took place from 10-12 March 2004.

Conclusion

The decision by the Constitutional Court to grant prisoners the right to vote has been contentious. Some stakeholders have argued in favour of the judgement, while others have frowned upon the decision. Those in favour of the ruling cite past

⁴ Jepson, G. & Sapa. 2004, "Court Asks IEC To Prepare For Registration", *This Day*, 26 February.

⁵<http://www.elections.org.za/news>

⁶ <http://www.iol.org.za>

⁷ IEC Gauteng

experiences as a good enough reason for the prisoners to vote. The *Business Day* (05 March 2004) asserts that as noted by the Constitutional Court, the vote has special significance in South Africa because the majority of the population were denied that right by the apartheid system. On the other hand, however, opposing sentiments have been expressed. It has been argued that law abiding citizens that include South African nationals living abroad are denied the opportunity to vote, whilst prisoners are enjoying this right. Whatever one makes of both arguments, the fact remains that prisoners in Gauteng and the rest of South Africa, have braced themselves to making that ultimate cross on 14 April 2004.

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NORTH WEST

THE LANDLESS HAVE THEIR SAY

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Ten years ago the North West Province was the "other" epicentre of political violence in South Africa. Although the region was spared the protracted conflict that epitomised KwaZulu-Natal, the divergent political interests resulted in a series of military actions in the run up to the 1994 elections. The actions centred on the sovereignty of Bophuthatswana and included an attempted coup and an ill-fated "invasion" by the AWB.

In 2004 pre-election phase, the political climate has changed dramatically. For example, the AWB has long been neutralised as a political force. Even the former ruler of Bophuthatswana, Lucas Mangope, is now seeking to retain his position as leader of the opposition in the province. Mangope is contesting the election under the ambit of the UCDP. These changes coupled with the regional hegemony of the ANC, ensures that the heightened conflict of 1994 will remain a distant memory and few plausible security challenges to the election

will present themselves in the North West.

The security challenges that do present themselves come from an unexpected quarter – interest groups attempting to gain some leverage by threatening to disrupt the election. As a rule these threats come from quarters aggrieved by the pace of reform rather than its direction. Typical of the organisations associated with these threats is the Landless Peoples Movement (LPM). The LPM has grown increasingly frustrated with the slow pace of land reform and has earmarked election day as a day for seizing farms and occupying government offices. On election day the landless are set to seized farmland owned by "abusive" farmers. Similarly, land held by absentee owners and government buildings associated with land affairs are to be occupied by the activists.

The campaign is obviously intended to target the ruling party to accelerate land reform or face an election boycott and militant action by the landless. The militance of the LPM has already dropped a notch after their national organiser, Mangaliso Kubheka, was forced to recant statements to the effect that the LPM was to form a paramilitary unit. This unit was, ostensibly, to

conduct vigilante action against, *inter alia*, abusive landowners. The immediate effect of the original statement was to jeopardise LPM's funding from UK donors like *Oxfam* and *War On Want*. The retraction is seen by commentators as a way of LPM salvaging that funding.

Although the LPM's rhetoric is becoming less strident its occupation campaign does present the security forces with, at worst, an unwelcome distraction for election day. The security forces will have much of their work cut out for them in ensuring a visible presence at all of the 15-or-so thousand polling stations. These distractions are, moreover, more likely to be felt in those provinces the LPM is better organised and where larger numbers of land claims have been lodged. This indicates that these activities will be concentrated in the Cape, KwaZulu-Natal and Mpumalanga rather than in the North West province.

Inevitably other groups will attempt to use the LPM style militancy to press their issues at a time when the ruling party is at pains to appear sensitive. As long as these campaigns are concerned more with the tempo of policy implementation rather than its direction (or, in the case of HIV/AIDS, its stated direction) the state should be able to timeously defuse any

security threats to the election.

Order of Listing on Provincial Ballot.

Many believe that parties appearing at the top of the ballot paper enjoy something of an advantage over the other candidates. The general impression is that the parties at the top of the list benefit from voters' indecision and errors. It is for this reason that the IEC randomly orders the political parties on the ballot. The randomness is achieved by a lottery in which the order with which the parties are to appear is drawn. If the order in which the names appear is a real factor then the UCDP stands to benefit as it is to appear at the top of the North West ballot. The ranking of all twelve political parties contesting the provincial election is presented below.

- 1 UCDP
- 2 UDM
- 3 FF+
- 4 ACDP
- 5 ANC
- 6 AZAPO
- 7 DA
- 8 ID
- 9 IFP
- 10 NA
- 11 NNP
- 12 PAC

KWAZULU-NATAL

POLITICS BY OTHER MEANS: THE PRACTICE AND DISCOURSE OF VIOLENCE IN KZN

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There is a tainted intimacy between politics and violence in KZN that lingers in two ways in 2004. First, while the open warfare of 1994 has gone, political violence and intimidation continues in some rural areas on the fringes of, or beyond, the gaze of the media. Uneven in spread, irregular over time, and less frequent than ten years ago, violence is often driven by the paid assassin or clandestine network. The age of the party 'defence' or 'protection' unit has passed as intimidation has been outsourced.

While the extent and nature of violence may have changed, the purpose remains the largely the same: political control. Violence restricts party access to areas, dictates voter choice and compels turnout on election day. It may be no worse than 5 years ago, but it remains anathema to political freedom, and testimony to a lack of transformation in the justice

system which continues to undermine democracy in KZN.

Second, and perhaps just as important, violence is now a key ideological resource in the battle for provincial control. Public talk of violence is complicit with party agendas as both the ANC and IFP use the idea of violence, and a somewhat unwitting press, to their own advantage.

What this means politically, is that, intentionally or otherwise, the practice and discourse of violence reinforces the status of the IFP and ANC over other parties. Only they practice it and only they can end it. Violence binds the successful governance of KZN to rapprochement between the ANC and IFP, opposing the new political relationships paraded in election campaigning with this more enduring and sordid affair.

The Practical Impact of Violence

There has been extensive debate in the media over the significance of violence in KZN in the run-up to the election. This debate has been marked by both consensus and disagreement.

Everyone agrees that there will not be the large-scale and organised violence of

1994. There is no centrally organised, official party strategy to resist the election as there was ten years ago. Indeed since 1994, levels of political violence have dropped significantly. In 1994 over 1000 people died in the three months before the election. In 1999 the number was around 100. The 2004 the official figure is currently at about 10.

Further, there seems to a generally higher level of political tolerance in KwaZulu-Natal and all political parties, especially the IFP and ANC, have repeatedly and publicly affirmed the importance of a free and fair election. This culminated in the signing of the IEC Electoral Code of Conduct in Pretoria on 01 March.

However, not everyone agrees on the precise nature and extent of political violence. The majority view is that violence has consisted of public confrontations between ANC and IFP supporters over election related events such as the ANC rally near Tongaat. Furthermore, these are cast as spontaneous conflicts driven by local people.

The dissenting view, posed by some violence monitors, is that in addition to the above incidents, violence also consists of assassination and unprovoked attack in

rural areas, particularly in the north of the province, in places around Eshowe, Empangeni, Kwambonambi, Dundee, Nongoma, Nkandla and so on.

These attacks and assassinations tend to take place in areas beyond the media gaze. They have been ongoing for some time and are often unprovoked. The intent is to create a climate of fear and so compliance. Further, these attacks are not simply local conflicts, but are often propagated by many of the same people involved in violence in 1994, drawing on old networks of support which extend into the police and criminal justice system.

This second account is typically dismissed as alarmist, but it is worth remembering that this view is held by people who are doing research into violence, and not just relying on media reports. It would be foolish to reject informed opinions out of hand.

If true, what does this mean for the election? On the one hand nothing much. Both accounts of violence in KZN hold that election 2004 will be as free and fair as any to date, if not more so. On the other hand, they differ about how far KZN is from political freedom.

This is directly relevant to the election as, in my view, the race between the IFP and

ANC will be won by campaigning on the ground, especially by the party which is better able to get its supporters to the polls. Here violence and intimidation are powerful tools. If one side is able to exert control over its 'supporters' in these ways it will have a clear advantage.

It also has direct implications for security. Not only might the province require more security than many assume, but security forces should come from outside troubled areas. If it is the case that local police are complicit in, or incompetent at dealing with, violence then only outside forces can guarantee a free election.

