SOUTH AFRICA's 2004 ELECTION
THE QUEST FOR DEMOCRATIC CONSOLIDATION

EISA

Promoting Credible Elections and Democratic Governance in Africa

Edited By
Laurence Piper

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EISA is a non-partisan organisation which seeks to promote democratic
principles, free and fair elections, a strong civil society and good governance
at all levels of Southern African society.

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CONTENTS

LIST OF ACRONYMS

ACDP	African Christian Democratic Party
ADP	Alliance for Democracy and Prosperity
AEB	Afrikaner Eenheidsbeweging
AITUP	Abolition of Income Tax and Usury Party
AMP	Africa Muslim Party
ANC	African National Congress
AZAPO	Azanian People's Organisation
CBO	Community-based organisation
CDP	Christian Democratic Party
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CP	Conservative Party
CSO	Civil society organisation
DA	Democratic Alliance
DDP	Democracy Development Programme
DP	Democratic Party
DPSA	Dikwankwetla Party of South Africa
EAD	Elections Administration Division
EC	European Commission
EISA	Electoral Institute of Southern Africa
EMSA	Employment Movement of South Africa
EPC	Electoral project coordinator
EU	European Union
FA	Federal Alliance
FF	Freedom Front
FF+	Freedom Front Plus
FP	Federal Party
GEAR	Growth, Employment and Redistribution
GIS	Geographic information system
GNU	Government of National Unity
GPGP	Green Party of South Africa
HNP	Herstigte Nationale Party
HSRC	Human Sciences Research Council
IAM	Independent African Movement
ID	Independent Democrats
IDASA	Institute for Democracy in South Africa
IEC	Independent Electoral Commission

IFP	Inkatha Freedom Party
IT	Information technology
KISS	Keep It Straight and Simple
LEO	Local electoral officer
LPM	Landless People's Movement
LUSO-SA	Luso South African Party
MEO	Municipal electoral officer
MF	Minority Front
NA	National Action
NGO	Non-governmental organisation
NICRO	National Institute for the Prevention and the Reintegration of Offenders
NLP	New Labour Party
NNP	New National Party
NORAD	Norwegian Agency for Development Cooperation
NP	National Party
OSF-SA	Open Society Foundation for South Africa
PAC	Pan Africanist Congress
PDP	Peace and Development Party
PEO	Provincial electoral officer
PJC	Peace and Justice Congress
PLC	Party liaison committee
PR	Proportional representation
RPPF	Represented Political Parties' Fund
SACP	South African Communist Party
SACSOC	South African Civil Society Observers' Coalition
SADC	Southern African Development Community
SOCCER	Soccer Party
SOPA	Socialist Party of Azania
UCDP	United Christian Democratic Party
UDM	United Democratic Movement
UK	United Kingdom
UN	United Nations
UPF	United People's Front
US	United States
USAID	United States Agency for International Development
VD	Voting district
WAN	Wide area network
XPP	Ximoko Progressive Party

PREFACE

EISA has undertaken various initiatives, which have been aimed at facilitating the nurturing and consolidation of democratic governance in the Southern African Development Community (SADC) region. One such initiative is the first phase of the democratic consolidation research programme. Covering almost all the SADC countries, this research programme focused on the following key issues:

Elections;
Gender and democracy;
Electoral systems;
Electoral administration;
Political parties;
Conflict and elections; and
Democratic assistance.

This first phase of the project has generated an enormous stock of knowledge on the dynamics of democratic governance in the region over and above the intricacies of elections *per se*. It has demonstrated beyond any shadow of a doubt that indeed there is more to democratic governance than just elections and electioneering. In a word, with hindsight, it is abundantly clear to us today that an election, in and of itself, does not necessarily amount to democratic culture and practice. Put somewhat differently, an election is not tantamount to a democracy, in the strictest sense of the term. Various other determinants are critical too including, *inter alia*, multipartyism, constitutional engineering and the rule of law, gender inclusivity in the governance process, electoral system designs and reforms, transparent and accountable management of national affairs including elections themselves, responsive and responsible conduct by political parties, constructive management of various types of conflict and the form and content of external assistance for democracy.

All these issues are explored in a fairly rigorous and refreshing fashion in the monographs to come out of this programme, although a deliberate focus is given to electoral engineering in the form of reviews and reforms required in the SADC region in order for the selected countries to achieve the difficult goal of democratic consolidation. This monograph will be followed in due course by various others that are country-specific, exploring a broad array of challenges for democratic consolidation in the SADC region.

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INTRODUCTION

Laurence Piper

This study is an evaluation of South Africa's third democratic elections – the national and provincial elections of April 2004. More specifically, key technical aspects of the election including electoral administration, conflict resolution, political party dynamics and foreign assistance are examined in four peer-reviewed chapters. In addition to unpacking the election in terms of various legal and policy frameworks, the authors explore the broader implications of their findings for democracy in South Africa. In this way the study offers insights both into specific aspects of the elections and electoral system, and the broader question of democratic consolidation.

On both accounts the assessment is positive. As a technical exercise, election 2004 was just about as good as it could be, especially for a radically unequal society like South Africa. Thus election 2004 was the best administered and the freest and fairest to date. It was characterised by lower levels of illegitimate conflict than in 1999 and 1994. More political parties participated and in more tolerant ways than before, and foreign assistance reflected high levels of confidence in the South African system. Of course election 2004 was not perfect. Minor problems remain. But most relate to the issue of the sustainability of the administration of the electoral system; an issue which, at root, is about human and financial resources.

As an event conducive to the consolidation of democracy, election 2004 was a positive one. However, significant problems were also revealed. Issues remain around the political knowledge, expectations and tolerance of the electorate, voter participation levels, political party strategies and, as perhaps is most widely noted, the overwhelming dominance of the African National Congress (ANC). Critically, however, the study shows that these are issues which future elections have limited capacity to address. The meeting of these challenges does not lie with the Independent Electoral Commission (IEC) nor electoral design, but with other actors in the political system, namely government, political parties and civil society. In this respect election 2004 was a good lesson in the limits of institutional design and the significance of democratic action by key organisations.

Both moments of analysis are evident in each chapter in the study. As revealed in Chapter One, the IEC's administration of election 2004 was world class. