

### EDITORIAL

This is the final issue of our bulletin covering the South African election 2004. It thus gives me a great pleasure first and foremost to extend our profound gratitude to our partners who provided the financial support for this venture namely NORAD and OSF-SA. Wole Olaleye and Claude Kabemba at EISA played a key role in the overall coordination of the project and thus deserve a credit for a job well done. Jackie Kalley and Alka Grobler at EISA did a splendid job on the design and layout of all the issues. We are also grateful for the invaluable contributions made to this endeavour by a dedicated team of EISA research associates across the country who provided fortnightly updates on the electoral process.

It would be recalled that we also had a community radio component of the project. This was aimed at disseminating the election information as widely as possible, targeting the rural audience in particular. We would like to thank the panel of experts who assisted in this component as well as the staff of the community radios who

took part in the dissemination of the information.

As we wind up the bulletin, it is also imperative to briefly reflect and assess how we have fared. The overall goal of this project was mainly to provide in-depth and up-to-date information covering all stages of the election. Such information would then be summarised in a simplified form and disseminated through community radios. This information would then become useful for all election stakeholders including academics and election observers/monitors. All these original goals of the project have been achieved.

Election observation and monitoring constitute two important elements in the electoral process. They are tantamount to some kind of auditing and review of the manner in which the election was conducted. Both observation and monitoring should not be perceived as process entailing fault-finding, but rather as constructive reviews aimed at identifying strengths and shortcomings of the process with a view to recommending appropriate reform measures.

This was the spirit behind the observation and monitoring of

the South African election 2004. What becomes clear from the election observation reports is just how well the process went. This is reflected by the many accolades that have been given to the Independent Electoral Commission (IEC) for their valuable work.

Khabele Matlosa

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## NATIONAL PERSPECTIVES

### CONCLUSIONS OF THE EISA ELECTION OBSERVATION MISSION IN SUMMARY

#### Introduction

The Electoral Institute of Southern Africa (EISA) deployed a Regional Observer Mission to observe the South African elections which were held on 12-14 April 2004. The Terms of reference of the mission were to assess whether:

- the conditions existed for the conduct of elections that reflected the will of the South African people.
- the elections were conducted in accordance with electoral legislative framework of South Africa;
- elections met the benchmarks set in the Principles for Election Management, Monitoring and Observation (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries (ECF).

In undertaking this task, the mission had to:

- obtain information on the electoral process from the Electoral Commission;
- meet with political parties, civil society organisations and other stakeholders to acquaint

itself with the electoral environment;

- report accurately on its observations and refer any irregularities to the authorities;
- observe all aspects of the election in the areas it visited;
- assess if all registered voters had easy access to voting stations and that they were able to exercise their vote in freedom and secrecy.
- assess the logistical arrangements to confirm if all necessary material was available for the voting and counting to take place efficiently.

The assessment covered, as much as the mission could manage, over the entire election period from the pre-polling up to voting and including counting as well as the results transmission process.

The mission was composed of 40 representatives of electoral commissions, civil society organisations and government ministries from ten SADC countries namely Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe. Mr Abel Leshele Thoahlane, the Chairperson of the Lesotho Independent Electoral Commission and

also Chairperson of the EISA Board of Directors led the mission. The Deputy Mission Leader was Mr Denis Kadima, Executive Director of EISA. Members of the mission arrived in South Africa on 7 April 2004 and observed events until the 16 April 2004. The mission was deployed to six provinces namely Eastern Cape (Umtata and East London), Gauteng (East Rand, Alexandra and Soweto) Kwazulu Natal (Ulundi, Eskort and Port Shepstone), Limpopo, Mpumalanga and Western Cape. In total, over the three days of voting, members of the mission visited 152 voting stations and observed voting in rural and urban areas.

The conclusions of the mission are contained in an extensive report which has been shared with all election stakeholders in South Africa as well as Election Management Bodies (EMBs), NGOs in the SADC region. This summary is intended to serve as an additional vehicle through which the conclusions of the mission can be shared with as wider public as possible. It mainly expands on the Mission's interim statement by adding some important details contained in the report or in the mission members' records.

### **EISA Approach in Election Observation**

EISA seeks to realise effective and sustainable democratic governance in Southern Africa, Africa and beyond through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields observer missions to assess the context and conduct of elections in the Southern African Development Community (SADC) region.

In contrast to conventional election observation which tends to focus on the immediate events and activities around the polling, EISA election observation efforts are part and parcel of a continuous democracy audit exercise. This means that all the phases of the electoral process are closely monitored. However, due to the lack financial resources to undertake long-term observation, EISA developed an innovative method of information gathering and sharing that ensured that members of the mission were kept abreast of all the events which took place in the period leading up to the voting. This method consists of putting together a network of locally and regionally based organisations and

researchers that monitor the political processes on a continuous basis covering the pre-election, the polling and post-election phases. The publication of this *Election Update* is the main output of such method.

In the immediate period leading up to the polling period, members of the mission held meetings with various electoral stakeholders including representatives of the Independent Electoral Commission (IEC), civil society organisations, the media and political parties. Meetings were held at the national and provincial levels. Meetings were also held at municipal level with representatives of the IEC. Informally the team also met other domestic and international observers as well as members attended political party rallies. The stakeholder meetings provided the mission members with different viewpoints on the electoral process.

Finally, the members of the mission were deployed in the field from 9 April and observed special voting on April 12 and 13 and the voting and counting of ballots on 14 April 2004.

### **The Main Conclusions of the EISA Observer Mission**

The EISA Election Observer Mission, using the principles

for election management, monitoring and observation as enshrined in the PEMMO, concluded the following:

### ***Constitutional and Legal Framework***

The constitutional and legal framework in South Africa guarantees fundamental freedoms and human rights. In addition, the Electoral Law provides for mechanisms to address conflict in the electoral process. This framework contributed to creating an environment conducive to successful elections.

### ***Electoral System***

One of the dominant features of the political system in South Africa after 1994 has been the adoption of the proportional representation electoral system. The inclusive nature of this system, which does not provide for a formal minimum threshold, guarantees the participation and representation of minority and disadvantaged groups including women. Inclusivity is an important and positive tenet of governance in plural societies such as that of South Africa.

### ***The Independent Electoral Commission (IEC)***

The IEC has been established as a statutory body and enjoys a high degree of independence *vis-à-vis* all electoral stakeholders. The process of appointment of the IEC is

transparent and inclusive and thus promotes the impartiality of the commission. The clarity of the IEC's mandate and the provision of adequate resources have enabled the Commission to discharge its duties efficiently and effectively as well as enjoy a very high degree of credibility in the eyes of political parties, civil society organisations and the people of South Africa as whole.

It is worth highlighting that the existence of Party Liaison Committees at national, provincial and municipal levels has contributed substantially to the involvement of parties at each stage of the electoral process thus contributing to the legitimacy of the process and the prevention of conflict.

#### ***Voting Stations and Election Materials***

By increasing the number of polling stations, which were well located, adequately staffed and provided with sufficient materials, the IEC gave voters easy access to the poll. The observer mission noted that the movement of voters through the polling station was on the whole quick and smooth. In some instances, voters moved through the station in two minutes. The transformation of these stations into counting stations after the end of polling serves to increase the transparency of the

process as there are no fears of tampering with the ballots whilst they are in transit to central counting centres.

#### ***Results Centres***

The establishment of Results Centres throughout the country improved the transparency of the tabulation of the results and contributed to the acceptance of the results by all parties. Another unique feature of the counting system in South African 2004 elections was that an independent and private auditing company was used to audit the counting process at every IEC Municipal Election Office (MEO) before results were transmitted to the Provincial result centre. This provides for an additional and independent mechanism for checking the accuracy of the counting process. With this, the IEC sought to make sure that the results were absolutely correct and reflected the figures contained in the result forms before they were made public. Despite that, the IEC was able to announce the results with two days of the polling.

#### ***Prevention of Conflict***

The provision by the IEC of conflict management training for electoral staff and conflict mediators coupled with the presence of the security forces, contributed to the conduct of peaceful election. The mission found the fact that the police deployed extra police

officers in Kwazulu-Natal where conflict had been expected as a very positive measure. Overall however, the mission noted and commended the tolerance shown by voters and party supporters.

#### ***Participation of Women in the Electoral Process***

The mission noted that women were involved in the electoral process at all levels. This indicates an electoral system that does not discriminate against women, which has reflected in relatively high representation of women in government as well as in the legislature in the aftermath.

#### ***Challenges***

Notwithstanding all the positive aspects listed above - and while acknowledging that problems did not have an overbearing negative impact on the outcome of the elections - the mission registered a couple of challenges, of which the IEC should take note for future elections. These challenges were largely related to the inconsistent application of voting and counting procedures. These inconsistencies included the following:

#### ***The positioning of ballot booths***

The mission noted some inconsistencies in the positioning of ballot booths. In some polling station the booths were positioned facing the election officials

with the potential of compromising the secrecy of the ballot, whilst in others they faced the wall. The mission recommends that the positioning of the booths be prescribed so as it consistently guarantees the secrecy of the poll.

***Ballot papers for the two elections.***

The mission felt that the ballot papers for the National and Provincial elections were not very distinct from each other. This seemed to have led to confusion during the voting process, with national ballots found in the provincial ballot box and *vice-versa*. The mission recommends that the ballot papers be made clearly distinct from one another.

***Ballot boxes***

Some voting stations used one ballot box for both the national and provincial ballot papers whilst others used a ballot box for each of the two different ballot papers. The mission noted that in those polling stations where two ballot papers were used the actual counting started immediately after the closure of the voting process, whilst in the others the counting had to be preceded by sorting out the ballot which took a long time and contributed to further delays in the counting process. The mission is of the view that if two ballot boxes are prescriptively used for the national and provincial elections, time could be

saved for the counting process.

***Date of elections***

Some stakeholders raised concerns over the date of the elections arguing that because the election date coincides with the Easter holiday season it had potentially affected voter participation. In the interest of enhanced participation the mission recommends that the date be chosen in such a way that it does not coincide with holiday seasons that could jeopardise voters' turnout. Ideally, the date of the elections should be provided for in the law.

***Domestic Monitors***

In many of the polling stations visited there were neither domestic nor international observers. While the absence of international observers can be interpreted as a positive sign as it reflects the confidence of the international community in the South African electoral administration, civil society organisations should strive to enhance its capacity to observe the electoral processes in order to sustain the credibility of these processes. In this regard, the mission calls upon civil society organisations in South Africa to make efforts to step up their election monitoring role.

**Conclusion**

The mission noted the remarkable strides made in the democratisation process as evidenced by the high degree of maturity of political parties, the IEC, civil society organisations and the people of South Africa who come out in large numbers to choose the government to guide them for the next five years in meeting the challenges facing the country. The mission was satisfied to note the substantial participation of women in the electoral process both as elections officers, voters and candidates which shows advances in the gender participation and representation in the country as recommended by SADC Declaration on Gender and Development as well as the PEMMO.

Hence, based on the guidelines contained in the ECF/EISA Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), the EISA Election Observer Mission concluded that the elections in South Africa were conducted in a peaceful, orderly, efficient and transparent manner. The mission expressed therefore its satisfaction that the outcome of the election was a true reflection of the will of the people of South Africa. Finally the mission congratulated the IEC, the

political parties, civil society and last but not least the people of South Africa and expressed its hope that the

good environment in which the elections took place and certainly that they will enhance, will be conducive

to further development and to meeting the challenges ahead of South Africa.

## ELECTION OBSERVATION STATEMENTS

### **SADC PARLIAMENTARY ELECTION OBSERVER MISSION TO SOUTH AFRICA: 1<sup>ST</sup> – 18<sup>TH</sup> APRIL 2004**

#### **Mission Statement**

##### **I. Introduction**

The SADC Parliamentary Forum Election Observer Mission to the South African Elections 2004 came in response to an invitation by the Independent Electoral Commission of South Africa. The Mission is comprised of 54 persons, of whom 29 are Members of Parliament, 16 are staff from the SADC Parliaments and the Parliament from both the opposition and ruling parties, and there is gender representation. The Mission is led by Hon Veda Baloomoody of the National Forum. The two co-deputies are Hon Teopolina N Mushelenga of the National Assembly of Namibia, who is also a member of the Forum's Executive and Hon Francis Z Simenda of the National of Zambia, who is also the Forum's Deputy Chairperson of the Standing on HIV/AIDS.

The SADC Parliamentary Forum is a regional organization, which is

comprised of twelve Parliaments, representing 1,800 Members of Parliament from within the region. The Forum was established in 1996 in accordance with article 9 (2) of the SADC Treaty. The Forum has among its objectives to promote democracy, good governance, transparency and accountability. This is achieved, among others, through election observation. The Forum brings to the process of election observation the wealth of experience from the Members of Parliament, who are themselves products of the electoral process. In addition the Forum believes that as a region, it is important that a capacity to observe elections be developed by ourselves as a people living in one region, and learning from each other.

This is the first South African election to be observed by the Forum. Previous elections observed by the Forum are:

- Zambia 1999
- Mozambique 1999
- Mauritius 2000
- Tanzania 2000
- Zimbabwe Parliamentary 2000

- Zambia 2001
- Zimbabwe Presidential 2002
- Lesotho 2002

The South African Election Observation Mission is the ninth. The SADC Parliamentary Forum believes that elections are a process and hence election observation is a process. The Forum observes the pre-election phase, the election phase and the post-election phase. The foregoing necessitated the Mission spending three weeks in the country from 1<sup>st</sup> to 18<sup>th</sup> April 2004.