Whether or not a more secretive form of violence persists in KZN is not a debate I can resolve here, although it is my view that commentators should listen carefully to those who monitor. It is also noteworthy that with Operation Fly Fox, the national government has deployed extra security from outside KZN in many troubled areas (Ulundi, Nongoma, Mahlabathini, Estcourt, Tongaat and Greytown), a move consistent with the dissident view. Of what I can be more certain is the seldom noted ideological use to which violence is being put in election 2004 – an end as important as coercing some votes.

The Ideological Impact of Violence

As I argued in the last edition, violence and intimidation have been the major concern in the media despite the fact that the ANC/IFP race is the closest ever. Moreover, the tone of media coverage is often one of reproach of political parties for visiting violence on KZN again. I suggested that the latter reflects a burgeoning disillusionment with parties and politicians, a sentiment that may manifest itself in future elections.

In the short term however, the talk of violence suits both the IFP and the ANC, albeit in different and limited ways. For the ANC the reality of violence is a bad thing for its access to new voters and for the image of its government nationally and internationally. However, *talk* about violence is an altogether different thing for the party, as firstly, this talk reinforces the association of violence with the IFP, while secondly, portraying the ANC as both a peaceful party and the only party able to bring peace to KZN.

The ANC has been very successful in propagating this message – one only has to remember Mbeki's comments at the ANC launch – and many in the media have taken up these views. A classic example was the coverage of the IEC

Code of Conduct. Although signed by all parties contesting the election, SABC and ETV news broadcasts picked out Buthelezi's signing and comments as the significant ones, reinforcing the association between the IFP and violence. Of course, whether or not this is true is beside the point here, what matters is how the ANC can use the *threat* of violence to its advantage.

That the IFP is aware of the costs of being publicly associated with violence, particularly for potential supporters, is reflected in the consistent and repeated calls for peace by party leadership. However, the

more the party declares for peace, the more it reinforces the view of it as *the* significant player in KZN violence. Inadvertently, it is playing right into the ANC's hands.

However, there is one sense in which talk of violence suits the IFP, and that is to remind the ANC of the costs of excluding it from power. Thus, while it may sit slightly awkwardly with its public pronouncements on peace, the occasional confrontation between IFP and ANC supporters is useful in illustrating precisely what is at stake if the ANC plays its coalition cards.

From 1990 to 1994 the IFP's negotiation strategy centred on upping the costs of its exclusion from bargaining. This reached its climax in the build-up to the 1994 election where the party tried to show that there could be no election in KZN without its consent. After 1994 the ANC has consistently looked to include the IFP in power-sharing arrangements to prevent this kind of politics re-appearing. Thus the threat of violence remains an important incentive for particular power-sharing arrangements, and will continue to be so after election 2004.

FOCUS ON POLITICAL VIOLENCE IN KWAZULU-NATAL

Shauna Mottiar
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Free and fair elections depend on citizens being able to vote equally and participate effectively. These criteria are seriously hampered by political violence and intimidation both of which have in the past been rampant in KwaZulu-Natal.

Fears of recurring political violence in the province abound as reports of

politically motivated murders and injuries grow. Five African National Congress (ANC) members have been reported murdered in the Umkhomazi, Umkomaas and Umlazi areas while the chairman of the Inkatha Freedom Party (IFP) Njijikazi branch was reported to have been gunned down and killed for political reasons.¹ A further nine killings in various parts of Umlazi are rumoured to have been politically motivated but this remains unconfirmed by police who hold that the shootings were crime related – they have offered a reward for any

¹ Makhanya, P, "Troops Fan Out in KZN", *Mercury*, February 25 2004

information.² Violence has also erupted at various political rallies in the province. In Wembezi Township near Estcourt conflict between ANC and IFP supporters over a rally venue culminated in a stone throwing and shooting incident which left seven people injured. The two parties were quick to shift the blame to each other. An ANC spokesman argued that the ANC had booked the Wembezi Community Hall for its rally well in advance but had been 'elbowed out' at the last minute by the IFP led municipality of the area. He also claimed that IFP supporters began stoning

² *SABC News*, January 24 2004

ANC supporters and then suddenly opened fire on them. An IFP spokesman denied this, claiming that people wearing ANC T-shirts attacked IFP supporters and injured six of them.³ An ANC rally in Tongaat was also the scene of violence when a confrontation between rally attendants and local IFP supporters erupted into stone throwing which left several people injured. It seems that local IFP residents had declared Fairbanks in Tongaat an ANC “no go” area. The crowd had to be dispersed by police who used a water canon.⁴

In response to growing fears throughout the KwaZulu-Natal province regarding violence and intimidation during the 2004 election, representatives of all the major parties in the province signed a Code of Conduct for elections at a ceremony at the International Convention Centre in Durban. Political party leaders committed themselves to ending the advent of ‘no go’ voting areas and voter intimidation. ANC provincial leader S’bu Ndebele stated that civil liberties had in past elections been violated owing to the levels of political intolerance in the province. IFP chairman Lionel Mtshali discouraged the obstructing

of campaign trails, defacing or removing posters belonging to other parties and the intimidation or destruction of party T-shirts stressing that it would result in violence.⁵

Further to the signing of a Code of Conduct, security forces have been deployed in the province as part of an initiative to curb political violence in various ‘hot spots’ and to eliminate the notion of ‘no go’ voting areas.⁶ The initiative is a partnership between the South African National Defence Force and the South African Police Services and is targeting Nongoma, Ulundi and Mahlabathini as well as areas which have so far in the run up to the 2004 election experienced violence such as Tongaat and Estcourt. The initiative’s aims are to seize as many illegal fire arms as possible and it is hoped that the increased police presence will make communities feel safer.

A mediation panel has also been set up in an attempt to curb political violence in KwaZulu-Natal. The panel comprises members of civil society organisations, lawyers and religious leaders who are tasked with monitoring ‘hot spots’ and

mediating between political parties in cases where tensions are seen to be rising. Brigalia Bam Independent Electoral Commission chairperson has suggested that the panel be increased from its current membership of twenty panelists to introduce a system of observers at election rallies in the province.

Analyst Makubetse Sekhonyane from the Institute for Security Studies argues that political violence in the KwaZulu-Natal province before 1994 could be attributed to a threat to the authority of traditional leaders, the institutionalisation of warlords, government sponsored violence, the supply of arms and military training to IFP aligned KwaZulu police and turf wars between the ANC and IFP. Sekhonyane adds that current rising political violence in the province is more about controversy surrounding communal land, the location of the provincial capital and the capacity of security forces to deal with violent crime. He contends that people are “war weary” and that many ANC and IFP supporters have been left feeling suspicious and betrayed after those involved in killings during the height of the political violence were charged and convicted for their crimes. For Sekhonyane, people in KwaZulu-Natal are not as easily stirred to violence as

³ Goldstone, C, “Cops Escort Kids to School after Shootout”, *Mercury*, February 10 2004

⁴ *Mercury*, February 9 2004

⁵ Madlala, B, “Clean Fight Pledged”, *Saturday Independent*, February 21 2004

⁶ Makhanya, P, “Troops Fan Out in KZN”, *Mercury*, February 25 2004

they used to be and are now, with the advent of the coalition government, more accustomed to approaching government with their concerns rather than resorting to violence. This is compounded by the fact that the IFP has concerned itself more with service delivery and development as opposed to focusing on political hegemony. According to Sekhonyane the continuing challenge in the province is a weakness in policing and the high incidents of police involvement in violence and crime.⁷

It would seem that a further challenge for the province is the commitment of its political leaders in ensuring freedom and fairness in the run up to the election. This is particularly so in the case of the ANC and the IFP who are running a very tight race in KwaZulu-Natal and whose coalition agreement has become blurred. Notwithstanding the above mentioned election Code of Conduct pact, tensions between the two parties are obvious. After the signing of the pact, Mtshali refused to shake Ndebele's hand for a press photo stating, "I don't want to be a hypocrite".⁸ Relations between the two parties soured after Safety and Security Minister Charles Nqakula accused

⁷ Sekhonyane, M, "Wave Goodbye to the War Lords", *Sunday Tribune*, February 22 2004

⁸ Ayob, Z, "Mtshali Won't Shake on Peace", *The Witness*, February 21 2004

Mtshali of making statements inflaming political tension in the province – he was referring to Mtshali's claims that police had not done enough to prevent political violence in KwaZulu-Natal.

