

# **SOUTH AFRICA:**

## **THE COUNTDOWN TO ELECTIONS**



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Issue 7: February 25, 1994

### **MORE CONCESSIONS - PARLIAMENT TO RECONVENE**

After coming to an official end last December, South Africa's white Parliament will be resurrected briefly in order to make last minute changes to the interim constitution.

A short session of the old Parliament is scheduled for Monday, February 28th when it will consider amendments to both the interim constitution and the Electoral Act. The changes are the result of last-minute concessions made by the African National Congress and the National-Party-led government as part of their continuing efforts to bring members of the right-wing Freedom Alliance into the election process.

To date, members of the Freedom Alliance, which is led by the Inkatha Freedom Party ("IFP") and the Afrikaner Volksfront ("AVF"), have maintained a firm resolve not to participate in the April election on the basis that their demands for regional autonomy, among other things, have not been met.

Political analysts believe that this latest move by the ANC and the government is calculated to call the bluff of the Freedom Alliance whose refusal to participate in the elections is widely believed to be mainly attributable to their lack of significant support and desire to maintain the apartheid status quo.

Upon their return to Parliament, members will consider the following amendments:

#### **• A Double Ballot System**

As reported in previous issues of *Countdown*, there has been an on-going debate between the ANC and the NP on the one hand and smaller parties on the other, regarding the system of balloting. In the past, the ANC and NP were strongly in favor of a single ballot system in which voters would vote once for a single party to represent them at both the national and provincial levels. Smaller parties, including the Inkatha Freedom Party and the Pan Africanist Congress ("PAC"), advocated for a Double Ballot system in which each voter would cast two separate ballots -- one for the national legislature and another for the regional legislature. However, the ANC and National Party have now agreed to the election being conducted using a double ballot.

#### **• Incorporation of Self-Determination**

The ANC and government have also agreed to the inclusion of self-determination in the interim constitution and a mechanism that would allow for the further consideration of a *volkstaat* or homeland for the Afrikaner people. The ANC has said that it will accept the establishment of a *volkstaat* if the AVF participates in the April election and proves through the support it receives, its claims of overwhelming Afrikaner support for a homeland. According to one of the leaders of the AVF, General Constand Viljoen, at least 75% of all Afrikaners support the establishment of a *volkstaat*.

#### **• Permission to Choose Name of Region**

The ANC and government have also agreed to the inclusion of a provision in the constitution that would allow governments at the provincial level to choose their own name. This specifically addresses the demand of the KwaZulu government led by Inkatha

leader Chief Mangosuthu Buthelezi to be able to choose the name of the Natal region. The name currently being proposed by Buthelezi is kwaZulu/Natal.

#### • Autonomy for Provincial Legislatures

Also under consideration by the Parliament will be an amendment designed to allow provincial legislatures to determine the structure of their legislative and executive bodies. Provinces would also be granted greater powers in financial and fiscal affairs.

#### • Restrictions on Constitutional Assembly

In response to the demands of the Freedom Alliance, the Parliament will also consider the incorporation into the Interim Constitution of a restriction on the Constitutional Assembly which would require it, in drafting the permanent constitution, to refrain from altering in any substantial way, the powers accorded to provincial assemblies by the interim constitution.

Notwithstanding these concessions, Freedom Alliance members continue to voice their opposition to the election, citing the inadequacy of the concessions. Inkatha leader Mangosuthu Buthelezi issued a statement shortly after the concessions were made public in which he denounced them as "nothing more than municipal authority for provinces." In addition, the IFP has warned that the party would formally embark on a campaign of resistance politics to the new constitution and election. Later Buthelezi said that even if his demands for regional autonomy are met, his party wouldn't agree to contest the elections unless Zulus get a sovereign state.

Freedom Alliance chairman Rowan Cronje expressed sentiments similar to Chief Buthelezi's when he said that the last-minute concessions "appeared not to change anything fundamentally."

On Friday, February 25th, the ANC and the IFP, in a joint statement announced that Nelson Mandela and Buthelezi would meet to discuss their differences. The two leaders have met only three times since Mandela was released from prison in February 1990.