Preparations for the election Observer Mission to South Africa started with a preparatory workshop for the Members of Parliament and staff held in February 2004 in Durban. This was followed by Orientation Workshops in Pretoria to further prepare the Mission. The Pretoria workshops included presentations by the Independent Electoral Commission, the Political Parties, the media and the Electoral Institute of Southern Africa and IDASA. While in the field the teams were guided in their observations in South Africa and the SADC Parliamentary Forum's Norms and

Standards for Elections in the SADC region.

### **Deployment and Method of Work**

The Mission deployed fourteen teams to all the nine provinces of South Africa. Each team had two members of Parliament supported by one member of staff. Team composition was based on considerations of gender balance, those with previous election observation experience, representation from the ruling and the opposition parties and the need for adequate geographical coverage. There were four teams in Kwa-Zulu Natal, two in Gauteng, two in Western Cape, and one in each remaining provinces. In addition the Chairperson of the Mission, Honourable V. Balamoody visited Kwa Zulu Natal and Western Cape Provinces to familiarize himself with the electoral process on the ground.

While in the field, the teams undertook the following in accordance with the Terms of Reference:

- Consulted widely with Independent Electoral Commission, Provincial Electoral Officers and Municipal Elections Officers concerning the preparedness of the IEC
- Observed political party campaigns and road shows
- Had discussions with the Police officials to assess the security situation
- Assessed media coverage of the elections at both national and local levels, through newspapers, television and radio
- Determined the transparency of the electoral process and the functioning of the electoral institutions
- Attended Party Liaison committees at all levels
- Noted the presence of local observers, notably the Black Lawyers Association
- Observed door to door campaigns

friendly institution. The Mission confirmed this during the Orientation Workshop in Pretoria and during field observations by the teams that interacted with Provincial and Municipal Electoral Officers. The Mission found out that stakeholders such as political parties were satisfied not only with the preparations for the elections made by the IEC, but the manner in which all parties were involved in the whole process.

At the Provincial level, the SADC Parliamentary Forum Teams worked closely with the Electoral Officers and the Municipal Electoral Officers. Generally the teams received cooperation and in some cases, even had the privilege to be shown election materials. This acknowledged in its role as the body responsible for the administration of elections. This acknowledgement came from the diverse political parties in the provinces. There was overall satisfaction with the way the Commission had handled the preparations for these elections.

The IEC should be commended for carrying out voter education in conjunction with other local organizations. However, the Mission felt that more voter education was needed especially in the rural areas concerning the issue of the Special Vote and general

## **II Findings**

### **1. The Legal Context and the Role of the Independent Electoral Commission**

#### **1.1 Legal Context**

The Mission found out that the South African Constitution and electoral laws and practices guarantee the citizens free speech, freedom of assembly and association, access to the polls and the opportunity to vote, wide media coverage of political parties during and a transparent ballot counting system.

#### **1.2 The Independent Electoral Commission**

The IEC is the institution legally mandated to manage the electoral process. In this regard, the Commission has earned the respect of stakeholders as a transparent, efficient, fair and user-

civic society based organizations as partners in voter education.

### **1.3 Gender Representation**

The Mission observed that there is visible gender representation in the composition of the IEC starting at the level of Commissioners and administrative personnel. The proportional representation electoral system coupled with voluntary party quotas is much more inclusive and facilitates the active participation of women at the different levels of decision – making. The Mission observed that in all the provinces, there was high turn out of both male and female voters. It is also observed that this election has produced a female leader of a political party at national level. The Mission applauds South Africa for being one of the 10 countries in the world to have achieved the minimum 30% representation of women in Parliament. The leadership is urged to ensure that the minimum representation of women is reflected at all levels of decision-making and power.

### **2.3 The Political Environment**

The Mission observed that overall the political environment was peaceful. The Mission takes cognizance of the various mechanisms put in place to ensure a peaceful and

violence free election as discussed below.

#### **2.3.1 The Electoral Code of Conduct**

The Mission observed the existence of Code of Conduct for political a party that is justifiable. The Electoral Code of Conduct builds on the Constitutional provisions by requiring political parties to ensure that, they and their agents\members reaffirm the political rights of citizens. Generally the teams found that all stakeholders in the political process were aware of the Code of Conduct, and it set a standard on what was acceptable. However, there were also some concerns of violation of the code of conduct. In some of the instances the Party Liaison committees were able to solve the problems. In other matters were reported to the Police. The fostering provided a forum to clear misunderstandings and avert conflict. All the teams in the field confirmed the existence of these committees and their role in mitigating conflict.

#### **2.3.2 The Party Liaison Committee**

The Mission observed that the existence of the Party Liaison Committees in the provinces provided a forum for inter-party dialogue for averting conflict and clearing up misunderstandings. However, the Mission Teams observed that there were a number of complaints concerning poster vandalization. In one case the Police established the

poster vandalization was the work of youths. In others it was not conclusive as to who was responsible.

#### **2.3.3 Media Coverage of Political Parties and Campaigns**

Media coverage on both print and electronic on the run up to the election was informative and educative. The media coverage of the political parties was largely balanced. This is augmented by the policy of access to the public media. However the Mission learnt that access to some of the media by political parties took into account the size of the party, the length of time the party had been in existence, and whether it had representation in Parliament.

#### **2.4 The Poll and the Count**

The Mission noted the extent to which the poll was inclusive. A lot of effort went into arrangements for the special vote and assistance to those members of society that needed help in voting, which was commendable. The fact that the special vote enables those living outside the country to vote is a commendable practice. The Mission also observed that the elderly, pregnant women and mothers with young children were being identified by queue walkers and fast tracked to the front of long queues.

### **III Good Practices From The South African Election**

The Mission recognizes

the high voter turn out in the South African elections and the inclusive nature of the voters' roll such as the majority of South Africans are afforded and facilitated to vote freely. The Mission had identified the following as good practices from the election:

- The existence of an Independent Electoral Commission whose operations are highly respected by all stakeholders.
- The IEC has gender representation from the Commissioners to the officers at the Municipal level.
- The existence of an enabling regulatory framework that ensures every South African the right to vote.
- The establishment of the Electoral Court to handle electoral disputes within the shortest possible time.
- The visible commitment of leaders parties to peaceful elections and signing of the Code of Conduct, peace pledges, prayers and the strengthening of a democratic culture in South Africa.
- A high degree of political tolerance among political parties.
- The counting is done at the polling center in the presence of party agents and other stakeholders.
- The audit of the results by an independent auditor to ensure that

everything tallies before the results are publicly announced.

- The uniqueness of the special voting arrangement, which aims at ensuring that every South African of the voting age is accorded an opportunity to do so, which is limited to the uniformed personnel in other countries as long as care is taken to ensure the secrecy of the vote.
- Extensive training of IEC electoral personnel to acquaint them with all aspects of the electoral process.
- The use of advanced information technology (software and hardware) in the election process which facilitates processing of information and networking of different centers with the national centers in the provinces and linking the provincial centers with the national center in Pretoria.
- The inclusiveness of voter's roll, the use of one identity document and the fact that citizens can vote nationally anywhere in the country.

#### IV RECOMMENDATIONS

- In order to enhance transparency the Mission calls upon the Independent Electoral Commission to consider using translucent ballot boxes as an alternative to the ones in current use.

- In line with the concept of a rainbow nation the Mission emphasizes the need for concerted effort by political parties to be more inclusive in their support base across the inherited race lines of the past.
- In order to enhance voter education and information dissemination, the Mission recommends the increased involvement of civil society organizations, especially in the rural areas.
- In the interest of further leveling the playing field, it is recommended that the date of holding elections should be fixed in the electoral laws as contained in the *Norms and Standards for Elections in the SADC Region*.
- To ease voting queues in densely populated areas, the Mission recommends that polling areas in these areas be increased.

#### V. CONCLUSION

Having observed the third South African Elections from the campaign, the institutional arrangements for managing elections, the conduct of political parties and other stakeholders, the voting to the announcement of results and post election developments, the SADC Parliamentary Forum observed that there was a commitment to ensure a

peaceful, transparent, free and fair election in 2004.

In view of the above, the SADC Parliamentary Forum

Election Observer mission pronounces that the 2004 South African Election is a reflection of the will of the people of South Africa, s a

whole, to freely elect the representatives of their choice both at National and Provincial levels

### NEWS FLASH!

#### Observers give poll thumbs-up

Richard Mantu 16 April 2004

[http://www.southafrica.info/ess\\_info/sa\\_glance/constitution/elections-observers.htm](http://www.southafrica.info/ess_info/sa_glance/constitution/elections-observers.htm)

African observers have praised South Africa's Independent Electoral Commission (IEC) for delivering efficient, free and fair elections in the country for the third time running. The observers, speaking after some of the voting stations closed late on Wednesday, said the IEC had been well organised in all facets - logistically and technically. Burundian observer Bamvuginyumvira Frederick said the IEC's systems were meticulous, which provided good lessons for Burundi as the country prepared to hold its own elections in November. Frederick observed the polls in the Pretoria township of Mamelodi, and said he was impressed by the way South Africans had turned out to cast their ballots. "The IEC has good systems", Frederick said. "We saw they were prepared and people were calm. We saw white and black people together as voters and organisers. South Africa is a lesson for a good democratic process."

Another observer, Senegalese ambassador Samba Buri Mboup, said the presence of party agents, the abundance of electoral material, presiding officers and a deep civic culture of voting in a disciplined manner was a good example for other African states. "For us as Africans, South Africa once again did us proud", Mboup said. "It is very refreshing to see Africa conduct its elections in this manner. The way the IEC organised the elections, and the way the voters responded in turning out in their numbers, showed political and civic maturity."

## REPORT OF THE AFRICAN UNION OBSERVER TEAM ON THE NATIONAL AND PROVINCIAL ELECTIONS IN THE REPUBLIC OF SOUTH AFRICA, 14 APRIL 2004

### I. Introduction

1. In consideration of the principles and objectives of the African Union enshrined in the Constitutive Act of the Union, particularly in its Articles 3 and 4 and on the basis *inter-alia* of the:

- The Algiers Decision of July 1999 and the Lome Declaration of July 2000 on the Framework for an OAU Response to Unconstitutional
- Changes of Government, which laid down a set of

common values and principles for democratic governance;

- The CSSDCA Solemn Declaration of Lome, adopted in July 2000, which
- underpins the OAU's Agenda for promoting democracy and democratic institutions in Africa;
- The African Charter on Human and Peoples' Rights, adopted in June 1981 which recognized the right of every citizen to participate freely in the government of his/her country whether directly or through democratically elected representatives;
- The African Charter for Popular Participation in Development, adopted in July 1990, which

emphasized the need to involve the people of Africa in the spheres of economic and political governance; and also

2. Cognisant of the fact that each Member State has the sovereign right to choose its political system in accordance with the will of its people and in conformity with the Constitutive Act of the Union and the universally accepted principles of democracy, the Organization has continued to play an evergrowing role in the observation/monitoring of elections in the Continent.

3. Therefore, in pursuance of the foregoing principles and objectives and the Declaration on the Principles governing Democratic Elections in Africa, the African Union accepted the

invitation of the Government of the Republic of South Africa, to observe the National and Provincial Elections, held on 14 April 2004, under the auspices of the Independent Electoral Commission of South Africa (IEC), an independent body entrusted with the organization and conduct of the elections.

4. The African Union Observer Team, led by Amb. Judith Sefi ATTAH, former Director General of the Ministry of Foreign Affairs of the Federal Republic of Nigeria and Representative to UNESCO and former Minister of Women's Affairs was composed as follows:

- Mr. Higiros Prosper
- Mr. Loumouvi Fombo
- Mrs. Efigenia Mariquinas Dos Santos Lima Clemente
- Mr. C. N. Fernandes do Reis
- Mr. Emanuel T. Nandolo
- Mr. Kibreab Habte Michael
- Mr. Said Usuf
- Mr. David Adeenze-Kangah
- Mr. Abdoul R. Kouroma,
- Ms. Susan Sikaneta
- Mr. Mulualem Teferedegn
- Ms Kebebouch Tessema

5. The Advance Team composed of Mr Abdoul R. Kouroma, Coordinator, Ms Susan Sikaneta, Executive Secretary, AU Southern Africa Office in Malawi, Mr Mulualem Teferedegn, Finance Officer and Ms Kebebouch Tessema,

Secretary arrived in Pretoria on 1 April 2004. However, the Core Group including the Team Leader, arrived in the country on 08 April 2004.

## II. Terms of reference of the team

6. The objective of the observation of the elections by the Team is to ascertain the fairness, freeness and transparency of the elections and render credibility to the eventual results of the elections to both the national and international community.

7. The Team also had as its scope of observation and obligation, the following guiding precepts and principles:

- a) Observing and verifying the impartiality and legality of decisions taken by the Independent Electoral Commission and its officers;
- b) Ascertaining people's awareness of the election processes viz the participation of the people and the ease of advocacy with which candidates for election access the public;
- c) Observing and verifying the voting process as provided for by the law, i.e.