Response from the ANC concerning political violence has come from Thabo Mbeki who claimed that any ANC member involved in election violence and intimidation would be dishonourably expelled from the party. The IFP's Musa Zondi concurred but added that this was not enough and that the ANC and IFP needed to diffuse ground level tensions by having its leaders tour areas ravaged by political violence and drive home the message of tolerance. Zondi added that this was a strategy envisaged in 1991 that had been derailed – the formal ANC response to this is that no such proposal has been put to it by the IFP.⁹

NEWS FLASH! **SEXWALE GIVES ELECTION FUNDS TO NNP**

Tokyo Sexwale has crossed the Rubicon. Sexwale, a tycoon who is former Robben Island prisoner and ex-Gauteng premier, was asked by F.W.de Klerk to donate money to the New National Party. And he did. Both de Klerk and Nelson Mandela went cap-in-hand to

⁹ Harper, P, "We'll Expel the Warmongers Parties Promise", *Sunday Tribune*, February 29 2004

Sexwale, CEO of Mvelaphanda Holdings, to ask for funds for their respective parties.

'We are no longer throwing stones at F.W. Instead, we are throwing funds,' Sexwale said, adding that when he was approached to give money to the NNP, he didn't at first know what to do. 'But today I decided to cross the Rubicon,' he said, a pointed reference to de Klerk's predecessor P.W.Botha, whose defiant 1985 Rubicon speech promised major reforms but never delivered them.

Supporting a friar-looking Mandela, de Klerk said: 'Madiba and I have joined forces to ask the private sector for funds. We are not in an alliance, and I do not support the ANC, and he does not support the NNP, but we are co-operating for the sake of the democratic process. We have a strong friendship, which we thought we could use to raise funds for a better South Africa... and fortunately Tokyo decided to give us funds'.

Neither party would reveal how much Sexwale's company had donated, but Sexwale, who said that he had also been approached by the Pan Africanist Congress, joked that his wife, Judy had been nervous about not having enough money to pay their children's school fees after the two Nobel Peace Prize winners' collection outing to their home.

Sexwale said: 'My heart is with the ANC, but we are here to support the democratic process. On the 10th anniversary of South Africa's democracy we are sending a strong message to the country. We have travelled a long way from 1994 to 2004'.

Excerpted from The Star, 17 March 2004

FREE STATE

POLITICAL VIOLENCE AND INTIMIDATION, THE ROLE OF SECURITY FORCES

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The election of 14 April 2004 brings with it loads of positive energy, to celebrate and promote peace and harmony. The name says it all, Free State. An election free of violence and intimidation is speculated and there is clear commitment from all sectors.

The Free State province woke on the morning of 5 April 2004, with a clear purpose; to give assurance that the upcoming election will be free and fair. All stakeholders were there to bind themselves formally. Among these, were MEC's from the provincial government, the Premier of the Free State, Winky Direko, the representatives from the South African National Defence Force (SANDF) and South African Police Service (SAPS), the business sector, political parties representatives and civilians. The CEO of the Independent Electoral Commission (IEC), Adv. Pansy Tlakula, was there, accompanied by Commissioner S.S. van der

Merwe and Judge Hussain. They were there to witness the pledging of political parties and also to receive the signed Code of Conduct, at the end of the ceremony. The churches were also represented and they blessed the occasion through prayer.

As final preparations were being done, the Dog Unit of the Police Service, took the responsibility of ensuring the safety of the venue and surrounding area. The dogs sniffed around and the police were more visible, giving protection to all attending the event. This on its own, showed the commitment of the SAPS towards providing security throughout the election period. Even though there was no possibility of violence and intimidation, it was still crucial to be proactive by being present.

Security forces play a crucial role during this period, and their presence should be felt everywhere - where there is electioneering or any other related activities. They have a clear purpose, well articulated in a document that was handed over to the Provincial Electoral Officer (PEO), Chric Mepha in October 2003. In this document, SAPS, in 2003 stated that:

“The SAPS must safeguard the election process to ensure a free and fair election. This entails the following:

- securing and safeguarding of polling stations and registration points;
- escorting of vehicles that transport and carry election material;
- securing and safeguarding premises where meetings will be held;
- identification of any for of threats that will destabilise the free and fairness of the elections; and
- deployment of Visible Policing, Detectives, ACCU, Dog Units, Explosive Units, Reservists and Crime Intelligence”

This commitment was clearly shown, even at the signing of the Code of Conduct on 5 April 2004. The police and the military contingent were there to show their support and partnership.

The issue of security was dealt with thoroughly, in the Free State. Before the political parties could make their pledge, the CEO, Adv. Pansy Tlakula gave a short message. In her message, she encouraged political parties and their members / supporters to abide by the rules. She said, “elections are an important contest” and for credible results, rules have to be binding. The Advocate made all attending aware that failure to abide by the rules

would be followed by legal consequences. She referred the political parties to the Code of Conduct in the Electoral Act. This means, acts of violence, destruction of property, intimidation and unauthorised removal of posters, will not be acceptable. She also appreciated the co-operation received from political parties.

Of the twelve (12) parties registered to contest the upcoming elections, one party did not pledge and sign the Code of Conduct. There was no representative from the Inkatha Freedom Party (IFP) attending the ceremony.

As the main occasion of the ceremony approached, Bishop Thomas Stanage, who was assigned the responsibility of co-ordinating the signing process, spoke about tolerance, discipline and intelligence as gifts from God to humanity. He pleaded with all attending, to practice these during the period of elections. He also condemned dictatorship and the authoritarian rule, and also warned political parties about decisions made on emotion, as they may be dangerous and destructive. He concluded by mentioning that this period demands intelligence, sensitivity, responsibility and humility.

When people work towards a common goal, there is mutual support and

understanding. There is willingness to go an extra mile and the preparedness to share. This is the situation in the Free State. The gates and hearts of the farming community have been opened thus enabling political parties to campaign freely. Political parties in turn, pledged to abide by the rules indicated in the Code of Conduct. They gave assurance that there would be no areas treated as 'no-go' zones. The church, the Free State government, political parties and the society will be working tirelessly, to promote tolerance. It was very clear at this point that, the responsibility to create a conducive climate rested not solely on the IEC, but on all stakeholders. A culture of taking responsibility is in the process of being cultivated and in this way democracy will thrive, and deepen.

Pledging of Political Parties

Political parties came one after another, to pledge and sign and this is what the representatives said:

ACDP: The representative said their logo indicate that they are positive and biblical values form their basis. The party will be contesting elections to take responsibility, not power.

NNP: The party is 90 years old and the representative emphasised the fact that they

have wisdom and therefore support free and fair elections.

PAC: "People are building the future with us". The party promised to appeal to its members and supporters to abide by the Code of Conduct and they will also accept the outcome of the election.

UCDP: They pledged to give co-operation and they provided confirmation that at no stage will their followers be involved in unruly behaviour.

UDM: The party indicated that it supported free and fair election.

FF+: The representative indicated that IEC is the referee and political parties, the players. Therefore, IEC and the media were expected to 'level the playing fields'. The party said that it reserves the right to complain should the situation not be as expected.

ANC: The party is 92 years old and the representative stressed the fact that there is a load of experience behind the '92'. The party referred to itself as "the authors of this democracy" and have interest in deepening and broadening it. The party is prepared to put more effort to ensure free and fair elections.

AZAPO: The party stated that it is gender sensitive and

supports transparent, free and fair elections.

DPSA: The representative congratulated other parties for the spirit of goodwill. The party pledged to devote all its energy towards free and fair elections, and concluded by saying a prayer for the upcoming elections.

DA: The party pleaded with other parties to give assurance that there will be no intimidation. The party representative also clarified the importance of IEC and the role of well-trained party agents as watchdogs. The party expressed his willingness to work with other parties.

ID: Here the emphasis was on leadership being in the hands of women. The party encouraged other parties to focus on campaigning and to contribute to ensuring free and fair elections.

This was the very interesting and emotional part. The contest has begun!

When all political parties had pledged and signed the Code of Conduct, there was a strong celebratory spirit evident at the ceremony. Political parties felt free to express themselves and they stood side by side, despite their divergent ideologies.

It is important to note that, among these party representatives, only one party was represented by a woman. Where are the

women in the Free State? Are they hiding or hidden? Women should not intimidate themselves or even allow anyone to put them in a corner. South Africa is in the process of deepening democracy and women should feel safe and protected, to an extent of taking leadership roles.

In conclusion, political parties rose to the occasion and brought with them, great senses of humour. There is a strong willingness to work together for a common good, irrespective of their differences. That is the Free State for you!

ELECTION 2004 FREE, FAIR, NON- VIOLENT AND WITHOUT INTIMIDATION?

