

CHAPTER 9

Observations

The Political Transition

COMSA salutes South Africans for the momentous political achievements during the second half of 1993. This period witnessed agreements on transitional arrangements for the first democratic elections and the adoption of an Interim Constitution to guide the country until a new constitution is agreed after the elections. We commend the determination shown by those involved in the negotiations; the spirit of give and take which prevailed, and the culture of consultation evident throughout the proceedings. The fact that, notwithstanding the seriously conflictual backdrop, these agreements were reached entirely by South Africans, talking to each other in their own country, is especially noteworthy.

Unfortunately, there are still groups both to the left and right of the political spectrum which have either withdrawn from, or refused to take part in, the transitional arrangements. All considered, we believe that the transitional arrangements provide a viable basis upon which to build a new order.

In their efforts to accommodate the demands of the parties outside the negotiations seeking a federal solution, the parties which remained in the talks went a long way towards devolving powers to the regions. The various safeguards that we enumerate in this Report make it unlikely that these powers will be whittled down during negotiations on the new constitution after the elections. In our view, the best way of ensuring that strong regional governments evolve is for those parties most convinced of this approach to play an active role in the transitional arrangements.

Some parties have either said they will not contest the elections, or that they will contest the elections but not participate in transitional arrangements. We urge all political parties both to participate in the transitional arrangements, which are key to ensuring a level playing field, and to contest the elections.

As in our previous reports, we are concerned at the continued lack of clarity over the 'independent homelands', which have not yet been reincorporated into South Africa, and which appear likely to maintain their present status until after the elections. At the very minimum, we feel it is essential that Bophuthatswana and Ciskei – the two 'homelands' that have

refused to incorporate transitional legislation into their statutes, and to permit the holding of an election on their soil – be obliged to take these measures.

The international community has never recognised the independence of these territories. It is inconceivable to us that the voters from these areas should have to be transported 'into' South Africa to cast their ballot, in conditions where parties have not been permitted to campaign freely among them. We urge that the TEC take measures to resolve this matter as early as possible.

Violence and the Elections

There are widespread fears that political violence, already so endemic in South Africa, will escalate in the forthcoming months. Some surveys have shown that substantial percentages of the electorate could choose to stay away from the polls as a result of intimidation. Such surveys are most worrying and underscore the need for a concerted campaign, with the highest level of political support, to ensure that voters are safe to go to the polls.

Despite the continued high levels of violence which we detail in this Report, most incidents of politically related violence take place in just two areas of the country: Natal and the PWV. Within the PWV region, the areas in which violence occurs have been reduced to just two townships (Katlehong and Thokoza). This suggests that the war against violence can be won.

The structures established under the National Peace Accord have played a major role in reducing violence and require every support – financial, moral and political – in the forthcoming months. We commend the decision by those managing these structures to maintain their focus on violence in the tense months ahead, rather than turning their attention to monitoring the elections. We especially call on leaders of the signatories to the Accord to restate their support for it at a public summit, and make every effort to respect its provisions in the coming months.

Among the provisions most often breached is that prohibiting inflammatory statements. While we have noted some improvements in the exercise of political tolerance, the country still has huge areas that are 'out of bounds' to one or other political party. Only rarely does one hear political leaders exhorting their followers to allow other leaders to tread the same ground as them. For this message to sink home, it has to be articulated over and over again, from the highest levels. We urge that all South African leaders show the way.

Another frequent breach of the Peace Accord is the display and misuse of weapons at public gatherings. We have commented on this issue in both our previous reports. With the prospect of hundreds of public gatherings daily in the lead-up to elections, this is a matter that can no longer be avoided. Legislation is only part of the answer. Firm leadership on the issue, and a 'buy-back' scheme such as we proposed in our last report, also need to be brought into play.

Threats of civil war both to the right and left of the political spectrum are worrying. We welcome the talks that took place between the Government and APLA and hope that they will lead to a cessation of hostilities. We also welcome the talks that have taken place between the ANC and Afrikaner Volksfront, and the efforts to bridge the wide gap between these two groups.

With regard to security during the elections themselves, we note several concerns relating to the establishment of a National Peacekeeping Force, based largely on the limited time in which to set up the force, and the threat that some groups will not participate in it. We urge that the force be as inclusive as possible, and call on the international community to be ready to assist the establishment of such a force.

The main responsibility for providing security throughout the country during the election period will continue to rest with the SAP and SADF. These have made some important strides in improving their relations with the community. However, the declaration of an unrest area in the East Rand for much of 1993 worsened relations between the community and ISU, which was accused of torturing detainees. We welcome the lifting of these unrest regulations in December, and trust that such measures will not be resorted to during the campaign and election period without, at the very least, consulting the Peace Accord structures.

Provisions for the Elections

In its report of August 1993 on the prevention of violence and intimidation during the election period, the Goldstone Commission urged that the Independent Electoral Commission be established as soon as possible. Since this legislation was tied to other transitional agreements, it was only possible to establish the IEC in December. This means that, in order to hold elections in April, the IEC will be under considerable pressure. We urge that every support be given to this body to facilitate the enormous task that it has to undertake.

Two of the major issues that the IEC will have to address are making sure that all voters have some form of identity to enable them to vote, and that voter education has reached all parts of the country. Ensuring appropriate security arrangements will also be an important preoccupation.

As we note in this Report, the IEC is well served by a sound structure, including operational, monitoring and adjudicative functions. The legislation also provides sensible mechanisms for liaison between the IEC and political parties.

The Electoral Act is comprehensive, covering the essential elements that make for a free and fair election. Key features include: public funding which will place all political parties on a more even footing, and a well developed Code of Conduct which should greatly assist in creating a culture of political tolerance. The system of proportional representation which South Africa has opted for is a key element in the inclusive structures of the transitional period, which should assist national reconciliation.

The Media

South Africa's all-inclusive elections may prove to be not only an evolution for the country but also for the media as well. The Multi-party Negotiating Council agreed some sensible and workable rules. We have noted a number of shortcomings in the legislation, but believe that overall the provisions should encourage the media to give balanced and fair coverage.

The creation of the IMC and IBA has stimulated debate within media circles, especially the SABC, on how to handle intense political competition. This debate and the influence it is likely to have on the coverage of the elections could be a turning point in freeing South Africa's media, and especially the state-owned media, from the past practice of overwhelming support for the government of the day.

COMSA's Role during the Transition

COMSA's mandate – to provide practical assistance in helping to reduce political violence – will assume particular significance in the charged atmosphere that can be anticipated during the forthcoming months. We will continue our role of maintaining close contact with all political parties; seeking to strengthen the structures set up under the National Peace Accord; and working wherever appropriate with the SAP and SADF.

However, COMSA will also make use of its electoral and media expertise to take an even closer interest in the preparations for the elections; thus assisting the Commonwealth in:

- identifying possible areas in which it can help to provide technical assistance – such as in the IEC, IBA, IMC and NPKF; and
- preparing for the work of the Commonwealth Observer Group to the April 1994 South African elections.