- Opening of the polls
- Voting materials – quantities, timeliness
- Procedures conduciveness to the polling atmosphere
- Efficiency of the polling officials
- Casting of the votes

- Counting/ tallying/ verification of the votes
  - Transmission and declaration of the results
- d) The observers shall be obliged:

To respect and abide by the constitution and laws of the Republic of South Africa

- To exercise their role with impartiality, independence and objectivity
- Not to allow their personal opinions, likes and dislikes to influence their work
- Not to directly or indirectly propagate or identify themselves with any candidate or party
- Not to display or wear any partisan symbols, colours or banners
- To carry identification prescribed by the Independent Electoral Commission at all times and identify themselves to any authority upon request
- Not to accept any gifts or favours, or promise of gift or favour that might influence them in their official work
- To refrain from interfering by action, comment or otherwise and in bad faith with the polling exercise and/or the duties of the elections officials, but to cooperate with them
- To note and report any irregularities observed in the elections process to the IEC or to competent officials of the

Commission, who will examine the activities reported as irregular and take corrective measures, as appropriate

e) However, observers are free:

- To request for and obtain information on activities related to registration of voters and the polling
- To submit to the Commission, in writing, complaints and appeals about irregularities in the electoral processes
- To gain access to the Polling Stations, Counting/Results Centres and to occupy the nearest seats or positions to the polling officials so as to be able to observe and monitor all the operations relating to the casting of the votes and/or voting process
- To inspect and verify the ballot boxes and any other item(s) or material to be used in the polling exercise, before the casting of the votes

### III. Country Profile

#### Provinces: General

8. The largest provincial population is in KwaZulu-Natal, with 9.4 million counted in the 2001 census but the most densely populated province is Gauteng, with some 8.8 million people occupying just 1.4% of the country's land area.

9. The most sparsely populated, with less than a million people, is the dry Northern Cape, by far the biggest in terms of area as it occupies nearly 30% of the country.

10. Perhaps surprisingly in a country with comparatively few major urban centres and a great deal of wide open space, slightly more than 50% of the population live in urban areas. This is not only because of the number of rural people who have moved to towns to find work, but also because much of the wide open space is arid and therefore sparsely populated.

11. The most rural area is Limpopo Province. Gauteng, with both Johannesburg and Pretoria within its boundaries, is almost entirely urban. Other areas of high urban concentration are around Cape Town, Durban, Port Elizabeth/East London and, in the interior, Bloemfontein.

12. The languages most frequently spoken depends on the part of the country. Taken as a whole, English, together with Setswana, is the fifth most spoken home language (8.2%), after IsiZulu (23.8%), IsiXhosa (17.6%-, Afrikaans (13.3%) and Sepedi (9.4%).

13. IsiXhosa is spoken by more than 80% of South Africans in the Eastern Cape, and almost 80% in KwaZulu-Natal speak IsiZulu. The latter is also the most frequently spoken home language in Gauteng,

but at a much smaller percentage. In Cape Town and its surroundings, Afrikaans is widely spoken.

#### West and South: the Cape provinces

##### *Western Cape*

14. If three pyramids are the symbol of Africa's far north, then a flat-topped mountain is the symbol of its far south. Inner Cape Town nestles in the curve of Table Mountain at the start of the hook-shaped Cape Peninsula, which ends in the needle-point cliffs of Cape Point.

15. The erroneous belief that this is the meeting point of the Indian and Atlantic Oceans persists. This is actually further south at Cape Agulhas, but certainly the waters of the eastern bay of the peninsula are warmer than the Benguela-chilled western waters.

16. The Peninsula, world-renowned for its beauty and home to the major urban concentration, is in the province's far south-west but may reasonably be regarded as its heart. At a total area of 129 370 square kilometres, this is the country's fourth-largest province but is dealt with here in third place for the convenience of keeping the three Cape provinces together. It is slightly smaller than the Free State although each occupies about 10.6% of South Africa's land area.

17. Like the Eastern Cape, the Western Cape is topographically and

climatically varied. It has a temperate southern coastline fringed with mountains; here the typical vegetation, especially in the western section, is the famed fynbos. To the north it stretches deep into the Karoo plateau; its western coast is extremely dry.

18. The winter rainfall of the peninsula and its mountainous neighbouring inland areas provide ideal conditions for the cultivation of grapes, with numerous vineyards producing excellent wines. Other fruit and vegetables are also grown here, and north and east of Cape Town, wheat is an important crop. The southern coastal area is also fertile; fishing is the most important industry along the west coast. Sheep farming is the mainstay of the Karoo, and other forms of husbandry take place in the better watered parts of the province. While various industries are active, particularly in the Cape of Good Hope area, tourism is extremely important economically.

19. The southern coastline's major centres include Mossel Bay, George and Knysna, all of which benefit from the tourist attraction of a beautiful coastal strip that includes a lake area. This southern coast has year-round rainfall.

#### ***Eastern Cape***

20. Situated in the south-eastern section of the country, the Eastern Cape is

endowed with great natural beauty, particularly in the rugged, rocky cliffs and dense green bush of the stretch known as the Wilde Coast. The Indian Ocean here is temperate. To the north-west the province borders on KwaZulu-Natal and meets the southern tip of the Drakensberg range; further south, mountains and hills predominate, the northern section in the dry Karoo being flatter. The long curve of coastline, large area (at nearly 170 000 square kilometers covering 13.9% of the country) and the considerable east-west and north-south distances it covers provides the province with extremely varied vegetation.

21. Situated on Algoa Bay is Port Elizabeth, the largest city. The capital is Bisho and other important towns include the port of East London and, inland, Umtata, Uitenhage and Grahamstown. The main industrial centres are Port Elizabeth, East London and Uitenhage, the latter known for its automotive manufacturing industry. There is much fertile land and agriculture is important. Fruit, especially pineapples, for a significant crop; coffee and tea are also cultivated. Maize and sorghum are grown and cattle farming is of particular significance as a subsistence activity; sheep farming predominates in the Karoo.

22. There is excellent potential for forestry – the

coastal areas receive good summer rainfall and have a moderate climate, becoming more sub-tropical to the north-west. The Tsitsikamma National Park on the southern border is home to dense indigenous forest.

#### ***Northern Cape***

23. Covering 29,7% of the country with an area of more than 360 000 square kilometres, this north-western province suffers from a paucity of rain but has a wealth of minerals. Its capital is Kimberley which is also the diamond capital of South Africa. Alluvial diamonds are found on the opposite, western, side of the province, washed down by the Orange River which runs through the northern section and forms the boundary with Namibia. Other minerals found here are iron, copper, asbestos, manganese, fluorspar, semi-precious stones and marble. Another notable wealth is that of the spring flower explosion in the Namakaroo biome, transforming the dry land and sparse scrub of the rest of the year into a festival of colour that attracts visitors from around the world. Tourists are also attracted to another of nature's wonders, the Augrabies Falls, whose 19 separate falls cascade over a granite plateau, dropping a total of 191m; a pool 43m deep has been gouged out by the force of the water. The falls are on the Orange within the Augrabies Falls National Park.

24. The Kalahari Gemsbok National Park is part of the continent's first transfrontier game park, combined with the Gemsbok National park in Botswana to form the Kgalagadi Transfrontier Park. The Orange River provides a sizeable strip of fertile soil, noted for its vineyards. Wheat and groundnuts are among the crops of the north-western section of the province. Another important economic activity is sheep farming, particularly karakul, centred on the major town of Upington. The marine industry is under development in an area that has suffered from a lack of development in the past with the consequent impoverishment of its people. Climatically, the Northern Province is characterised by very hot summers and very cold winters.

#### **North and North-West South Africa**

##### ***Limpopo***

25. Limpopo province occupies 10.2% of the country's land. Its northern border is the Limpopo River, its northern neighbour Zimbabwe. Mountain ranges include the northern Drakensberg to the west, the Soutpansberg in the north and the Waterberg towards the east. The province is rich in Bushveld and includes the northern part of the Kruger National Park, which itself borders on

Mozambique. It has variable summer rainfall. The far west, bordering on Botswana, is the driest area.

26. The province's centrally situated capital is Polokwane (previously Pietersburg), which is both on the Maputo Corridor route and a direct link with the Mozambique port – and on the N1 from Johannesburg to the Zimbabwe border at Beit Bridge. Part of the Great North Road, the N1 also conveniently connects the towns of Warmbaths, Nylstroom, Potgietersrus and, virtually on the border, Messina. Other significant towns are Phalaborwa, Thabazimbi and Tsaneen. Phalaborwa, on the Kruger Park border, has the world's largest opencast copper mine; Thabanzimbi is an important iron mining centre. Other minerals include asbestos, coal, platinum, chrome, vanadium, nickel, titanium, diamonds, phosphates and gold.

27. It is a major producer of vegetables, and the subtropical climate enjoyed by much of the province gives rise to the cultivation of tea, coffee and fruit, especially tropical fruit. Forestry makes a major contribution to the economy, as do sunflower, cotton, maize and groundnut crops, and cattle ranching.

##### ***North West***

28. Also bordering on Botswana and the Kalahari desert is the province of North West, with 9.5% of

South Africa's land area. Its summer rainfall is low on this border and increases towards the Witwatersrand/Gauteng area in the east, so that this part of the province is mostly typical Highveld grassland. Important topographical features include the Vaal River, which forms the southeastern boundary, the 125km ridge of the Magaliesberg, and the extinct volcano that is home to the Pilanesberg National Park. Caves in the Sterkfontein area comprise a World Heritage Site known as the Cradle of Humankind because of the wealth and significance of the hominid remains found there.

29. Its capital, Mafikeng, is near the Botswana border and forms a single urban area with its neighbouring town, Mmabatho. Potchefstroom and Klerksdorp are the biggest cities in the province; other main towns are Brits and Rustenburg.

Mafikeng/Mmabatho, which sits on a north-south line that more or less bisects the province, is the most westerly of these towns. The dry western half of the province, sandwiched between Botswana and the Northern Cape, is sparsely populated.

30. Mining is responsible for more than a third of the province's GDP: 94% of South Africa's platinum than any other single area in the world. It produces 25% of the country's gold. Granite,

marble, fluorspar and diamonds are also mined. The province provides about a third of the country's maize. Other important agricultural products are sunflower oil, fruits, tobacco, cotton and beef.

### **Eastern South Africa**

#### ***KwaZulu-Natal***

31. One of the greenest and best-watered areas of the country is KwaZulu-Natal which accordingly, although it has only 7.6% of the area, is the second most populous province. Lying in a broad strip with the Indian Ocean as its western border, it borders on Swaziland and Mozambique to the north. Its western border is marked by the dramatic Drakensberg mountain range which has several peaks well over 3 000m, and its topography combines mountainous area, rugged green hills and deepcut valleys. Between the mountains and the humid, subtropical coastline is savannah grassland, but there are also areas of indigenous forest here and along the coast. The largest of its many rivers is the Thukela. It is a summer rainfall area, with a climate that ranges from extremely hot along the coast in summer, to heavy snow on the mountains in winter. The Midlands are drier than the coast and can be very cold in winter.

32. KwaZulu-Natal has two capitals: the more southern Pietermaritzburg (the province's second-largest city) and Ulundi, the

traditional capital, in the north; (the two capitals a reflection of the province's coalition government). Both are inland. The largest city is Durban. South Africa's two biggest harbours are situated in Durban and Richard's Bay - the latter a comparatively small town, its harbour specialising in bulk exports, especially coal which is mined in the interior. Heavy minerals are mined at Richard's Bay. Durban is the busiest port in Sub-Saharan Africa. Other major towns are Ladysmith, Newcastle and Estcourt.

33. A world-renowned feature of the northern coastline is the St Lucia Estuary: the Greater St Lucia Wetlands Park is a World Heritage Site (as is the uKhahlamba Drakensberg Park). There are several game parks in KwaZulu-Natal. The fertility of the soil and comparatively good rainfall more than 1000mm a year - make agriculture central to the economy. Sugar cane and tropical fruit are major products of the coastal belt. Dairy, stock and vegetable farming are important inland. Other land uses include forestry and tea plantations.

### **Central South Africa**

#### ***Free State***

34. The Free State - covering an area of 129 480 square kilometres - is situated in the centre of the country, bordered north and south by the Vaal and Orange Rivers and on the

west by Lesotho. Except for the lovely mountainous Eastern Highlands areas, its landscape is flat, a mixture of grazing land and extensive fields. Maize, sunflowers, soya, sorghum and wheat are cultivated, with cherries and asparagus in the Ficksburg area in the east.

35. The capital is Bloemfontain, an important education and judicial centre which, as the country's most central city, is the meeting place of major north-south routes, including the N1 from Johannesburg to Cape Town, which slices diagonally through the centre of the Free State. Welkom is the mining hub of the province. The extensive Free State gold fields comprise the southern part of the same reef that is mined on the Witwatersrand. Coal is also mined. Other important towns include Virginia, Kroonstad, Parys and Bethlehem. The summer rainfall is sparse, especially in the west and south. The province has hot summers and cold winters.

### **Northeastern South Africa**

#### ***Gauteng***

36. Situated in the heart of the Highveld, Gauteng is the smallest province in South Africa at only 1.4% of the land area, but it is highly urbanised and has the second-largest population (after KwaZulu-Natal). Its southern border is the Vaal River which separates it from the Free State, and it also borders (clockwise) on

North West, Limpopo Province and Mpumalanga. It is not only the major urban centre of the northern part of the country but the economic powerhouse of the entire country.