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1. Introduction

During the past decade of democracy in South Africa, the Free State has built a reputation as a peaceful and tolerant society, practising responsible electioneering and respecting the rights and freedoms of the variety of political parties representing its citizens. Currently there are no serious indications that the 2004 general elections in the Free State will be any different. However, in the light of new parties participating in the province, alliances forming and disintegrating and new leadership figures coming to the fore, it is always important to ensure that the security of the democratic process and of the voters and institutions is assured. This contribution will briefly review the measures in place ensuring a secure and open election environment in the Free State.

The Electoral Code of Conduct

It has become common practice in many SADC countries to include political parties in the electoral process through a Code of

Conduct (CoC) and South Africa is no exception.

Section 99 of the Electoral Act, 73 of 1998 makes provision for the existence of an electoral CoC that must be subscribed to by every registered party and every candidate to the general election. In Schedule 2 of Act 73/1998 the purpose of the COC is described as promoting conditions that are conducive to free and fair elections, including:

- Tolerance of democratic political activity; and
- Free political campaigning and open public debate.

The success of the CoC has been measured in terms of a decline in complaints regarding intimidation and violence lodged with the IEC, from 3558 in 1994 to 1032 in 1999. In order to build a culture of joint responsibility by the IEC and political parties, facilitation mechanisms such as the conflict management committees (CMCs) and the party liaison committees (PLCs) were designed to complement the CoC¹⁷. In the Free State both the PLC and the CMC have been established and have held meetings to ensure that the principle of Free and Fair elections is up-held.

The signing of the CoC by a political party binds that

party to respecting the principles of free and fair campaigning by all parties and candidates, including the right to hold meetings, to recruit members, to erect banners and advertisements and to distribute electoral materials. Parties are further required to publicly condemn any actions that may undermine the free and fair conduct of the election. Prohibited conduct under the CoC includes among others, the use of inciting and intimidatory language; intimidation of candidates and party representatives; plagiarising the symbols of other parties; inducing persons not to vote or attend specific meetings and the carrying or displaying of arms or weapons at political meetings, marches and rallies. The defacing and destruction of posters, billboards or placards of any party is also prohibited¹⁸.

On Friday, 5 March 2004, 12 political parties represented in the Free State committed themselves to “free” and “fair” elections by signing the IEC’s CoC in Bloemfontein. The following parties were signatories to the Code (Representatives are listed according to the format of the provincial ballot papers agreed upon)¹⁹:

1. Justice Moloabi (UCDP)
2. Benjamin Baleni (UDM)
3. Abrie Oosthuizen (VF+)
4. Casper Nordier (ACDP)

¹⁸ Act 73/1998

¹⁹ Coetzee & Slabbert, 2004, p.6

¹⁷ Pottie, 2004: Internet

5. Casca Mokitlane (ANC)
6. Mzimkulu Ndweni (AZAPO)
7. Andries Botha (DA)
8. Moeketsi Lebesa (Dikwantkwetla-party)
9. Maria Moeng (Independent Democrats)
11. Pierre Bruwer (Nasionale Aksie)
12. Inus Aucamp (NNP)
13. Moshoeshoe Likotsi (PAC)

It was interesting that the IFP, listed 10th on the list, was not present on the 5 March to sign the CoC.

It is clear that the CoC could have a major impact on the behaviour of candidates and parties during the whole election period but certain prerequisites need to be met for it to be successful. Some are included in the following:

- Public understanding for the need for political tolerance is crucial for peaceful elections;
- Ongoing civic education by all stakeholders is the only effective tool for building this tolerance;
- The signing of the CoC by party leaders can be useful statement of intent, but does not always build tolerance on the ground;
- Parties should educate their leaders, officials and members regarding the provisions of the

CoC and take serious action against officials violating the CoC²⁰

The signing of the Electoral Code of Conduct (CoC), whether on a national or provincial basis, has become a major media event over the past years. The signing ceremony is one of the few events running up to the election where the leaders of all parties are gathered in one place, pledging their parties' adherence to the principles of free and fair elections.

The Role of the Security Forces

The involvement of the security services in all its guises is of the utmost importance in ensuring an environment conducive to free electioneering and a fair electoral process. The South African security services have done sterling work during the past elections and will once again be heavily involved in the 2004 elections.

The interventions of security services are co-ordinated in Joint Operational Centres (JOC's) on national, provincial, area and South African Police (SAPS) community centre level. The following role-players are represented on the Free State election JOC: IEC, SAPS, SANDF, ESKOM,

TELKOM, NIA (National Intelligence Agency) and the Department of Home Affairs. The Free State election JOC was formed on 24 February 2004 and will meet again on 17 March.

The NIA plays an important role in gathering information regarding possible threats to the election process in the province. Particular threats have already been identified but cannot be shared due to the sensitive nature of the information. The SAPS will react to specific threats by deploying more SAPS members to that locality. During election time the SAPS will only grant members leave in exceptional circumstances and extensive use will be made of SAPS reservists to beef up manpower. Approximately 32000 police members or more will be deployed nationally on the 14 April 2004 aiming at placing two officers at each one of the 16000 nation-wide polling stations²¹. In the Free State, at least one member of the SAPS will be present at every polling station, with more members concentrated at possible trouble spots. SAPS specialists will sweep voting stations for explosives before the start of the election on 14 April. The property of the IEC will be guarded by a private security organisation in order to leave more SAPS members free for other duties.

²⁰ Camay & Gordon, 2000, p.327).

²¹ Michaels, 2004:Internet

SAPS members have not yet been trained in specific election related skills, but such training could take place before the election. Members are thoroughly briefed, however and SAPS members place great emphasis on the importance of a-political conduct.²²

Possible Violence and Intimidation

There is an atmosphere of caution regarding violence and intimidation during the 2004 elections both nationally and provincially. President Thabo Mbeki has called for peace during the election and has also issued a strong warning that security forces will not hesitate to take action against political violence and intimidation. Safety and Security Minister Charles Nqakula stated that the government would “mobilise all resources available” to ensure peaceful, free and fair elections²³ from the IEC stated that “people are growing weary of violence and do not wish to sacrifice their lives in order for another to take a seat in parliament”. Despite the signing of the CoC, opposition parties have indicated that there is concern about violence and intimidation in the upcoming elections in the Free State. Mr Abrie Oosthuizen, leader of the Freedom Front

Plus in the Free State, lodged an official *written* request to the IEC to ensure that security measures were in place at polling stations, especially in the rural areas. Mr Oosthuizen said that he feels that every person should be given an equal chance to vote and that the election could not be regarded as free and fair in the absence of decent security measures²⁴

In a weekly internet newsletter of the ANC, President Mbeki sharply criticised the IFP-DA’s “Coalition for Change” campaigning tactics²⁵. The tensions between these parties are being closely monitored by security forces, especially in Kwa Zulu-Natal. Due to the recent tension and violence in Kwa Zulu-Natal speculation has it that the possibility exists of a spill-over of the political tension into the Eastern Free State (Vrede) and the Goldfields area (especially Welkom), where the IFP has some support. All eyes were on the Free State as these parties start their national campaigning road shows. With six weeks to the elections the Free State was visited by leaders such as President Mbeki (ANC), Mr. Buthelezi (IFP) and Mr Leon (DA). Mr Buthelezi and Mr Leon conducted a joint visit to the gold fields and in

particular Welkom; a ANC stronghold. In the same week President Mbeki visited Botshabelo just outside of Bloemfontein and went from door to door to explain the ANC’s slogan of a ‘peoples contract’ to the people at grass roots level²⁶.

Update!!!

The Department of Correctional Services in the Free State and Northern Cape are working together with the IEC to ensure that prisoners in the two provinces are registered. A correspondent, Johan Massyn, reported that there were approximately 21 000 prisoners in the 28 Free State and 12 Northern Cape prisons. These numbers are not final and are subject to change as prisoners are taken into the system or released. Approximately 4600 of these prisoners are awaiting trial and have already been registered. The Department of Correctional Services and the IEC are aiming to register prisoners before 9 April and assist in the issuing of ID documents²⁷. During Mr. Tony Leon’s (DA) campaign visit to the Free State he responded to the constitutionally formulated decision to give prisoners voting rights by stating that he disagrees with this finding and that only those prisoners who could not pay bail and were

²²SAPS. 2004: Interview

²³ Msomi, 2004a:Internet. Brigalia Bam 2004: Internet

²⁴ Coetzee, 2004d; p.2

²⁵ Joubert, 2004, p.2

²⁶ Msomi, 2004b:Internet.

²⁷ Coetzee, 2004, p. 4

awaiting trial should be allowed to vote.

Newcomers to the political scene in the Free State, the Independent Democrats (ID) have published their candidate's list for the coming elections. It reads as follows: (1) Me. M Moeng; (2) Mr. R Niemand; (3) Me. R Ridgard; (4) Mr. J Nocanda; (5) Dr. H van Niekerk; (6) Mr. P Ramabodu; (7) Mr. T Ramalebo; (8) Mr C Coetzee; (9) Mr. M Mphanya; (10) Me. S van der Sandt; (11) Mr. F Jonker; (12) Me. I Scholtz²⁸

The final lists of the ANC for the provincial legislature has shown no changes with the party leader Mr. A Magashule still number one on the list followed by the speaker, Mr. M Dukoana and Mrs. C Lobe²⁹

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Speculation regarding the absence of the IFP during the signing of the electoral CoC is rife. The province trusts that this absence will not lead to a heightening of the political temperatures in the Free State.

²⁸ Coetzee, 2004c, p. 9

²⁹ Coetzee, 2004a, p. 2

WESTERN CAPE

POLITICAL VIOLENCE AND INTIMIDATION IN THE WESTERN CAPE WHERE?

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In the run up to the 1994 and 1999 elections, one could have filled these pages with anecdotes of political violence and intimidation in the Western Cape. Now, one scans the newspapers in vain for direct political party related violence or intimidation. Is this a good sign of the maturity of electoral party competition in the province? Yes. What were the causes of violence in the previous two elections? Why are we no longer seeing the resort to political violence? What other factors that are related to violence and intimidation on which we should be focussing?

The Western Cape has had its fair share of political violence and intimidation. In the days of apartheid the state violently cracked down on all opposition formations in the province. We all recall the teargas and rubber bullets that were often employed to disperse political rallies. Many people in the Western Cape sacrificed their lives in the struggle against

apartheid. In the 1980s violence and intimidation between political organisations, though not on the scale of that in KwaZulu-Natal, was rife. This violence was primarily between United Democratic Front (UDF) supporters and AZAPO members. UDF supporters often sought to gain control over areas by limiting the space for mass mobilisation by other political organisations. Its banning of AZAPO at the University of the Western Cape was a case in point.

Crossroads, then a huge shanty town, was also racked by violence in 1983 when "witdoeke" (men wearing white armbands and head gear) went on the rampage. The "witdoeke" were generally older Crossroads residents who resented the control that UDF aligned youth were beginning to assert in the area. These vigilantes were supported by the police force in acts similar to those of Third Force operations in Natal. In addition the attacks against councillors, labeled sell-outs were also common.

In the 1994 pre-election phase, local skirmishes between Coloureds and Africans transpired. These marked the cleavages of the past and the political preferences that were to become the order of politics in the Cape, i.e., Coloureds

supporting the National Party and Africans, the ANC. For the Democratic Party and the National Party, African townships were basically off limits, 'no-go areas', for campaigning. Intimidation, too, was rife and took a variety of forms. In the general insecurity that always accompanies transitions, scare mongering was a common tactic. Coloureds and whites were instilled with the fear that if blacks (read ANC) took over the governing of the country they would be displaced. They therefore voted against the ANC out of fear for their future – a fear heightened by the campaign messages of political parties contesting the elections in the province. People were also coerced into voting for particular political parties through peer pressure and existent power relations. For example, farm workers were being instructed by farm owners as to how to cast their votes. The dependency of farm labourers on farm owners made them susceptible to these practices. During the election itself, there were 40 bomb scares but this did not deter the populace from going to cast their historic vote.

In the run-up to the 1999 elections clashes between United Democratic Movement (UDM) supporters and ANC supporters took place when

the UDM sought to canvas support in what was regarded as ANC territory. It was, however, the violent tactics of the People Against Gangsterism Movement (PAGAD) that made headlines in international newspapers in the period between the 1994 and 1999 elections. Ostensibly a movement to eradicate gangsterism, PAGAD embarked on mass rallies and guerilla warfare tactics usually employed by liberation movements rather than civil society organisations. In 1998 there were 68 accounts of pipe bombs being exploded by this group and their targets included restaurants, synagogues, police stations, gay bars and homes of alleged gangsters. Even the late Dullah Omar, Minister of Transport had to vacate his house after it was bombed. After a crackdown on the group and the subsequent arrest of their leadership, PAGAD retreated.

The elections themselves were relatively uneventful and much more tolerance of opposition party campaigning could be discerned. In a survey conducted by the HSRC, in 1999, 95% of their Western Cape sample believed that the elections were 'free and fair,' 89% believed that their vote was indeed cast in secrecy and 98% confirmed that they were not forced to support a particular party.

The results also indicate that of those who felt forced into voting for a particular party, the undue influence was primarily exercised in rural areas.³⁰

In 2004, we are in a completely different political environment. South Africa has experienced ten years of democratic rule and this has resulted in the institutionalisation of processes required for 'free and fair' elections. The establishment of the IEC, the passing of the Electoral Act, the implementation of an Electoral Code of Conduct, training monitors and voter education drives have all contributed to the relative absence of political violence and the concomitant deepening of democratic governance. There is therefore little space for, or tolerance of, political violence between political parties.

In addition, ten years of democracy has eliminated the fears and tensions that were prevalent during the transition period and the differences that set political parties apart pre-1994 have now been substantially reduced. There is actually far more consensus between political parties on the substantive issues of governance, especially the

³⁰ O'Donovan, M., 1999. "Election Day Exit Poll," ed., Yvonne Muthien, *Democracy South Africa: Evaluating the 1999 Election*, Pretoria: HSRC.

economic aspects. Politics has become normalised in South Africa and the formation of political alliances is testimony to this. For the Western Cape, it is the pettiness of removing or defacing placards that fills the columns of the newspapers these days – 'the battle over the lamp posts'. There is therefore no threat of political violence overshadowing events on 14 April 14.

There is however, the threat of crime and lawlessness that can impact the election process. In the Western Cape gangs control Coloured townships on the Cape Flats. The IEC has to be concerned about the security of the staff administering the voting process as well as the security of the voters at the polling booths in these areas. It is also not known in what indirect ways, gangs intimidate people in townships to influence their voting behaviour. In a context of high unemployment, poverty and lack of state delivery, gangs have become a support mechanism. This is evidenced in the support shown for gang leaders that have been arrested in Cape Town. It is often joked that if they form a political party they could gain a substantial portion of the Coloured vote. Gangs have become a means through which township residents get access to resources in the new economy of survival that

prevails in these areas. It may not be the political violence between parties that is the issue that should concern us within this election. Rather, the issue of the violence created by a

system that disempowers people should be of far greater concern. Gangs have become the organisations to which these people look for the support that the state should be providing, both in

terms of protection and social welfare.

EASTERN CAPE

POLITICAL VIOLENCE AND INTIMIDATION An Assessment of Risks to the Electoral Process

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Introduction

The level of political violence, intimidation of voters and the role of security forces in an election are crucial factors to consider in assessing the success of an electoral process. The three issues are interrelated, as the level of violence and intimidation is largely dependent on the response, preparedness and determination of the security forces to deal with the problem.

This article analyses the security scenario in the Eastern Cape by engaging three possible avenues from which threats may arise: the land issue, traditional affairs and inter party rivalries.

Background

Despite the popular image of serious political violence and

intimidation in South African electoral contests, the situation has never been serious enough to derail the exercise. Serious political violence in 1994 occurred mainly in the province of KwaZulu Natal and, even here, it can be argued that it did not get out of control.

Violence was reduced significantly in 1999 and despite some incidents being recorded there is really no indication that it will rise to serious levels this year.

In most provinces, political violence has been minimal. This is also true of the Eastern Cape, which has been free of this problem in the past.

The Current Situation

The current focus of election campaigns is national and this to an extent hampers assessment of how the process will turn out in the province. However, there are sufficient pointers to make preliminary comments around the main issues that may have an impact on the holding of a successful process.

Land Issues

The land issue has recently been put sharply into focus by the threat from the Landless Peoples Movement (LPM) to invade and occupy white farms on election day if their grievances are not addressed.

A march was held to this effect in Bisho, the provincial capital in the first week of March where a memorandum was handed over to the provincial government.

The government has emphatically warned that it will not tolerate any incidents of this kind and will use the full might of the law to prevent them. The likelihood of this problem spiraling out of control is minimal given that it does not appear that the LPM has widespread support around the province.

This issue should also be linked to the national situation by pointing out that despite serious misgivings around the pace of land reform in South Africa, there are no indications that this is becoming a serious national problem.

The contentious issue provincially, is whether to extend the 1998 cut off date to allow people who failed to do so, to lodge land claims. The provincial government has estimated these will cost about 1 billion Rands, although the campaigners say they will be approximately 12 billion Rands.

The national government, through the Land Affairs Minister, Thoko Didiza has in the meantime stated that it is considering extending the claims period for six months and this may serve to appease many claimants and reducing the possibility of violent action.

Traditional Chiefs

The other manner in which serious disruptions could affect the electoral process in the province could emanate from traditional leaders if their grievances are not met and they mobilise their followers.

There have been serious tensions between traditional leaders and the government over the rights of the latter, which is a problem that is also playing itself out at the national level. Indications, however, reveal that there is substantial movement towards a achieving a compromise between the government and traditional leaders.

Significantly, a three-day conference was held at the end of February around these issues, including their right to administer land. The conference included representatives of provincial government (land, housing, traditional affairs), traditional leaders and six other provincial stakeholders.

This followed the promulgation of national legislation on traditional leaders and the conference was intended to actualise its implementation in the province.

Importantly, the most powerful organisation of traditional leaders, the Congress of Traditional Leaders of South Africa (Contralesa) has endorsed these efforts. It especially commended the Land Rights Legislation, which is meant to restore some powers to chiefs.

Inter Party Rivalry

Although presently at a low ebb, a series of incidents have been recorded with regard to the election materials of political parties. This might see tempers flaring in the province.

The first row erupted even before the announcement of the election date when the Democratic Alliance (DA) criticised the African National Congress (ANC) led Nelson Mandela Metropole in Port Elizabeth

for ordering it to remove its election materials from municipal posts. The council objected on the basis that the DA has done so without asking the permission of the council which is in contravention of municipal laws.

Much more seriously, after the announcement of the election date, the major parties complained that that their posters had been removed illegally, defaced or destroyed. The African National Congress (ANC) noted that its posters were removed from the northern areas of Port Elisabeth while others were torn and damaged.

The DA also made the same accusations that its posters have been disappearing from lamp posts throughout East London. Similarly, the United Democratic Movement (UDM) complained of its election material being defaced in the city.

However, these appear to be isolated incidents and have not been recorded at high levels. For example, the ANC complained about three posters out of the 20 it had put up, whilst the UDM complained about the defacement of one of its billboard.

Political parties have nationally committed themselves to conduct the election in an atmosphere of

peace with the signing of national peace accords. These have been already signed in some provinces of the country but still have to be extended to the Eastern Cape.

The Security Forces

The national government has promised that it is adequately prepared to deal with any threats to the electoral process in all parts of the country. The security cluster of ministries (defence, intelligence, safety and security) has noted that legislation regarding dangerous weapons, public gatherings and the election in general will be rigorously applied.

To this end, the Deputy National Commissioner of Police Andre Pruis, has indicated that he and senior officials of the ministry will visit all the provinces to ensure that that the process is implemented and contingencies are in place.

Provincially, the most significant indicator that the security forces are gearing up for the election - although this was not stated as the exclusive reason for the operation - was the holding of a weeklong military exercise at the end of February in Grahamstown. The exercise involved over 500 members of the Army and Air Force in the training of South Africa's first airborne unit. According to media reports, the exercise

was specialised training for members of these forces that could be deployed rapidly in conflict areas around the country. This unit will continue its training in Bloemfontein in May.

The Reasons Why

One of the major reasons why the situation in the province is likely to be calm is related to the nature of the electoral contest. As in the other provinces of the country, with the exception of the Western Cape and KwaZulu-Natal, the ANC is expected to win overwhelmingly, given the weakness of the opposition.

In such a climate, the campaigns are not contentious and thus lessening the possibility of disruptions. Fierce campaigning will most probably occur in the former homeland areas of the Transkei especially around Umtata, which is controlled by the UDM, as the ANC has vowed to snatch this area back into its fold.

This is especially underlined by the fact that the UDM, the main challenger to the ANC has waned in power provincially due to floor crossing in 2003. This scenario is buttressed by its low profile in the province having launched its manifesto in KwaZulu-Natal.

Closely related to the above is the fact the levels of high

registration in the province indicates, empathically, that voters are especially interested in the electoral process. This means that most people are not apathetic and are not dissatisfied with their lot. The danger of seriously disaffected voters is that they may entertain thoughts of disrupting an election.

The other reason pertains to the history of the province. The Eastern Cape, unlike the Western Cape and especially KwaZulu-Natal, does not have a record of serious political fault lines, which have resulted in violence. The nature of antagonism between the ANC and UDM, despite some clashes between their members in the past, has never been on the level of organised violence.

The visible threats of the Landless Peoples Movement (LPM) are not serious, as the organisation appears not to have widespread support in the province. Various media reports have indicated that its march to Bisho consisted of a few hundred protestors. Thus on this basis, it is unlikely that land invasions will pose any serious issue with which the government cannot deal.

Conclusion

The conduct of the election in the Eastern Cape is likely to be peaceful because of the maturity of political parties,

the lack of serious contestation, the appeasement of traditional leaders, and the preparedness of the security forces to deal with any threats of disruption.

NEWS FLASH!

ANC WOMEN BEAT QUOTAS ON POLL LISTS

The Women's League lobby in the African National Congress (ANC) has increased its representation to 40% on the party's national election list, while improving to above the party's stipulated quotas in the provinces.

The significant showing of women on the party lists, published by the Independent Electoral Commission for public comment on Friday [12 March 2004], has given the League considerable power. It brought the League closer to its objectives, set out at its National Congress last August, of achieving 50% representation for women in all party leadership structures and in government.

The party's lists have a women candidate in every three names in the provincial lists, while the number of women increases progressively thereafter. The party has yielded to pressure brought to bear by its Free State membership, deploying premier Winkie Direko to the national list, together with her housing and transport MECs.

By Hopewell Radebe Excerpted from Business Day, 15 March 2004

NORTHERN CAPE

No Complacency in the Northern Cape We are prepared for anything

Kenny Hlela
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Introduction

The election campaigning is gradually getting into top gear in the Northern Cape. The election posters are already lining the streets of major cities and towns in the province. This is one of the few regions in the country that does not have its own home grown political parties. There are twelve political parties that have registered to contest in the Northern Cape's provincial election. All twelve, except one, are going to contest the elections at both national and provincial. The Cape People's Congress with headquarters in Cape Town will be contesting the elections at provincial level. It is only registered to contest in the Western Cape and the Northern Cape.

The Electoral Code of Conduct

According to the Independent Electoral Commission (IEC), there are 22 political parties registered to contest the national election. There are twelve that are going to contest the

Northern Cape provincial election. Most of the registered political parties vowed to promote free and fair elections by signing the Electoral Code of Conduct in Pretoria.¹ The signing of the code commits parties to a peaceful election. The Code of Conduct was introduced before the 1999 election following the high incidents of political violence prior to the 1994 elections. The IEC received 3 508 complaints in 1994 and these included no-go areas and intimidation. But in 1999 there were 1 032 complaints and the IEC attributes this to the signing of the Code of Conduct.

It appears that most political parties support the spirit behind the Code of Conduct. The Northern Cape IEC has also brought together those political parties that are going to contest the election in the province to sign its provincial version of the Electoral Code of Conduct. Ten of twelve political parties registered to fight the provincial election were present at the signing ceremony. The two political parties that missed the signing ceremony were the United Democratic Movement (UDM) and the Cape People's Congress (CPC). However, this seems to be due solely to the lack of resources and not that

they did not share the spirit of the Code of Conduct. All the parties that signed the Code declared publicly that they were going to abide by the Code of Conduct. Even though, some politicians and analyst doubt the value of this exercise, its symbolic value cannot be downplayed. Whatever, the politicians say in public can be held against them by the most important people in the election - the voters themselves.

Political Violence and Intimidation

Since the inception of a democratic government, the Northern Cape has been a very stable province. The incidents of political violence and intimidation are almost negligible. The provincial IEC offices said that they have not received any serious complaints. The only incidents reported are those that relate to the removal of election posters. So far, about two or three complaints that have been lodged and all relate to the removal of party posters. However, those parties that had lodged complaints have since failed to substantiate these allegations. There are no charges that have been made against any political party. The IEC Manager of Electoral Matters in the province, Elkin Topkin said that they do not anticipate any serious incidents of

¹ *The Mail and Guardian*, 01/03/2004.

political violence during this period.

The relative peace and understanding in this province could be attributed to the proactive approach followed by the local IEC branch. This cooperative culture does not just start with the Electoral Commission. The Northern Cape Executive Council has a programme called the Cabinet Meets the People, a initiative that began in 1997, which has been very successful. It involves Executive Council members visiting various communities in the province, to detail government programmes.

The provincial IEC has established Party Liaison Committees (PLCs) that meet communities once a month. These involve different role players, mainly political parties. The IEC in the province believes that these committees keep parties informed and know where the IEC stand on the issues. They believe that these act as institutions of political education. In addition, they have political party agent training. Activities such as these help and keep different interests within communities well informed and could possible prevent conflicts.

The Security Forces

The IEC in the province believes that political parties are not the only role players

that need to be educated about the rules of the game. The role of the security forces is to enforce the electoral Code of Conduct. The IEC holds various workshops with the South African National Defence Force (SANDF) and the South African Police Service (SAPS). The fact that the incidents of political violence are almost non-existent has not led to complacency on the side of the Electoral Commission. They are very proactive and believe that if things were to change they will be in a position to deal with any incident that might arise.

Political Party Campaigning

It appears that most political parties concentrate their efforts of campaigning to those areas where their traditional support is based. In the past two national elections, the traditional black political parties focussed their campaigns in the former black township, and the posters that were most visible were those of the African National Congress (ANC) and other so-called black parties. In the former white areas, the traditional white political parties tended to dominate. Even though the demographics have been gradually changing in the past ten years, it appears that most parties still focus their attention in those areas where most of their potential

supporters live. The former black townships (both Coloured and African) are dominated by the ANC posters and to a minor extent the Azanian People's Organisation (Azapo). In former white suburbs however, the lampposts are filled with the Democratic Alliance (DA) and NNP posters, as well as other traditional white parties.

The lack of visibility of political parties' election posters in areas that are not their traditional support bases, might be as a result of lack of funds rather than the reality on the ground. Political parties might be regard it necessary to first exhaust their resources in their traditional support areas before they can consider other options.

As stated earlier, political party campaigning is gradually intensifying. This is especially true for the broadcast media. The radio is currently dominated by the ANC. But this is likely to change. The Independent Communications Authority of South Africa (Icasa) has allocated a free political advertisement and party election broadcast (PEB) on the South African Broadcasting Corporation's radio stations. The parties will be given 132 PEB slots from March 9 to April 10. Each PEB will consist of a two minute recorded message. The ANC has been allocated nine PEBs, while

other bigger parties such as the DA, IFP, PAC, NNP, and the Independent Democrats (ID) each received seven. The smaller parties and those without seats in Parliament but registered were allocated two PEBs per party. This will go a long way towards equity, thereby exposing voters to different options. Since a number of smaller parties do not have the resources to embark on a major door-to-door election campaigns, especially in such a vast but least populated province. For example, some voters will have their closest voting station approximately 65 kilometres away.

Most political parties have so far shied away from this province, except for one. On 6 March 2004, Martinus van Schalkwyk took his party's election campaign to the Northern Cape. He assured the coloured and white voters that the NNP was the best party to address their needs. It is clear that the NNP is not ready to go beyond its traditional support base. The election posters also show that most political parties are content with canvassing support where most of their support is based. The other parties that will be contesting the election in Northern Cape have not sent their leaders to the province as yet. This appears to be based partly to the cost-benefit calculation of political parties, where the Northern Cape is not seen as

a province that holds much value in terms of the number of voters it can offer. For the moment, the province does not appear on the priority list of the political parties that are contesting the elections there.

There are two main factors that count against opposition parties in the Northern Cape. First, as stated earlier, due to low population concentration the province is not seen as a priority. Second, the province has been run comparatively well. However, this complacency might work to the advantage of the ruling party. Since, the inception of the Northern Cape government only four political parties managed to get seats in the legislature. These parties are the ANC, the NNP, DA, and the Freedom Front. It appears that the *status quo* is likely to remain, with the ID making some inroads.

Conclusion

It appears that as the Northern Cape is not seen as a strategic province for any party that seeks to have influence in the affairs of the country; it is likely to remain calm. There are unlikely to be any disruptions during the election period. The lack of political related violence cannot only be attributed to its geography and population size; but to the willingness of government institutions to engage with relevant communities in a meaningful

way. The initiatives from the provincial IEC structures should be lauded. They have not allowed complacency to give them a sense of false security but have engaged the security forces in case anything happens in the province. They also engage the various political parties. This is reflected in the number of people registered for the election; despite the fact the province has experience a negative population growth.

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MPUMALANGA

MPUMALANGA PROVINCE: UNEASINESS BEHIND THE CALM

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Active Campaigning Under Way

Mpumalanga is not one of the hotly contested provinces. Unlike provinces such as KwaZulu-Natal and Western Cape where vigorous political campaigning has been under way for some time at a national level, it is only now that the province is experiencing serious political campaigning. Some opposition parties in the province have launched their manifestos in the past two weeks. UDM leader, Bantu Holomisa, launched his party manifesto in Embalenhle towards the end of February. PAC president Motsoko Pheko launched his party's manifesto in the village of Nokoneng on 6 March 2004. Interestingly, all the major predominantly black political parties, with the exception of the IFP, have formally launched their party campaigns in Mpumalanga while all the predominantly white political parties have not.

As reported in previous issues of this *Election Update*, the ruling party has

been putting greater efforts in its preparations for this year's elections than opposition parties. As the electioneering process intensifies, the ANC's election strategy has also unfolded. The party announced its electioneering strategy called the 'voter outreach and mobilisation programme' It involves highly targeted house-to-house visits by party heavy-weights including Minister of Land Affairs and Agriculture, Thoko Didiza, in specified high concentration areas such as taxi ranks and football stadiums. Minister Didiza also unveiled the party's election campaign truck on Saturday to be used to transport campaigners to the targeted areas across Mpumalanga. This unveiling coincided with the arrival of President Mbeki in the province over the weekend of 6-7 March to participate in the intensive door-to-door campaigning.

It is common knowledge that the ANC in Mpumalanga is virtually assured of a landslide victory and on the face of it, it would be reasonable to expect that such intensive political campaigning would be reserved for the more hotly contested provinces. The party should already be looking beyond the elections - towards the next term of office in the province.

However, it is precisely such dangers of complacency and premature sense of electoral triumph that the party appears to be wary. In the absence of a strong electoral challenge from the opposition, the ANC in Mpumalanga is its own worst enemy, and any prospects for its current enormous electoral advantage over the opposition being lost would be entirely of its own making. A number of considerations are explored below to explain the ANC's apparent sense of uneasiness in Mpumalanga despite all indications towards an easy ride to the polls.

Peaceful Backdrop To Political Campaigning in Mpumalanga

It would appear that all ANC controlled provinces, including Mpumalanga, are less likely to experience any noticeable levels of political violence, intimidation and tensions as is the case in provinces such as KwaZulu-Natal and Western Cape. For instance, there have not been any reports or indications of political violence, potential hot spots for political violence or even 'no-go' areas for political parties in the province. In fact, levels of fear for election violence have been subsiding since 1994 when the local citizens, like others throughout the country, were significantly

concerned about the prospects for political violence and instability in the province. Mpumalanga has become even more peaceful and politically stable since 1999, with extremely few election-related incidents of violence reported. Also, any reported incidents of party political violence and intimidation in Mpumalanga during the past five years have occurred during local government elections or by-elections. For instance, in the 2000 municipal elections a DA councillor was hospitalised after being attacked by suspected NNP supporters.

For this forthcoming election, one recent incident of political confrontation reportedly involved a former IEC employee in the Mpumalanga office who was removed from his post after it was discovered in February that he was a member of the ANC. He became involved in a physical altercation with a member of the UDM who attempted to remove ANC posters hanging inside the Numbi voting station. Another incident occurred last weekend when an ANC councillor was shot dead by unknown assailants. No political motive has yet been attributed to this killing. The point here is that incidents of political violence in Mpumalanga are few and are not yet cause for concern, either for the IEC or the police. This generally

peaceful backdrop to the forthcoming elections in the province may merely signify and therefore underline the total dominance of one party (the ANC) in the province over others. Mpumalanga is one of the strongholds of the ANC, and no significant challenge by other political parties to its complete dominance appears likely in the foreseeable future. Equally though, the underlying peace and tranquillity may also be a sign of the normalisation and therefore hopefully the maturing of competitive multi-party politics in the province - an essential element in the consolidation of our democracy.