## NINETEEN PARTIES REGISTER FOR APRIL ELECTIONS

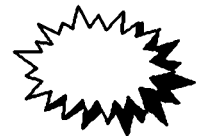
Nineteen political parties have reportedly registered as official contestants in the April election. The

deadline for registration was Saturday, February 12th. However, given the on-going efforts to bring members of the Freedom Alliance into the process, it is expected that accommodations will be made in the event that Freedom Alliance members reconsider their position not to participate in the election.

Most prominent among the parties that have registered are the ANC, the NP, the Democratic Party ("DP") and the PAC.

Other parties planning to contest the election include: The African Christian Democratic Party ("ACDP"), the African Democratic Movement ("ADM"), the Merit Party, the Minority Front, the Ximoko Progressive Party, the United People's Front, The Keep it Straight and Simple Party ("Kiss"), the North West Democrats, The Islamic Party, the Workers' List Party, the Ikwankwetla Party of South Africa, the Workers International to Rebuild the Fourth International South Africa, the Women's Peace Party, the South African Women's Party and the Realiste/Realists Party. Some of the above-named parties will only be contesting elections at the provincial level.

## VIOLENCE MONITOR



### Flashpoints

At the end of the weekend ending February 20th, the weekend death toll in the volatile Natal province had risen to 45. On Saturday, the 19th, 12 children and two adults were killed during a midnight attack in the Southern Natal region. According to a police spokesman, the group was planning to participate in a voter education workshop that was scheduled for the following day. The group which had come from a rural village to attend the workshop was attacked in a hut where they were being temporarily housed.

In an announcement shortly after the attack, ANC deputy chairman for the Natal Midlands region voiced his suspicion that "those who don't want people to vote" were responsible for the massacre."

In the same rural village from where the victims of the attack were recruited, notices warning people not to attend the voter education workshop were prominently displayed. On Thursday, February 24th, police announced that they had arrested an official of the Inkatha Freedom Party in connection with the attack.

## Rightwing Violence

In a recent press statement released by the far rightwing Afrikaanse Protestantse Church, church officials announced that they would refuse to call upon church members to refrain from carrying out acts of violence.

It is estimated that the church which broke away from the Dutch Reformed Church has 30,000 members, including Conservative Party leader Ferdie Hartzenberg and Afrikaner Weerstandsbeweging ("AWB") leader Eugene Terreblanch.

Church officials have said that they would only agree to urge their members to refrain from violence if the April elections are called off.

In addition to claiming responsibility for a spate of recent bombings, right wingers have threatened canvassers and voter education workers with violence and death. Workers attempting to gain access to farm workers have been particularly vulnerable to attack.

## ANC'S CHIEF U.S. REP UNDER FIRE FOR ALLEGED MISSING FUNDS

The South Africa-based *Weekly Mail and Guardian* reported last week that ANC Chief Washington Representative Lindiwe Mabuza is at the center of a controversy involving the failure of American campaign donations to reach ANC headquarters in South Africa.

According to the report, ANC Treasurer General Thomas Nkobi admitted that the ANC is struggling to finance the critical last 10 weeks of its election campaign. According to Nkobi, the ANC had set the goal of \$17 million in contributions from the international community for campaigning.

According to *The Weekly Mail*, sources in the U.S. and South Africa, say that despite pledges by American donors totalling approximately \$3 million, ANC President Nelson Mandela returned to South Africa from his July trip to the U.S. with only \$10,000 in hand.

*The Weekly Mail* reports that Mabuza has refused to discuss the issue, claiming that she was not aware of how much has been transferred to the Johannesburg-based headquarters of the ANC. Sources have accused Mabuza of withholding the nearly \$500,000

raised during Mandela's July trip and of not following up additional pledges.

According to *The Weekly Mail*, in the past, Mabuza has been accused of mishandling funds both during her tenure as the ANC's representative in Sweden and during the course of her tenure as Chief Representative in the U.S. So far, no investigation into the handling of campaign donations by Mabuza has been undertaken by the ANC.