37. Its capital and largest city is Johannesburg, with virtually continuous urban east and extensions through many towns including Roodepoort and Krugersdorp on the west and Germiston, Springs, Boksburg and Benoni on the east, a result of development along the immensely rich gold-bearing reef of the Witwatersrand. This reef also yields uranium.

38. Pretoria is 50km to the north of Johannesburg and the important industrial and coal-mining towns of Vereeniging and Vanderbilipark about the same distance to the south, on the Vaal. In spite of its dense urbanisation and large industrial and business sectors, Gauteng has significant agricultural land providing fruit, vegetables, dairy products and meat to the cities as well as areas where maize, groundnuts, sunflowers, cotton and sorghum are grown. Like the rest of the interior this is summer rainfall area. Summers are hot and winters frosty.

39. The Witwatersrand ridge forms the watershed for the Vaal and Limpopo rivers, but Gauteng has no major rivers other than the Vaal. Although the province has important wetlands, drought

is not uncommon and it depends on the Vaal Dam for reliable water supplies.

#### *Mpumalanga*

40. Mpumalanga lies in the east of South Africa, north of KwaZulu-Natal and bordering Swaziland and Mozambique. It occupies 6.5% of the country's land. Mainly grassland, it is also blessed with the spectacular northern Drakensberg Escarpment to the northeast, and includes a subtropical Lowveld/Bushveld area to the east of that. Along the eastern border, it borders the southern half of the Kruger National Park. The largest freshwater lake in South Africa, Lake Chrissie, is in Mpumalanga, but a larger expanse of water is the Loskop Dam, near the Limpopo Province border.

41. The capital, Nelspruit, is situated in the heart of the Lowveld citrus areas; the province's second most important town is Witbank, the coal-mining centre – the town of Secuda is the site of one of the country's two petroleum-from-coal refineries (the other being Sasolburg in the Free State). Ermelo is a major wool centre. The climatic contrasts between the drier Highveld region, with its cold winters, and the hot, humid Lowveld allows for a variety of agriculture activities. Crops include maize, wheat, sugar, citrus, vegetables, subtropical fruits, oil seeds, tobacco and cotton. Forestry, especially around Sabie in

the far north of the province, is extensive.

#### **IV. Legislative Framework**

##### **The Constitution and the Legal Framework**

42. The Constitution of the Republic of South Africa, Act 108 of 1996 allows for the establishment of state institutions whose main object is to strengthen democracy in the country. Six such institutions have been established, amongst them the Independent Electoral Commission (IEC). These institutions are independent and subject only to the Constitution and the law, and must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice. Section 181 of the Constitution clearly states the importance of these institutions by stipulating that:

“Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure their independence, impartiality, dignity and effectiveness...” This section goes on to assign accountability of these institutions only to the National Assembly.

43. The mandate of the Electoral Commission according to the Constitution is as follows:

- manage elections of national, provincial and municipal legislative

bodies in accordance with national legislation,

- ensure that these elections are free and fair,
- and declare the results of these elections within a period that must be
- prescribed by national legislation and that is as short as reasonably possible.

44. The management of national, provincial and municipal legislative bodies is regulated by the Electoral Act (Act 73 of 1998). On the other hand, the establishment of the Electoral Commission is regulated by the Electoral Commission Act (Act No.51 of 1996). The term of office for Commissioners is seven years. There are currently five Commissioners and are as follows:

Dr B. Bam – Chairperson  
 Prof. H. Vilakazi – Deputy Chairperson  
 Ms T.N. Mpumlwana – Commissioner  
 Mr S.S. van der Merwe – Commissioner  
 Judge I. Hussain – Commissioner

45. The Commission Act requires the Commission to appoint a Chief Electoral Officer to head the administration of the Commission. Advocate Tlakula was appointed in February 2002 as Head of the administration. The commission also has an office in each of the nine provinces in the country. A provincial electoral officer heads such an office.

### **The Electoral System of South Africa**

46. There are various types of electoral systems that are practiced internationally. South Africa practices a proportional representation system. In this system, the whole country is divided into nine constituencies of variable size, corresponding to the nine provinces of the country. Parties decide whether to participate in the national, provincial or both elections. Each voter has one vote for the National Assembly and one vote for the provincial legislature. The total number of seats for each party is calculated proportionally on the basis of the votes cast for each party in the country as a whole.

#### **Parliament**

47. The Parliament of the Republic South Africa is established in accordance with Chapter 4 of the Constitution. The Parliament consists of two houses:

- the National Assembly
- the National Council of Provinces

#### **National Assembly**

48. The National Assembly consists of 350 to 400 seats. Anyone who is eligible to vote for the National Assembly could be elected to be a member of the Assembly. However, anyone who is in the employ of the State other than the President and the Deputy-President, Ministers and Deputy

Ministers will have to relinquish their employment in order to take up their seat in the National Assembly. There are other limits which are explained under section 47 (I) of the Constitution.

49. The National Assembly is elected for a term of five years. When the term of the National Assembly expires, the President must call and set dates for an election, which must be held within 90 days of the date the Assembly was dissolved or its term expired. If the result of an election of the National Assembly is not declared within 7 days after the elections, or if an election is set aside by a court, the President, by proclamation, must call and set dates for another election. The election must be held within 90 days of the expiry of that period or of the date on which the election was set aside. The first sitting of the National Assembly must be within 14 days after the results have been declared.

#### ***The National Council of Provinces***

50. The National Council of Provinces (NCOP) is composed of a single delegation from each province consisting of 10 delegates who are as follows:

- the premier of a province or a person delegated by him
- 3 other special delegates
- 6 permanent delegates from the represented political parties as

- determined by the provincial legislature. A person appointed as a permanent delegate to the NCOP ceases to be a member of the provincial legislature.

**Registration of Voters**

51. In accordance with the Electoral Act (73 of 1998), the Chief Electoral Officer must compile and maintain a national common voters' roll. Any South Africa citizen in possession of an

identity document may apply for registration as a voter in the voting district in which that person ordinarily resides.

52. The Act also required the Commission to conduct a general registration of voters and may prescribe cut off dates in respect of the general registration of voters and the compilation of the voters' roll. For these elections, the voters' roll closed on 11 February 2004 after the President had

proclaimed the election date. The voters' roll was certified by the Chief Electoral Officer on 20 February 2004; there are 20 674 926 eligible voters in the voters' roll. The table below gives an overview of the voters' roll by provinces since 1994:

PROVINCE	1994 VOTED	1999 REGISTERED	1999 VOTED	2004-04-15 REGISTERED	% increase over 1999
Eastern Cape	2 857 710	2 454 543	2 177 266	2 849 486	16.09
Free State	1 368 251	1 225 730	1 090 908	1 321 195	7.79
Gauteng	4 208 301	5 154 087	3 662 790	4 650 594	11.95
KwaZulu-Natal	3 750 606	3 443 978	2 963 358	3 819 964	10.91
Mpumalanga	1 309 993	1 277 783	1 129 536	1 442 472	12.89
Northern Cape	404 579	377 173	327 772	433 591	14.96
Limpopo	1 919 790	1 847 766	1 658 694	2 187 912	18.41
North West	1 588 255	1 527 672	1 305 441	1 749 529	14.52

**Conflict Resolution Mechanisms**

53. In every election there are unique situations mainly between political parties, of conflict that might give rise to tensions between parties. If the party liaison committees are unable to resolve these problems, they may be referred to the conflict resolution panellists. These may result from a number of factors such as:

- political intimidation
- interference with posters of other parties

- prevention of free political campaigning, etc

54. Consequently, the Commission has put in place mechanisms to resolve these conflicts before they progress further and adversely affect the electoral process. The Commission has entered into an agreement with the Electoral Institute of Southern Africa (EISA) to select, train, administer and deploy provincial panellists responsible for strategic intervention in electoral

conflict for the 2004 elections.

**The Electoral Court**

55. In any situation of conflict, the Electoral Court has final jurisdiction in respect of all electoral disputes and complaints about infringements of the Code of Conduct and no decision or order of the Court is subject to appeal or review. Where the Court has found that a person or a registered party has contravened a provision of the Electoral Act, it may in the interest of free and fair

election impose an appropriate penalty or sanction on that person or party as indicated under Chapter 7, Part 2 of the Act.

### Media

56. The media, both electronic and print plays a very important role in elections in South Africa. The Independent Communications Authority of South Africa (ICASA) regulates radio and television broadcasts and it plays an importance in ensuring fair and equitable provision of adequate coverage during elections. In the event that a dispute between a political party and a broadcaster over an election broadcast not being solve, the matter is referred to the Broadcasting Monitoring and Complaints Committee (BMCC). There are regulations in place relating to party broadcasts, political advertisements and the equitable treatment of political parties by broadcasting licensees in respect of the 2004 elections. The regulations include a formula used to allocate time in respect of election broadcasts and a list of radio stations nationally and by province. The print media in South Africa is independent and self-regulatory. The press ombudsman deals with complaints on articles published by newspapers.

### Security

57. Safety and security during the election process is

aimed at creating and maintaining a condition of internal stability within the country that is conducive to the delivery and management of free and fair elections in which every voter is able to record his or her informed choice.

58. Due to the magnitude of the management of elections from a safety and security perspective joint coordinated planning and execution is done through public and private partnerships, which, typically, in an election security cycle involves the active participation of the following role-players:

- South African Police Services (SAPS),
- South African National Defence Force (SANDF)
- The intelligence Community of South Africa
- Private Security Companies

59. Some of the key electoral processes that would typically require protection and security measures in order to promote the integrity of an election would be *inter alia*:

- Voters,
- Voting stations,
- Storage facilities and warehouses,
- Electoral Commission head office, provincial and municipal Offices,
- Logistical and distribution networks,
- Results Centres,
- Information Protection that includes Information

Technology and other information repositories,

- IEC personnel and assets.

### Special Votes

60. Section 33 of the Electoral Act provides for special votes for persons who cannot get to the voting stations on voting day as a result of:

- Physical infirmity, disability and pregnancy;
- Absence on Government service abroad;
- Being an election official on election day;
- Being a member of the security services performing election duty
- South Africans temporarily abroad.

61. Physically infirm, disabled and pregnant voters applied for a special vote either at the Municipal Electoral Officer before 8 April 2004 or at the Office of the Presiding Officer on 12 April 2004 in the voting district in which they are registered. These people were visited by IEC officials at the place they indicated on the application form on 12 and 13 April 2004.

62. Election officials and security force members applied and cast their vote at the Office of the Presiding Officer of their voting district on 12 and 13 April 2004. Persons who are absent on government service abroad as well as South Africans who are temporarily absent from the Republic, (and who notified the Chief Electoral Officer

by 26 February 2004) applied and voted at foreign missions on 7 April 2004. Already 647 eligible voters notified the Chief Electoral Officer of their intention to cast special votes.

63. With respect to those eligible voters whose names do not appear on the certified segment of the voters' roll for a voting district and who applied for registration as a voter before the date the election was proclaimed may, in terms of section 24A of the Act submit to the presiding officer for that voting station a sworn affidavit and identity document. The sworn statement should contain:

- full name
- identity document
- date of birth
- finger print
- address where he/she ordinarily resides
- declaration that he/she applied for registration as a voter in the prescribed manner and period
- a declaration that he/she is a South African resident, 18 years and above and is not qualified to vote

contest the National and Provincial elections; These parties could be divided as follows:

- 11 parties contested the elections nationally and provincially;
- 3 parties contested the elections nationally only;
- 7 parties contested the elections nationally and in one or more provinces; and - 16 parties contested the elections in one or more provinces only.

## V. POLITICAL PARTIES

64. There are 132 registered political parties in the country. However, only 37 of these parties registered to

*The list of parties contesting the elections at national, provincial or both levels are as follows:*

<b>Parties Contesting National Assembly and Countryside</b>				
No.	Party	Abbr	Election Contested	Party Leader
1	African Christian Democratic Party	ACDP	NA & 9 Provinces	B Harbour
2	African National Congress	ANC	NA & 9 Provinces	B Hofmeyr
3	Azanian People's Organisation	AZAPO	NA & 9 Provinces	MC Kokoditso
4	Demokratiese Alliansie/Democratic Alliance	DA	NA & 9 Provinces	M Moriarty
5	Independent Democrats	ID	NA & 9 Provinces	A Harding
6	New National Party	NNP	NA & 9 Provinces	D Swanepoel
7	Pan Africanist Congress (PAC) of Azania	PAC	NA & 9 Provinces	M Malatsi
8	United Christian Democratic Party	UDCP	NA & 9 Provinces	M Matladi
9	United Democratic Movement	UDM	NA & 9 Provinces	M Diko
10	Vryheidsfront Plus	VF+	NA & 9 Provinces	P Uys
<b>Parties Contesting National Assembly (only)</b>				
No.	Party	Abbr	Election Contested	Party Leader
11	Keep it Straight and Simple	KISS	National Assembly	E Emary
12	Employment Movement for South Africa	EMSA	National Assembly	MD Reitz
13	The Organization Party	TOP	National Assembly	BG Wood
14	United Front	UF	National Assembly	M Luthuli
<b>Parties Contesting National Assembly Plus Province</b>				
No.	Party	Abbr	Election Contested	Party Leader
15	Christian Democratic Party	CDP	NA, EC, Gauteng, KZN & Mpumalanga	R du Plooy/K Botha
16	Inkatha Freedom Party	IFP	NA, EC, FS, GP, KZN, MP, NC, NW & WC	A Mncwango
17	Minority Front	MF	NA & KZN	A Rajbansie
18	Nasionale Aksie	NA	NA, EC, FS, GP, Limpopo, NW, WC	JF Jonker
19	New Labour Party	No abbr	NA & WC	P Marais/Du Sart
20	Peace and Justice Congress	PJC	NA Gauteng & WC	M R Khan
21	Socialist Party of Azania	SOPA	NA, EC, Gauteng, KZN & Mpumalanga	LT Mabasa

<b>Parties Contesting Selected Provinces</b>				
<b>No.</b>	<b>Party</b>	<b>Abbr</b>	<b>Election Contested</b>	<b>Party Leader</b>
22	Africa Muslim Party	AMP	Provincial WC	W. Hussiem
23	Alliance for Democracy and Prosperity	ADP	Provincial-Limpopo	N Ramodike
24	Black People's Convention	BPC	Provincial-Gauteng	M Mahlathi
25	Cape People's Congress	CPC	Provincial-NC & WC	J Perrang
26	Dikwankwetla Party of South Africa	DPSA	Provincial-Free State	MP Lebesa
27	Economic Freedom Movement	EFM	Provincial-Gauteng	Ms Mokoena
28	Independent African Movement	IAM	Provincial-KZN	T Millin
29	Izwi Lethu Party	ILP	Provincial-KZN	MG Cele
30	Moderate Independent Party	MIP	Provincial-WC	MJ Taylor
31	Peace and Development Party	PDP	Provincial-KZN & WC	JH Slabbert
32	Pro-Death Penalty Party	No abbr	Provincial-Gauteng	P du Toit
33	Royal Loyal Pgress	RLP	Provincial-KZN	SM Sibiyi
34	Sindawonye Progressive Party	SPP	Provincial-Mpumalanga	RQ Mtsweni
35	Universal Party	UP	Provincial-WC	MT Fienies
36	The Green Party of South Africa	GPGP	Provincial- WC	J Sole
37	Ximoko Party	XP	Provincial-Limpopo	AM Mabunda

65. Political parties are subject to a code. The Electoral Code of Conduct applies to all parties contesting the elections, as well as to party agents, their supporters and representatives. There is also behaviour or actions that are prohibited during an election. Such behaviour or action is considered a criminal offence and a charge could be laid at the local police station. Prohibited conduct applies to every person including voters, political parties and their supporters, observers, security staff and IEC staff members, including voting officers.

66. There are approximately 17 000 voting stations across the country. In 1999 there were 15 000 voting station. The 17 000 voting stations represents a 12% increase from 1999. Of these stations just above 750 are mobile stations.

#### **Political Party Agents**

67. According to the Electoral Act (Act No.73 of

1998), every registered party contesting an election may appoint:

- two party agents for each voting station,
- and four party agents for each venue where votes are counted and where the determination and declaration of final results of election takes place.

68. A party agent must be a South African citizen and may not be a candidate in an election. Party agents may observe voting station and the counting of votes. The absence of party agents from a place where electoral proceedings are being conducted does not invalidate those proceedings.

#### **VI. PRE-ELECTION ACTIVITIES**

69. The AU Observer Team convened in Pretoria. First to arrive was the Advance Team of four AU Officials on 1st April. The observers arrived on different dates from 7th to 12th April. Out of the nineteen (19)

observers expected, only nine (9) arrived.

70. The Observer Team on 9th April, 2004 attended the briefing for international and local observers organised by the Independent Electoral Commission. The IEC informed the observers that for the 2004 elections they had demarcated 16,966 voting districts, each with a voting station. It had also compiled a voter's roll of 20.6 million registered voters out of an eligible population of 27 million. There were more female registered voters than male.

The IEC indicated that those who had not registered as voters were most likely located in the rural areas where there was a high degree of illiteracy. The youth were also included in this group, given the worldwide phenomenon of the young generation generally not showing interest in elections. Special efforts had however been made to reach out to universities to get them registered.

71. In their brief, the IEC explained also that the law had been amended to the effect that all South African prisoners of 18 years and over could register as voters. Before this only prisoners convicted with the option of a fine were by law allowed to vote. The IEC had therefore registered for the 2004 elections 27,000 out of the 183,000 prisoners. The voter's roll closed on 11th February 2004. The briefing also covered the legal and institutional framework for the IEC which is addressed under Section IV of this report, and the Commission's readiness to conduct the elections.

72. During this briefing session, the AU Observer Team had the opportunity to interact and exchange views and experiences on a number of issues with other international and local observers. This was done in the spirit of the AU Election Monitoring Guidelines on Cooperation with other observers.

73. On the 10th April, the AU Observer Team held a consultative meeting with the SADC Parliamentary Forum. The Team was privileged to obtain an informed assessment of the socio-political situation in the country since the Forum had 57 observers already deployed in all the 9 provinces and who were sending daily reports. One of the pre-election concerns for the SADC Parliamentary Forum was the gap between

eligible voters and those who had actually registered. The impact of HIV/AIDS could have affected the level of participation in terms of registration of voters: The SADC Parliamentary Forum shared with the AU Observer Team literature on election observations done in SADC member countries in previous years.

#### **The deployment of members of the AU Observer Team**

74. The members of the AU Observer Team were deployed on Sunday, 11<sup>th</sup> April, 2004 to four (4) Provincial constituencies of the Republic of South Africa. These were **Eastern Cape**, covering East London, Bisho, King Williamstown, Grahamstown, Port Alfred and Umtata; **Gauteng**, covering the Pretoria and Johannesburg areas; **KwaZulu-Natal**, covering Durban, Ulundi, Greytown and Pietermaritzburg and **Western Cape**, covering Cape Town and Stellenbosch.

75. The four groups held discussions in their respective provinces with Independent Electoral Commission officials, Political Party Leaders and activists, police and security personnel and the general public. The groups were able to observe and assess the general atmosphere prevailing in their respective provinces.

#### **Pre-elections observations**

76. Although the Team was not privileged to witness the active public campaigns and rallies, it was able to make observations on the nature of the election campaigns by studying posters mounted at various places. These were found to be straight forward and addressed issues such as unemployment, poverty etc.

77. Media coverage throughout the country was effective in informing, disseminating and educating the public about the elections and the different views presented by the Political Parties. There were no special arrangements for party coverage in the print or electronic media. Each Party was free to advertise in the media as long as the adverts complied with the Advertising Standards Authority.

78. The pre-election campaigns were on the whole done peacefully. Political Parties concentrated more on selling their manifestos and distributing propaganda leaflets. But perhaps a more significant approach was the door-to-door campaigns which the Parties employed. These were seen to be more effective and gave a personal touch to wooing voter support.

79. In terms of encouraging women to take part, most of the political parties included women on their party lists for national elections.

80. The Team noted that although South Africa has 132 registered political parties only 37 participated in all, in the 2004 elections.

### **Security Situation**

81. The South Africa Government put up the biggest security operation ever for the elections. Generally throughout the country, no national security threat to the elections had come to light although some hot spot areas had been identified. A threat analysis had showed there was no real threat to the elections. A joint venture between the IEC and the police had put in place adequate measures to ensure order, safety and security. The Police had briefing sessions with the IEC party liaison committee where clear messages were given about the security arrangements and the fact that the police were not going to tolerate anyone or any party involved in any kind of disturbance. These consultations were extremely helpful and facilitated the peaceful atmosphere that prevailed.

82. The pre-election scenario was also characterized by minor complaints from political parties to the IEC. These included allegations of defacing of campaign posters, double booking of venues for rallies, mounting of posters on public buildings and reports of minor skirmishes here and there which were all attended

to and resolved by the IEC in one way or the other. There were however some media reports of violence in exceptional areas where some people lost lives. It was not clear whether these were politically motivated or not. The cases were still being investigated in order to establish the truth.

### **VII. OBSERVATION OF THE ELECTIONS**

83. It was observed that most polling stations were located in public buildings such as schools, church halls, town halls and in some places tents. There was, however a scenario where a polling station was located in a non neutral place. The group felt that this could lead to intimidation of voters, and such locations should be avoided in the future. Polling stations were clearly identified by name, number, directional marking and IEC insignia

84. Election officials were easily identifiable by the IEC T-shirts they wore with clear "2004 Elections" marked on them. Most of them demonstrated capacity for the task before them, except, in a few polling stations, the team observed that some of them were inexperienced.

85. The AU Observer Team noted with interest the Special Voting arrangement for persons with disability, elderly persons, security officers etc, on the 12th and 13th April, 2004. The team recognized that this is good

practice to be emulated by other countries. The Team however observed that the response was generally very low, probably due to the fact that this was the first time and feels that in future elections should be properly publicised.

86. On the 14th, it was observed that some polling stations had emptied the contents of the special votes box into the general polling day box, while others did not. In the team's considered view there seemed to be some inconsistency in this practice since ordinarily ballot boxes are to be checked in order to ascertain whether they are empty or not at the beginning of the voting. This matter should be addressed by the IEC.

87. In most of the polling stations, the voting process was adequately followed. The queues were well managed and accreditation of voters was properly done. In some polling stations however, officials were visibly overwhelmed by the sheer numbers of voters. Voting materials were generally sufficient except in a few polling stations where they were delivered late.

88. The team noted that voting continued till late into the night and expressed concern that in several voting stations, provision had not been made for security lighting outside and sufficient lighting inside. Some polling stations, especially those in rural areas had to use candles and

paraffin lamps and this delayed the voting process and affected the counting. The team is hopeful that the IEC is aware of this and will address it.

89. The team observed that electoral complaints brought to the attention of the IEC were promptly addressed. In one particular case, a mayor who came to the polling station wearing party T-shirt was asked to leave by the Presiding Officer.

90. The secrecy of the ballot was generally ensured, but in cases where voters needed help the secrecy of their vote was compromised, as party agents were able to see the voter's choice. In almost all these cases such voters did not come with a companion to assist them in accordance with the regulations, probably because voters were not informed of this particular aspect.

91. There was no uniformity across the board in the application of the polling process with respect to the placing of ballot papers in the ballot boxes. Some polling stations had the voters placing both ballot papers in one ballot box, whereas others had two ballot boxes, one for the national and the other for the provincial vote. The first arrangement affected the counting, as the process of separating the ballot papers was lengthy.

92. The team observed with concern the practice of the ballot box attendants assisting voters to fold their

ballot papers; during the process they inevitably saw the choices the voters made. This eventually affects the secrecy of the vote. There was also the possibility for the ballot box attendants to tamper with the ballot box, especially when it became dark and other officials were tired and less observant.

93. All polling stations opened on time and the opening and closing of the voting stations were properly followed in most cases.

94. The seating arrangement of party agents, local and international observers were adequate and facilitated observations at close range.

### **Heading and counting**

95. The procedure for the counting of votes was well articulated in the pamphlets prepared by the IEC and executed to the letter. The counting was done step by step in accordance with the written guidelines and instructions and in a transparent manner. By and large, although a bit slow in some polling stations, the counting was accurately done.

### **III. ANNOUNCEMENT OF THE RESULTS**

96. Results from all the polling stations were filled by the presiding election officers. Each party agent present at the counting of votes was made to sign on the results slip. It was not obvious in the requirements

of the guidelines that copies of the result slip posted at the polling station for voters to see and the other copy be forwarded to the Result Centre.

97. The signed result slips were put inside envelopes and sealed. The election results were then transferred to the Provincial Result Centre where they were audited and sent by SMS window system II to the National Results Centre.

98. The National and Provincial Results were officially announced at the press conference at Tshwabac, IEC Results Centre on Saturday 17th April, 2004 and officially handed to the President of the Republic of South Africa, His Excellency Mr. Thabo Mbeki; within a record three days from the end of the election date, as against six (6) days in 1999.

99. The results of the National and Provincial elections as announced by the IEC were as follows:

#### **National Seat Allocations**

<i>Name of party</i>	<i>Number of seats</i>
UCDP	3
UDM	9
VF+	4
ACDP	6
ANC	279
ASAPO	2
DA	50
ID	7
IFP	28
MF	2
NNP	7
PAC	3
<b>TOTAL</b>	<b>400</b>

**Provincial Seat Allocations**

<i>Party</i>	<i>Party seat allocations</i>
<b>Eastern Cape</b>	
ANC	51
UDM	6
DA	5
PAC	1
<b>total</b>	<b>63</b>
<b>Free State</b>	
ANC	25
DA	3
VF+	1
ACDP	1
<b>total</b>	<b>30</b>
<b>Gauteng</b>	
ANC	51
DA	15
VF+	1
ACDP	1
ID	1
IFP	2
UDM	1
PAC	1
<b>total</b>	<b>73</b>
<b>KwaZulu Natal</b>	
ANC	38
IFP	30
DA	7
ACDP	2
MF	2
UDM	1
<b>TOTAL</b>	<b>80</b>
<b>Limpopo</b>	
ANC	45
DA	2
UDM	1
ACDP	1
<b>total</b>	<b>49</b>
<b>Mpumalanga</b>	
ANC	13
DA	1
<b>total</b>	<b>14</b>
<b>Northern Cape</b>	
ANC	21
DA	3
ID	2
NNP	2
VF+	1
ACDP	1
<b>total</b>	<b>30</b>
<b>North West</b>	
ANC	27
UCDP	3
DA	2
VF+	1
<b>total</b>	<b>33</b>
<b>Western Cape</b>	
ANC	19
DA	12
ACDP	2
UDM	1
ID	3
NNP	5
<b>total</b>	<b>42</b>

**IV. CONCLUSIONS**

100. It is the considered view of the AU Observer Team, that the National and Provincial elections of 14th April, 2004 were organized and conducted fairly and in a professional and transparent manner. The people of South Africa were offered the opportunity to express their choices freely. In doing so, the people demonstrated the highest degree of patience, enthusiasm and tolerance. The team noted with satisfaction the responsible and mature manner the political parties contested the elections and accepted the results.

101. The team however, observed a few shortcomings. Some of the contesting political parties could not provide agents for most of the voting stations probably, due to resource constraints. The transparency of the elections, or their credibility, is critically ensured when contesting political parties have effective presence during the voting process at all voting locations.

Another shortcoming was that some voting stations, even in the predominantly urban Gauteng provincial area had to resort to using wax candles and paraffin lamps when night fell.

102. The team also noted that the provisions of Sections 24A and 24B of the Electoral Act 73 of 1998 are well intended to allow voters who find themselves outside

their voting districts or in prison to exercise their civil right. Section 24B is probably an example for many a country on the continent to emulate in their drive towards upholding human rights. However, a critical look at the operational arrangements needs to be made in order to forestall any abuses. There were instances on election day where a good number of the voter turn-out, at some stations voted by virtue of Section 24A. On the other hand, some prisoners could not benefit from Section 24B because their Identity Documents were in their homes or permanent residences in far away locations from the prison area. 103. On the technical side the team came across some voting officials who performed below expectation, such as not being able to properly put the seals on a ballot box and some difficulties in following the operational guidelines.

104. The secrecy of the ballot was compromised by the large number of party agents and polling officials called upon, when assistance was being given to a voter who required help to mark the ballot paper; and the role of the ballot box attendant in helping the voter to fold the ballot paper.

105. Notwithstanding the few concerns mentioned herein, the team believes that overall, the 14th April 2004 elections were a benchmark

for Election Management Bodies and peoples of the African continent to strive to attain.

### Recommendations

106. Arising from the observations noted above, the AU Observer Team wishes to make suggestions to the relevant institutions which in the Team's considered view, will enhance and improve the conduct and performance of the electoral process in the future.

107. The Team therefore recommends that:

- The fora created by the IEC political party liaison committees for political parties to interact with the IEC, and among themselves, be strengthened and decentralised to the lowest level of civil society.
- For the National and Provincial elections conducted on the same day separate ballot boxes be used for each election. The ballot paper and box should have the same colour for each election in order to assist illiterate voters and for ease of identification.
- The IEC undertakes sustained but intensive voter education drive, especially in the rural areas in order to achieve an almost 100% voter registration from the current 20.4 million voters out of a registrable population of 27 million.

- The IEC considers an appropriate minimum threshold number of voters per voting station. This means increasing the number of voting stations nationwide in accordance with population density. Furthermore, by so doing it will be possible to significantly reduce the voting hours and avoid voting late into the night.
- The role of the ballot box attendant be reviewed to secure the integrity and secrecy of the vote. The regulation requiring a voter who needs assistance to come to the station with a companion be strictly enforced to avoid the current practice of voting officials and party agents crowding together to assist.

- Arrival Statement
- Final Statement
- Detailed Results sheets of the National and Provincial Elections
- Statement of the President of South Africa, Thabo Mbeki, on receipt of the Final Results of the 2004 Elections: IEC results Centre, Tshwane, 17 April 2004.

### ANNEXES

List of members of the AU Observer Team to the National and Provincial Elections in the Republic of South Africa

No.	Name
1	<b>Amb. Judith Sefi Attah</b> , Former Director General of the Ministry of Foreign Affairs of the Republic of Nigeria, Representative to UNESCO and former Minister of Women's Affairs, <b>Team Leader</b>
2	<b>Mr. David Adeenze-Kangah</b> , Deputy Chairman, Electoral Commission of Ghana
3	<b>Mr. Higiros Prosper</b> , Pan-African parliamentarian of Rwanda
4	<b>Mr. Loumonvi Fombo</b> , Pan-African Parliamentarian of Togo
5	<b>Mrs Efigenia Mariquinhas Dos Santos Lima Clemente</b> , Pan-African Parliamentarian of Angola
6	<b>Mr. C.H. Fernandes do Reis</b> , Electoral Commission of Cape Verde
7	<b>Mr. Emanuel Nandolo</b> , Civil Society of Malawi
8	<b>Mr. Kebreab Habte Michael</b> , Civil Society of Eritrea
9	<b>Mr. Said Usuf</b> , Electoral Commission of The Gambia
10	<b>Ms Susan Sikaneta</b> , Executive Secretary, AU Southern Africa Regional Office Malawi

**SOUTH AFRICAN  
NATIONAL AND  
PROVINCIAL  
ELECTIONS 12-14  
APRIL 2004.**

**Statement from the  
KwaZulu Natal Democracy  
and Election Forum on the  
National and Provincial  
Elections of South Africa,  
April 2004.**

**Issued on 16 April 2004**

It is the opinion of the KZNDDEF domestic observer mission consisting of 200 pre-election monitors and almost 1800 Election Day observers for the Province of KwaZulu Natal that the Provincial and National Elections for 2004 were substantially free and fair in this Province. This conclusion is based on

- A relatively peaceful pre-election phase in which political parties were able to canvass support in virtually the entire province without any serious incidence of violent conflict.
- The KZN Democracy and election Forum through its partner organisations was able to hold a number of workshops and events throughout the Province in the build up to the elections. The response to these workshops from the communities were extremely positive.
- Political leaders displayed a great amount of maturity in condemning any acts of

violence and intimidation that did arise

- The Police Force played a very positive proactive role as compared to the past two elections. Their quick and organised deployment to identified hotspots averted possible conflicts from arising. They responded quickly to incident reports from our monitors and acted upon them. There was an open channel of communication through the Joint Operations Committee set up in the pre-election phase.
- SABC in particular is to be congratulated on the effort put into having a host of forum discussions with all the major political parties in order to ascertain and share their views with the voting public. A number of debates were held with live studio audiences.
- Reports from Forum Monitors throughout the province indicated that there was a great deal of collaboration of all stakeholders to ensure a peaceful run up to the elections.
- **On Election Day** apart from administrative hiccups of some stations not opening on time, some problems with the VEC 4 forms, and logistically related problems the IEC performed its task fairly efficiently. The IEC had set up elaborate procedures to ensure

transparency of all processes at their very high tech Operations Centre at the Exhibition Centre. This was an excellent piece of work and the IEC is to be commended for this.

- Cases of electoral fraud were minimal and those alleged cases that were uncovered are being thoroughly investigated by the IEC and the SAP.
- Political parties have filed cases with the IEC regarding breaches of the Electoral code of conduct and we have been assured that these will be thoroughly investigated.
- Generally although some voting stations had long queues and a lack of proper lighting people were patient and determined to cast their vote.
- There was a great deal of confusion concerning Section 24A of the Electoral code which allowed people to cast their vote at any station within the Province and not necessarily within their designated voting district. It is not clear how many people were affected by not knowing about this change of the Act. Many stations ran out of these forms and people were turned away and asked to go to other stations. We believe that this would not have substantially affected the election result although this is a matter that will

have to be looked at more seriously by the IEC and the Political stakeholders.

- International observers who were present were generally pleased with the election and apart from logistical problems found that the electoral process was not flawed in any fundamental way and it was therefore a free and fair process.

**Signed: Dr. RA Naidu**  
**Chair: KwaZulu Natal**  
**Democracy and Elections**  
**Forum**

#### **NEWS FLASH!**

##### **Fewer observers 'a vote of confidence'**

[http://www.southafrica.info/ess\\_info/sa\\_glance/constitution/elections-observers.htm](http://www.southafrica.info/ess_info/sa_glance/constitution/elections-observers.htm)

The IEC said the absence of observers from the United Nations and the Commonwealth should be seen not as a "snub" but as an indication of the international community's confidence in South Africa's democracy. IEC chairperson Brigalia Bam said last weekend that congratulatory comments about the country's democracy had already been received from the international community, and the feeling was that South Africa had already "graduated" in adopting international democratic norms and standards.

"If you don't see them, it's not a snub", Bam said. "They have written to us, they have phoned to say they feel comfortable. They feel confident with us, and so they don't think they will be hanging around to watch whether we can do what we are doing."

The IEC received 148 applications from international and regional bodies expressing an interest in observing the April 14 elections. According to the IEC, most of the applications came from within the African continent, with an eagerness to learn about sound electoral processes. Bam said the largest observer team, of about 52 members, was from the Southern African Development Community (SADC). Others include a team from the African Union (AU), individual AU member countries, and electoral management bodies from Swaziland, the Democratic Republic of Congo, Namibia, Rwanda, and the Electoral Institute of Southern Africa (EISA).

## PROVINCIAL ROUNDUP

### KWA-ZULU NATAL

#### WHEN MORE IS LESS: THE PARADOX OF OBSERVING IN KZN

*Dr Laurence Piper,  
University of KwaZulu-  
Natal, Pietermaritzburg  
campus*

#### Introduction

According to the IEC, Election 2004 saw more accredited observers deployed in KZN than in any previous election and, according to the NGOs involved, they did a better job than ever. However, nobody seemed to notice. When asked to comment about the role of observers the major political parties typically responded by asking, 'what observers?' Closer inspection reveals that parties had different reasons for this response, but perhaps the most important one is that observers are simply not as important as they used to be. Ironically then, observer organisations in KZN might be victims of their own (and others) successes.

#### Pre-election Phase

In KZN, the monitoring and observing of elections by IEC accredited observer organisations officially began on the 12 March 2004. Issues of concern during the pre-election phase were voter education, violence

monitoring and mediation. Central to these activities was the KZN Democracy and Elections Forum (KZNDEF), a collection of five NGO's and CBO networks pulled together by the Democracy Development Programme (DDP).

Key players in the forum were the Justice and Peace division of the South African Catholic Bishop's Conference and especially the KZN Christian Council (KZNCC) which co-ordinated monitoring and mediation during the pre-election phase. This included the deployment of area coordinators and monitors in six regions, particularly hot spots.

Hot spots included: Claremont, Kwadabeka, Umkhomazi, Tongaat-Emagwaveni, Owembezi, Izingolweni, Shobashobane, PMB-Sweet waters, Ixopo-Ofafa, Lindelani/Kwamashu, Kwadukuza-Uqobo, Kwamaphumulo, Mandini, Engwavuma-Umnqobokazi, Vryheid-Kwangenetsheni, Kwamadlebe Tribal Authority, Kwambonambi-KwaMthethwa-Umzingazi-Nhlanzini-Nhlabane-Mission-Goyintethe, Efolweni, Eshowe- Ngudini, Verulam, Ulundi, Nngoma, Richmond, Pongola, Kwahlabisa, Umlazi.

In respect of mediation the KZNCC trained 20 members of the religious community to function as mediators, and they played an important role along with the police in containing conflict, especially during the ANC's door-to-door campaign in Ulundi. According to the KZNDEF, there was effective collaboration between themselves and other role players such as parties, SAPS and SANDF who also comprised the Joint Operational Committees thus facilitating 'a relatively peaceful pre-election phase'.

#### Election Day

On election day itself, the 200 pre-election monitors of the KZNDEF were joined by another 1800 election day observers, 500 of whom came from the KZN branch of the South African Civil Society Observers Coalition (SACSOC), a specialist observer body that trained and led deployment. In addition there was a small SADC delegation, and a handful of other international observers from Germany, the USA and Great Britain, bringing the total number of observers to roughly 2000. While the KZNDEF and SACSOC had hoped to have at least one observer in each of the 3600 polling stations in KZN, a lack of funds prevented this. Instead it was

decided to deploy party agents mostly in rural areas and trouble-spots, as in urban areas parties were likely to have their agents at voting stations. According to the DDP's Njabulo Maseko, this effectively discounted at least 1000 voting stations in urban areas, giving observers coverage of about 75% of the remaining 'more vulnerable' polls.

In the event election day went ahead with very few incidents of violence and intimidation. KZNDEF and other monitors concurred that the election was generally free and fair. Notably though, Bruno Mthethwa, the KZN co-ordinator of SACSOC, warned against concluding that political violence was now a thing of the past in KZN as there were several incidents around party campaigns, marches and meetings that could have escalated had it not been for more proactive action by security forces, and the mediation efforts of the IEC and civil society.

In this respect, Mthethwa echoes the opinions of the sole remaining independent and full-time violence monitoring outfit in KZN, Mary De Haas' KZN Violence Monitor. De Haas argues that despite the decline in political violence since the 1990s, oppressive political practices endure in many areas of KZN and election 2004 KZN was not

as free and fair as it have been as many people still live in fear for their lives. In particular she singled out the low visibility of police at many rural polling stations as a problem.

Similar points were made by Dr Dziva of the KZN Christian Council when he observed that the Council has been requested to continue violence election monitoring in areas like Ulundi, Pongola, Empangeni, Trustfeeds and Estcourt/Wenbezi due to lingering tensions. All this suggests that despite the positive trajectory of declining political violence, there remains much work to be done in extending tolerance, not least through redressing the uneven levels of policing in the province.