Factors That Can Undermine Electoral Prospects for the ANC

The ANC is clearly aware that its position of dominance in Mpumalanga does not necessarily provide complete electoral security and can therefore not be taken for granted. It needs to be noted that this year's elections in Mpumalanga take place against the background of continuing allegations of corruption, mismanagement of public resources by senior government officials, high rates of poverty and poor levels of service delivery by municipal authorities. Most public attention has been drawn to these high profile cases of senior public officials facing prosecution

for corruption. For instance a senior official inside the Premier's office and former head of the department of health, Riena Charles, as well as eleven other public servants are currently facing prosecution. In addition to this, numerous cases of fraud, corruption and misuse of government resources are being investigated against many senior officials at local government level, including against mayors and municipal managers. These are potential time bombs for the ANC, especially during an election year. The potentially deleterious effects of such stories of official corruption and fraud amidst reports of failure of effective service delivery to impoverished communities in the province cannot be ignored. Therefore the party has a lot to lose and this may explain the palpable sense of uneasiness within the ANC in the province despite being virtually guaranteed of victory.

One of the biggest enemies for the ANC in this province is the potential for voter apathy or disillusionment. So far, indications to this effect mainly concern the youth but may exist among other groups. However, this would not be a serious problem if the party were not also facing one of perennial risks that have been such a part of the ANC's rule in this province since 1994 - the ever-present spectre of internal conflict and

factionalism. For instance, it is believed that the decision of the ANC not to announce its premier candidates ahead of the election results may be one factor that could trigger such internal political instability. The decision was clearly motivated by desire to head off the potential for such internal strife. Additionally, the position of the current premier, Ndaweni Mahlangu, has been a subject of widespread speculation, with some commentators and the media arguing that he would be 'redeployed', possibly to the National Assembly. However, the latest party list submitted to the IEC shows that Mahlangu will remain in the province.

Obviously the decision means that whether or not Mahlangu will keep his job still remains a subject of frenzied speculation. In the meantime this may have instilled a sense of insecurity in the premier and may hold possibly negative repercussions for the party in the short term. The decision may have been intended to solve one problem but has created another one. For instance on the one hand, had the premier candidate for the province been announced in advance, especially for Mpumalanga where the ruling party is riven by powerful political factions, this may have created a frantic and divisive competition among some of the prominent figures in the

party especially those aspiring for positions in the provincial Executive Council. As members jostled for position and lobbied the premier designate for positions as MECs, this would have immediately handed the power of patronage to the premier designate ahead of the elections. Being confirmed in his position ahead of the election results would have placed the premier designate in a politically strong position to start dispensing largesse behind the scenes to close friends or vengeance to enemies, thus sparking an immediate internal strife – something the party could not afford at this time. This would sap the party's collective energy, thus distracting attention from the challenge of maintaining unity to win the election.

On the other hand however, as indicated above, the decision not to release the name of a premier candidate appears to have instilled a sense of insecurity in the current premier. This has induced relentless efforts on his part in attempts to strengthen his position and improve his public image ahead of the appointment of the premier after the election. For instance, since last year the provincial government, together with the Office of the Premier, has adopted an active role in an effort to improve the public image of the province. Last year, there were

widespread media reports of private public relations companies contracted to help improve the public image of the province and its government.

In addition, a well-equipped communications unit inside the Premier's Office has been highly active in managing the premier's public appearances, his public relations profile and liaisons with the media over the past few months. This unit liaises regularly with other media organisations in the province to ensure that the premier's activities, including trips abroad or meetings with businesses, prominent political figures and other interests groups receive full media coverage. When the premier meets various interest groups in the province such as traditional leaders and local communities, the communication's unit ensures that the public relations value of such occasions is exploited fully by inviting the media to such events. It has also become clear that the premier continues to pursue the provincial executive's regular schedule of outreach programme (i.e. '*imbizos*'). The latest visit occurred a few days ago. These '*imbizos*' enable the premier and his executive, sometimes accompanied by heads of departments, to visit people in local communities throughout the province to listen to their grievances and

promise to respond. This is despite President Mbeki and the national government indicating that such *imbizos* are to be terminated for the duration of the election campaign period.

A common thread running through all this is the clear elevation of the *persona* of the premier – putting him squarely at the centre of all official public events in the province, including others such as investment drives either in the SADC sub-region or overseas. Some observers of Mpumalanga politics see this clear elevation of the premier's stature and image as signalling desire to portray him as an active, energetic and problem solving premier – something the national government and the premier appears to value above the personal popularity within the party of the candidate. Obviously, the premier and his adviser hope that such considerations would stand him in good stead when the President makes his choice. This is understandable. After all, premier Mahlangu must be keenly aware of his political weaknesses. He is one of a number of premiers who are unlikely to hold on to their positions after this year's election. His reign has been afflicted by scandals and political disasters that embarrassed the ANC generally and President Mbeki in particular.

However, the danger of such an individualistic approach is that it may trigger other aspirants to the position of premier to also adopt equally individualistic strategies to improve their public images and maximise their chances. In turn, this would create conditions for internal political disunity. An even greater danger for the party is that such overly individualistic approaches focussed mainly on the efforts or achievements of individuals may detract from the need to focus on the collective efforts and achievements of the party in the province.

These are some of the considerations as to why the ANC has been putting so much more effort into the election campaign process in the province long before other parties began, even though victory is virtually guaranteed. The party needs to offset the real risk of voter apathy or disillusionment that could undermine its current electoral advantages over opposition parties in the province.

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Additional information was obtained from the IEC in Nelspruit, Mpumalanga and Pretoria.

CHRONOLOGY NO.2

Compiled in the EISA library by Beth Strachan from information supplied by the IEC, political parties, and news media.

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|--------------|---|--------------|--|
| 11 Feb. 2004 | Voters' Roll is closed. | 22 Feb. 2004 | Tony Leon launches the DA's election manifesto in Soweto under the slogan: "South Africa deserves better". |
| 13 Feb. 2004 | President Mbeki intends declaring April 14 a public holiday. | 24 Feb. 2004 | ADP (The Alliance for Democracy and Prosperity) enters into a vote-swapping agreement with the IFP. |
| 13 Feb. 2004 | Tony Leon challenges the President to a series of electoral debates. | 24 Feb. 2004 | The IEC plans to hire 215 604 staff to run the voting stations on 14 April. |
| 14 Feb. 2004 | AZAPO launches its 2004 election manifesto. | 25 Feb. 2004 | CDP forms a new election pact with two other Christian-based parties – the National Christian Democratic Party (NCDP) and the Christian Protest Party (CPP). |
| 15 Feb. 2004 | The New Labour Party (NLP) signs a co-operation agreement with the Christian Democratic Party (CDP). | 27 Feb. 2004 | Date by which Registered Parties intending to contest the election must submit a list of candidates. |
| 15 Feb. 2004 | SACP tables its party political report and programme of action. | 29 Feb. 2004 | Patricia de Lille unveils the ID's election manifesto: "Bridging the Divide in our Society". |
| 16 Feb. 2004 | The DA delivers a complete set of its policies to the Presidents Office, to ensure accurate and informed debate on policy issues. The ANC however decline to engage in televised debates. | 1 Mar. 2004 | ANC and IFP draft a peace accord to ensure stability in KwaZulu-Natal. |
| 16 Feb. 2004 | Date by which copies of list of addresses of all voting stations must be available for inspection. | 1 Mar. 2004 | IEC issues the final list of parties to contest the 2004 elections. |
| 16 Feb. 2004 | The New National Party (NNP) launches its own manifesto . | 1 Mar. 2004 | Political parties sign the Electoral Code of Conduct and witness the ballot draw. |
| 19 Feb. 2004 | Minister of Safety and Security reveals security measures in place to deal with threats of violence. | 1 Mar. 2004 | Standard Bank and Liberty Group announce funding to political parties . |
| 20 Feb. 2004 | Voters' Roll, listing the 20 674 926 voters is certified by the IEC. | 3. Mar. 2004 | IEC studies the ruling of the Constitutional Court on the right of prisoners to vote, and prepare for the registration of prisoners accordingly. |
| 22 Feb. 2004 | Cut-off date by which overseas voters must have informed the IEC of their intentions. | | |
| 22 Feb. 2004 | AZAPO holds an election rally in Soweto. | | |
| 22 Feb. 2004 | The African Christian Democratic Party (ACDP) begins its election campaign. | | |

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ERRATUM: NO. 3, p.8 KISS PARTY

KISS is the acronym for Keep it Straight and Simple. In our previous issue we used the party's business maxim, "Keep it Simple Stupid" in a misleading manner. We extend our sincerest apologies for any inconvenience caused.

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