## "LOST" I.D. APPLICATIONS SPARK CALLS FOR IEC INVESTIGATION

According to a report in the *Weekly Mail*, the Independent Electoral Commission has been asked to conduct an investigation after evidence has been found of attempts by South African government officials to prevent eligible voters from obtaining the identification necessary to enable them to vote.

The torn-up remains of completed ID applications submitted by domestic workers and squatter camp residents of Lenasia, near Johannesburg, were found in a dumpster behind a branch office of the Department of Home Affairs. The Department of Home Affairs is the government agency responsible for the intake and processing of applications for voter identification.

A preliminary investigation was undertaken after an ANC official in Lenasia reported that several residents complained of waiting months to receive IDs after their applications had been submitted. So far, the IEC has confirmed that the destroyed applications found in the dumpster were authentic. It is believed that most residents of Lenasia are ANC supporters.

According to Issu Chiba, chairman of the local ANC branch in Lenasia, "this has very serious implications. It can suppress our capacity to muster votes." According to the *Weekly Mail*, the discarded applications had been completed, fingerprinted, stamped and signed by clerks before being destroyed. Other documents belonging to applicants, including original birth certificates and photographs were also found in the dumpster.

In the wake of this incident, the ANC has called for independent monitoring of the issuing of IDs and temporary voter cards. According to one ANC official, "there is a problem with the absolute control

that Home Affairs has over the issuing of IDs and temporary voter cards. They need independent people in the offices."

## IEC ISSUES OBSERVER CODE

The Independent Electoral Commission has promulgated a Code of Conduct for Election Observers. The Code will be binding on all Observers, both domestic and foreign. The following is a summary of the Code:

- **Strict Impartiality** - must be maintained by Observers at all times with no bias or preference expressed for any one political party.
- **Clear Identification** - Observers must be prepared to identify themselves at all times and must wear prescribed identification at all times.
- **Partisan Material/Clothing** - is prohibited and Observers must at all times refrain from carrying any material or wearing clothing emblems or colors associated with a particular political party.
- **Carrying of Arms/Weaponry** - is strictly forbidden.
- **Strict Observance of Rules/Regulations** - is required of all Observers and they must acknowledge the overall authority and abide by the decisions of the IEC.
- **Strict Adherence to Orders to Vacate** - is required of all Observers where they are requested by the IEC to leave or refrain from entering a particular area, voting or counting station.
- **Reports of Irregularities** - including allegations of dishonesty, corruption, intimidation or violence must be brought to the attention of the IEC's Chief Director: Monitoring or the Commission itself at the Observer's earliest opportunity.

*South Africa: The Countdown to Elections* is a Bi-Weekly Publication of the Lawyers' Committee for Civil Rights Under Law.

• **Assistance to Political Parties** - either directly or indirectly is strictly prohibited. Observers must also especially refrain from communicating with voters in a manner that would influence or interfere with the outcome of the voting process. That would include influencing the voter on how to vote or asking who the voter chose after he votes.

• **Attendance at Special Observer Briefings** - is required of all observers, as well as at workshops, coordinating meetings, etc.

• **Secrecy** - is required to be maintained by Observers with reference to voting and counting matters and in any other case where disclosure of information would constitute a violation of the Electoral Act.

• **Public Statements** - relating in any way to the elections by Observers are strictly prohibited.

An Observer's registration may be canceled if he/she is found to be in breach of one or more of the above provisions. In addition, only persons nominated by organizations accredited under the observer regulation may be registered as observers. The complete version of the Code may be obtained by contacting Eve Thompson at the Lawyers' Committee.

**Erratum:** In the previous issue of *Countdown*, the acknowledgement of Professor Stephen Ellmann of the New York University Law School as author of the analysis of the South African interim constitution was inadvertently omitted. We apologize to Professor Ellmann for this oversight.

As noted in this edition of *Countdown*, it now appears that the South African Constitution will be significantly amended. After these amendments are enacted, Professor Ellmann will analyze them in another issue of *Countdown*.

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