According to the KZNDEF, the main problems with the election in KZN were administrative. There were various issues but the main one centred on the quality of many Presiding Officers who, in the words of Mthethwa, were 'not well trained enough'. One example often cited was the refusal of many Presiding Officers to allow observers to witness the sealing of ballot boxes. Another was the manual checking of the voters roll which created delays at many rural voting stations. Another was the fatigue of staff which slowed the counting process. Last but not least was the

widespread confusion in the public and among some officials about the section 24(a) voting.

### **The Declining Significance of Observers?**

According to the NGOs involved, the monitoring and observing of election 2004 in KZN was a success. Not only was the effort well co-ordinated, but some important interventions were made, and the coverage of areas of potential conflict on election day was better than ever. However, when asked about election observing in 2004 a common response from the three main political parties was, 'what observers?'

Perhaps this divergence of opinion can, in part, be explained by the lack of high profile international observers. Thus, apart from a small SADC delegation, there were no official delegations from Europe, America or international organisations such as the UN and EU. While most politicians saw this as a sign of growing international confidence in South Africa's democracy, and thus a good thing, it also meant that there were few obvious outsiders lurking about the polls, perhaps a bad thing for observer visibility. Perhaps part of the answer lies in the decision to deploy most observers in rural areas beyond the TV cameras and the focus of some parties like

the DA. However, this would not exclude parties such as the ANC and IFP. Yet according to the IFP's national campaign organiser Albert Mncwango, there were 'no observers' at the 65 polling stations in Ulundi and Nongoma that he visited on voting day. According to the DDP's Njabulo Maseko, Ulundi and Nongoma were major areas of observer deployment, a view reinforced by Dr Dziva of the KZN Christian Council. It is hard to reconcile these two sets of claims and perhaps the issue comes down to which source one trusts more. Certainly Mncwango has more reason to cast doubt on the legitimacy of the election, especially given his claims of 'incredible rigging' by the ANC.

For its part, the ANC was more affirmative, with provincial campaign co-ordinator Senzo Mchunu commending the central co-ordination of observers by the KZNDEF as a 'good thing', adding that 'in quite a number of areas north of the Tukela their role was significant'. However, he added that the ANC's attitude towards observers had changed in that 'we realised that we cannot rely on observers to guarantee a free and fair election', but rather looked to 'build capacity' by having party agents in nearly all voting stations of KZN for the first time, and 'perfecting the

system' used by the IEC to run elections. In short, the ANC ascribes to observers a diminished role.

To my mind this diminished role for observers dovetails with one possible final cause of the declining visibility of observers: declining conflict. Clearly the less conflict during an election, the less significant becomes the role of observers. This, after all, was the reason the EU, UN and others did not send observer missions. Without widespread and open conflict, observers become less noticeable, especially if the IEC and party agents are playing more of a role in securing a free and fair outcome. This is especially so if observers are deployed in rural areas beyond the media and without the exotic foreign contingent. Reduced visibility may well be a consequence of success.

## **OBSERVING THE ELECTION IN KWAZULU-NATAL**

*Shauna Mottiar*  
*Independent Political Analyst*

"It is the opinion of the KZNDEF domestic Observer Mission consisting of 200 pre-election monitors and almost 1800 Election Day observers for the province of KwaZulu Natal that the Provincial and National Elections for 2004 were substantially free and fair in this province."<sup>1</sup>

The KwaZulu-Natal Democracy and Election Forum (KZNDEF) comprises the Democracy Development Programme, the KwaZulu-Natal CBO Network, The KwaZulu-Natal Council of Churches, the MV Youth Network, Justice and Peace and the South African NGO Coalition. The KZNDEF is accredited by the Independent Electoral Commission (IEC) in terms of its Observer Network, its programmes and its election related activities. The Forum's aims were threefold; to provide democracy and voter education, to monitor election violence and to provide a domestic elections observer network.

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<sup>1</sup> Programme Report, *The KwaZulu-Natal Democracy and Election Forum*, Election 2004

The positive finding of the KZNDDEF Observer Mission was based on a number of factors. The Forum claims that the pre-election phase was peaceful enough to allow political party canvassing as well as the holding of democracy and voter education workshops. The Forum also cites the maturity of political party leaders in condemning violence and intimidation in the run up to elections and the efficiency of the police service in containing possible conflict in “hot spots”. With regard to Election Day, the Forum argues that the IEC performed its task “fairly” efficiently in that it had set up elaborate procedures to ensure transparency of all processes. The Forum’s report does however cite some logistical inefficiencies such as voting stations not opening on time, problems with VEC4 forms, poor lighting in some voting stations, long queues and a substantial amount of confusion over Section 24A of the Electoral Code which permits citizens to cast their vote at any station in the province regardless of the voting district in which they may have registered.

In terms of voter education, the Forum’s mandate was to target rural women, youth and informal settlements. Workshops (75 in total) focussed on voter education, balloting education and citizenship rights and

responsibilities. The Forum reported that there were often misunderstandings and miscommunications between IEC officials, the Amhakosi, Induna and community based trainers in the field. This led to problems setting up dates and venues for workshops. The Forum also reported that workshop participants were often suspicious as to the objective of the workshop – it seemed there were fears that they would be forced to support a certain party. This is evidenced by the fact that many of these participants refused to sign an attendance register. In some cases Forum field trainers had difficulty accessing IEC material needed for training such as mock ballot papers, T-Shirts, flyers etc. This was compounded by the fact that communities complained that the IEC was just not visible enough in their areas. The Forum also notes that the time frame allocated to the training workshops was not long enough for comprehensive gains to be made.

In terms of violence monitoring, the Forum records that although incidents of violence were reported, they were effectively curtailed and manageable. It is argued that the pre – election period was characterised more by reports of election poster removals and minor campaign disruption rather than violence, threats and

intimidation. Furthermore the number of “no go” zones had decreased substantially as had the number of violence “hot spots”.

The 2004 election in KwaZulu-Natal is illustrative of the process of democratic consolidation beginning to take root in South Africa. According to democratisation theorist Samuel Huntington, a democracy becomes consolidated if “the party or group that takes power in the initial election at the time of the transition loses a subsequent election and turns over power to those election winners, and if those election winners then peacefully turn over power to the winners of a later election”.<sup>2</sup> It would seem that the province of KwaZulu-Natal is halfway to realising Huntington’s “two turn over test” with the transfer of power in the province from the Inkatha Freedom Party (IFP) to the African National Congress (ANC). This transfer, despite initial uproar and threats of contestation by the IFP, was handled within the democratic boundaries and the final outcome accepted by the losers and their supporters. This shows a distinct and growing respect for the democratic process by both citizens and

<sup>2</sup> Huntington, S, P, *The Third Wave: Democratisation in the Late Twentieth Century*, Norman, University of Oklahoma Press, 1991, p267.

politicians which indicates that democracy is beginning to take hold “attitudinally”. This is a vital aspect in consolidation as it means that the majority of the public hold the belief that democratic procedures and institutions are the best way to govern collective life<sup>3</sup>. The acceptance of the election results in KwaZulu-Natal also illustrates that there is a level of “political institutionalisation” that is, a latent acceptance of the common rules and procedures of political competition and action and evidence that the formal and governmental structures of democracy are taking root.<sup>4</sup>

Free and fair elections are however, not the only criterion to be considered if one is attempting to measure the depth of democratic consolidation. Theorists have pointed to the need for analysing criteria ranging from civil society activity to political autonomy of the ruling party but the 2004 election in KwaZulu-Natal illustrates that democracy as a way of life still has some way to go before it is completely enshrined in South Africa. The voter education workshops that were run by the KZNDEF

are a case in point. Participants were suspicious of the reason behind the workshops – many believed them to be a way of influencing voting, many also refused to sign attendance registers. This indicates that citizens in rural areas and vulnerable groups (women, youth and informal settlers) still fear the political process and are suspicious or do not understand the role of civil society organisations. The violence around elections on the other hand, indicates that there are citizens who still view the political process as an arena in which to exercise force and intimidation. This severely undermines one of democracy’s basic tenants – the right to vote without fear of intimidation or retaliation. The KZNDEF argues that violence, although present was manageable. Clearly violence levels have dropped markedly from levels in the last two elections but the report still lists an alarming number of violence “hot spots” in KwaZulu-Natal

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<sup>3</sup> Linz, J, J and Stepan, A, “Towards Consolidated Democracies”, *Journal of Democracy*, April 1996.

<sup>4</sup> Diamond, L, *Developing Democracy: Toward Consolidation*, John Hopkins University Press, Baltimore, 1999.

## FREE STATE

### ELECTION MONITORING AND OBSERVATION: THE ROLE OF CIVIL SOCIETY IN ENSURING THE GROWTH OF DEMOCRACY

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#### Introduction

This contribution will attempt to review the contributions of civil society organisations (CSOs) during election times by looking at the role they can play in monitoring and observing election processes. It will also describe some contributions made by CSOs during previous elections in the Free State and will view the current state of CSO activity with regard to electoral observation in the Free State.

#### The Role of Election Observers

Much has been said about the contribution that independent observers can make to the legitimacy of an electoral process and the importance of these contributions can never be underestimated. During the first democratic elections in 1994, South Africa learnt how valuable observers –

both foreign and domestic could be.

The legitimacy of the electoral process is enhanced by the presence of neutral observers. The presence of an impartial witness carries a great deal of weight due to the fact that such a witness can put problems experienced during an election process in its proper context and tell a wider audience what happened free of party political bias. Respected outsiders can contribute greatly to the propriety of the process. Their presence can have a stabilising effect on would-be troublemakers and can ensure that everyone is on their best behaviour. Lastly, experienced international observers can add value to the process by giving IEC staff valuable advice and support.

The above is also true in a provincial context, especially in the Free State where few strong CSOs exist and where there is a general lack of institutional capacity among NGOs to contribute to electoral observation. CSOs need to contribute to electoral observation in a provincial context to ensure the smooth implementation of the Electoral Act and its directives by the provincial IEC. It can furthermore ensure the growth of a culture of democracy in the

province through the active participation of civil society.

#### A Brief Review of Recent Electoral Observation in the Free State

Due to the unique nature of the first democratic elections in 1994, the whole country was flooded with international observers and the Free State shared in the attention of UN, EU, SADC and other observers. A significant role was also played by the staff of the National Peace Secretariat that acted as conflict resolution practitioners, observers and general trouble-shooters during the months leading up to the election and during the election itself.

Provincial election observation during the 1999 elections took place under the umbrella of the South African Civil Society Observation Coalition (SACSOC), a national initiative housed at the Southern African Catholics Bishops Conference (SACBC) in Pretoria. In addition CSOs from most provinces participated, including organisations specialising in electoral affairs such as EISA and CORE. The Free State was represented by the Free State Centre for Citizenship Education & Conflict Resolution (CCECR), a

statutory body of the Free State legislature. While the SACBC was responsible for fundraising and utilising the expertise of organisations such as EISA and CORE for the compilation of training materials, CCECR focused on the recruitment, training, deployment and debriefing of electoral observers in the province. With the assistance of provincial SACBC structures, the Free State Paralegal Movement and the Council of African Women, CCECR was able to coordinate a successful observation project – deploying ±600 observers to more than half of all polling stations in the province. Reports compiled by the observers were forwarded to the national SACSOC structure, forming part of a comprehensive national observation report, encompassing the contributions of more than 8000 national observers. This exercise was repeated during the 2000 local government elections with 70 roving observers reporting on electoral issues in that landmark election. Excellent working relationships were cemented with the provincial IEC and the other bodies forming part of SACSOC, leading to CCECR representing the Free State at a SADC Electoral Network meeting in Namibia in 2001. Experience gained from these programmes indicated the following:

- Due to the lack of institutional capacity among most Free State NGOs, strong co-ordination was needed for a successful programme. This role was fulfilled by CCECR; and
- Free State NGOs were financially not strong enough to implement programmes on their own and needed an outside source of funding in order to operate effectively.

#### **The Current State of CSO Electoral Observation in the Free State**

The 2004 elections showed the Free State to be totally unprepared to mount a successful CSO election observation programme. The SACSOC umbrella that assisted with fundraising and co-ordination no longer existed and the CCECR had closed its doors in September 2003 – leaving provincial CSOs without funding, management capacity and the experience gained through two previous successful observation missions. Organisations were left to their own devices and applied for accreditation as observers on an individual basis. The following column illustrates the number of organisations (apart from the UFS team) that had applied for accreditation as observers and their geographical locations.

<b>Name &amp; location of Org.</b>	<b>Observers</b>
Africa Future Leaders Organisation (Bloemfontein)	8
Botshabelo Multifunctional Centre (Botshabelo)	8
Khaya Community Based Organisation (Botshabelo)	?
Sunrise Resource Centre (Bethlehem)	51
Tshwaranang Community Legal Advice and Information Centre (Bothaville)	8

During the 2004 elections, a number of applications were received from foreign observers, especially from regional bodies such as the African Union (AU) and SADC, by the Electoral Commission. In the Free State the presence of members of the SADC Parliamentary Forum observation group gave an international flavour to observation proceedings. Members of the SADC observer mission, such as Shirley Segoko of Botswana stated in *This Day* that she was amazed at the commitment to the democratic process shown by the people of the Free State<sup>5</sup>

The Department of Political Science at the Free State University (UFS) mounted an observation mission staffed by 6 of its lecturers and researchers. They covered 17 polling stations in the Bloemfontein area. Observation was done in a roving manner to maximise the number of stations that could be covered. The UFS mission concentrated on the traditional Bloemfontein area in order not to overlap with

<sup>5</sup> *This Day*, 2004, p.4

other observation programmes conducted by other CSOs in the Thaba Nchu and Botchabelo areas of the Mangaung District Municipality. A comprehensive report containing observations and recommendations of the UFS group was prepared and forwarded to the provincial IEC. The report raised various issues, which included the following:

- accreditation of IEC observers should be run on provincial basis and not on national level as is currently the case;
- problems that existed at various stations where voters had registered but did not appear on the voters roll;
- problems with temporary ID documents;
- the inadequacy of temporary voting stations (tents) with regard to lighting, ventilation and space;
- the use of cell-phones by voters while voting at polling stations;
- the use of one box for both national and provincial votes at some polling stations and the use of two boxes at other stations;
- The reluctance of presiding officers to pay attention to the (good) advice sometimes offered by experienced and well-meaning party agents.

The UFS observer mission enjoyed good relations with the provincial IEC and ended

the voting day at the IEC Operations Centre in Bloemfontein. They were thereby observing the liaison between party representatives, the IEC, the SAPS and other role-players.

### Conclusion

As mentioned earlier, Free State CSOs were totally unprepared for the mounting of a comprehensive observation programme for the 2004 elections. Very few organisations participated, and those who did were concentrated in the Mangaung area, leaving the important areas of Qwaqwa and the Goldfields unobserved. Lack of financial means and institutional capacity once again seems to be the most obvious reason for non-participation and this issue should be taken into consideration in future elections. The Free State, and the country as a whole, cannot afford to leave elections solely to the parties and the IEC. Civil society participation is crucial in order to ensure the building of a strong culture of democracy and to monitor the actions of the political parties representing it. A co-ordinating structure needs to be created in order to address this lack of capacity in the province, making use of existing forums and organisations in the province. Ongoing liaison with the IEC needs to be established in order to draw

from their expertise. With the local government elections already looming in 2005, there is little time to spare.

### Final Update

The dismal performance of the NNP in the 2004 elections, both nationally and provincially, has prompted the Free State leadership of the party to propose the disbandment of the party in the province. A decision in this regard was taken at a NNP leadership meeting held in Bloemfontein and forwarded to the federal council of the NNP. The matter will be discussed at a meeting of this body on 5 June 2004 in Gauteng. Mr. Innes Aucamp, leader of the NNP in the province has already informed the party of his decision to resign and the property of the NNP in the province will be disposed of<sup>6</sup> (Coetzee, 2004:1). This could precipitate the final collapse of the NNP as a national party and relegate it to the ranks of provincial parties in selected provinces such as the Western Cape and the Northern Cape. It is ironic that this process was initiated in the same city where the NP originated 90 years ago to become a decisive factor in the history of this country in the last century.

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<sup>6</sup> Coetzee, 2004:1.

## WESTERN CAPE

### ELECTION MONITORING AND OBSERVATION: WESTERN CAPE

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The 2004 national elections in South Africa have been declared “free and fair” by all those involved in monitoring and observing the elections. Attaining this judgement confers legitimacy to rule on the party that won the majority of the votes. Election monitoring and observation form a key part of the election process. According to the SADC guide for monitoring and observation, the former refers to “information gathering and examination and evaluation of the electoral process...often by domestic agencies who are able to draw the attention of the presiding officers to observed deficiencies in the voting and counting problems” while the latter refers to “information gathering or on-site fact-finding and making an informed judgement about the credibility, legitimacy and transparency of the electoral process.”<sup>7</sup> Observation is usually the domain of external agencies

that are not allowed to intervene in the process. The two are therefore closely linked, with the major differences being that of who performs which function and the right to intervene.

South Africa came of age in this its third, democratic elections. International agencies thought it sufficiently capable of conducting credible elections and therefore did not send in observers. There were only representatives from continental (African Union) and regional (SADC, EISA) organisations observing the elections. This is an important indicator of Africans taking responsibility for their own performance as envisioned by NEPAD. Regional and continental observers enhance the credibility and accountability of local elections. Their presence is also an indication of solidarity with the country hosting the elections. There is also a learning aspect to the exercise as there is a spin-off when African observers are deployed: they are able to learn from each other ways of improving electoral processes.

The AU sent a team of 21 persons led by Ambassador Judith Sefi Attah of (Nigeria) and included representatives from Unesco, parliamentarians from several countries, members

of electoral management bodies and other officials.<sup>8</sup> They were dispatched to several parts of the country. The Electoral Institute of Southern Africa (EISA) observer mission consisted of 40 representatives from 10 SADC countries who were deployed to 6 provinces, including the Western Cape. The SADC Parliamentary Forum sent 14 teams to all nine provinces, each team having 2 Members of Parliament and one staff member.

EISA’s election observation mission’s interim statement noted both the positive aspects of the election process and the areas that still posed challenges. The positive aspects were:

- South Africa’s constitutional and legal framework was conducive to successful elections;
- the electoral system guarantees the participation and representation of minority and disadvantaged groups including women;
- the existence of Party Liaison Committees contributes to the involvement of all parties at each stage of the electoral process thereby increasing the legitimacy;

<sup>7</sup> Principles for Election Management, Monitoring and Observation in the SADC region, EISA, 2004, (pg30).

<sup>8</sup> Pretoria News, April 12, 2004 (p.2).

- the transformation of polling stations into counting stations increased transparency and minimised tampering with the ballots;
- the provision of conflict management training for electoral staff and conflict mediators, coupled with the presence of security forces contributed to peaceful elections; and
- women were involved at all levels.

The challenges related to the inconsistent application of voting and counting procedures. These were:

- the positioning of ballot booths had the potential of compromising the secrecy of the ballot.
- the use of ballot papers which were not clearly distinct from each other, led to confusion.
- some voting stations used one ballot box for both national and provincial ballot papers whilst others used separate ballot boxes.
- the lighting in some voting stations was inadequate.
- in a number of counting stations, there was no reconciliation of the ballot papers before counting.
- the role of party agents was not clear: in some cases they played the roles of election officials
- the date of the election, over the Easter holiday

had the potential to affect voter participation.

- there was an insufficient number of domestic observers.<sup>9</sup>

The SADC Parliamentary Forum also noted the inclusive nature of the electoral system and the participation of women at all levels. Their recommendations were that more voter education was needed, especially in the rural areas; that the number of polling stations be increased in some areas, and that the IEC consider using translucent ballot boxes.<sup>10</sup>

Party agents and citizen observers conduct election monitoring. In the Western Cape, three non-governmental organisations were accredited for this purpose: Electoral Code of Conduct Observer Commission led by Archbishop Njongonkulu Ndungane, Peace Monitoring Forum led by Malibongwe Sopangisa, and the South African Civil Society Observation Coalition led by Keith Sox. In line with the international withdrawal of observers, there appears also to be a decline in domestic

monitors/observers. This is not necessarily a good sign. Local monitors are important as they essentially become the watchdogs of the process: this cannot be left to party agents, who may be good at watching one another, but are also more likely to want to put pressure of the electoral officials at polling stations. Noticeably absent from the observer reports are observations relating to electoral officials. Courtney Sampson, head of the IEC in the Western Cape, noted that the duration of the election needed to be shortened as officials were tired by the time it came to counting the ballots. Often these officials would be on duty for 24 hours and tiredness could result in inaccuracies during counting. He suggested that the voting hours be from 7am till 6 pm.

All the recommendations for improving the electoral process are ones that can be easily implemented in the next election. The more difficult aspects to deal with are biases in media coverage, non-transparency in relation to political party funding and facilitating the participation of all eligible voters. These are issues that the observers and monitors need to pay closer attention to during the pre-election phase. It is also important that observers and monitors widely publicise their reports. Accountability and transparency is not limited to those directly

<sup>9</sup> Interim Statement by the EISA Election Observation Mission: South African National and Provincial Elections 12-14 April 2004.

<http://www.eisa.org.za/EISA/pr20040416.htm> accessed 3/6/2004.

<sup>10</sup> "SADC Parliamentary Forum says SA Elections Free and Fair" <http://www.gnet.gov.na/news/archive/2004/april/sadc.htm> accessed 3/6/2004

involved in the elections, but also to those tasked with

## **EASTERN CAPE ELECTION MONITORING IN THE EASTERN CAPE 2004 ELECTION**

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### **Introduction**

This article discusses the processes around election monitoring and observation in the Eastern Cape, one of the most critical aspects of any electoral contests. This is especially so in developing democracies such as South Africa, where it is important to determine the fairness of the poll as this is usually used as the main yardstick to measure the success of the process.

This being the third election since 1994, it appears that South African society has generally managed to hold successful contests and the Eastern Cape Province was no exception in this regard. Although there were concerns generally registered around the process, these were relatively minor and did not have an impact on the election, which was declared free and fair by accredited monitors.

This contribution focuses on the factors that worked in favour of a successful election in the province, some of the problems that were experienced and the

judging the outcome of elections. Citizens also need

impressions of both local and international observers.

### **Factors in Favour of the Process**

There were various factors that ensured that the electoral process in the province went well and was hence given the thumbs up by observers. These include the preparedness of the IEC, the conduct of political parties and nature of the political environment.

The IEC made important strides in its conduct of the election both provincially and nationally. Some of the factors that strengthened this role were the revamping of resources, both human and material to run an efficient election.

The success of the preparations was indicated by the high registration figures that were achieved by the province. This was especially reflected in the smooth registration of prisoners at the 43 prisons around the province, a difficult process that had not been planned for and was only carried out after a court injunction. However, the provincial took two days to complete this task.

In terms of human resources, the IEC had 42 000 IEC staff manning the 4116 polling stations around the province. This worked out at an

to be familiar with their representation and processes!

average of 10 officers per voting station. It is significant to note that 12 thousand of these officers were senior presiding officers, translating into 30 per cent of senior officials and 70 percent junior staff, a reasonable proportion. In terms of infrastructure, the IEC had increased the number of polling stations in the province by an additional 1200 new polling stations. The success of all these factors is underlined by the fact that the IEC was able to announce the full election results two days after the event. This had been cut from seven days in 1999.

The political environment and the conduct of political parties also made the process of election monitoring and observation much more manageable in the province. The Eastern Cape, as in most provinces of the country except the Western Cape and KwaZulu Natal is not a seriously contested province and in this regard political temperatures between political parties are at low ebb, making the process easier. The only point of serious political contestation was between the ANC and the UDM. However, this was largely confined to the former Transkei area, especially in urban areas such as Umtata and even then minor incidents were reported between the parties.

Some of these included friction over the counting delays of ballots in the former Transkei, a lost ballot box, alleged voters turning up for special voting, minor cases intimidation of voters, ineligibility, electoral fraud and, and incompetence of some IEC staff which was attributed largely to lack of training. These were however, not serious enough to imperil the election and indeed the parties declared themselves substantially satisfied with the conduct of the electoral process.

### **Observers**

Signs that the 2004 election contest was going to be a well received process was marked major international observers declining to send representatives to the country. These included the European Union (EU), United Nations and Commonwealth. The IEC had actually extended invitations to these organisations but they emphatically indicated that they had confidence in the ability of the IEC and the country in general to hold a successful election. Those that accepted the invitation were from the continent such as the African Union (AU) and the Southern African Development Community (SADC) and encouragingly they did so not on the basis that that they had no confidence in the process but to gain experience to be used elsewhere on the continent.

International missions that sent observers to the Eastern Cape, included SADC, AU and the Electoral Institute of Southern Africa (EISA). All these organisations declared their confidence in the process had been peaceful, free and fair. They however noted some improvements that could be implemented in terms of for example, inconsistent positioning of ballot boxes at voting stations, an indistinct difference between the national and provincial ballot papers and the use of the same ballot box for box the provincial and national poll in some stations, the date of the election coinciding with the Easter holidays that may have led to a low voter turnout and the total lack of observers at some voting stations. However, these were minor procedural matters that did not pose a threat to the process itself.

Regarding domestic observers, there were concerns that were registered by civil society before the election. There appeared to be very little interest shown by organisations in putting up volunteers to monitor the election. For example, as late as March, the South African Civil Society Observer Coalition registered concern that only 450 members had volunteered to provide personnel to be present at the seventeen thousand voting stations around the country. Thus calls were made for local monitoring bodies to

become much more involved, especially in the light of the absence of the above-mentioned international bodies.

However, despite these concerns, the problems outlined did not escalate into major issues. There were four accredited IEC observer missions in the Eastern Cape: Uqobo Direct, Zakhe Peace and Development Centre, Ziputuma Project Enterprises and the Mqanduli Community Advice Office. There were also supplementary observers in different areas of the country such as students from Rhodes University, who monitored the process in Grahamstown.

Another important sector of society that put a stamp of approval on the process was the community of churches in the province who pronounced that the election had been free and fair and that they were satisfied with their conduct.

### **Conclusion**

The 2004 provincial election in the Eastern Cape Province was a successful process. This can be attributed to the resourcefulness and capability of the IEC and the relaxed political environment prevalent in the province together with the mature conduct of political parties in handling themselves during the process. This was attested to by the positive

reports that were made by both the international and local observers missions to the province. Most

significantly, the reports of the observer missions actually made recommendations on how to

strengthen the process in future elections rather than having detected fundamental flaws in the process.

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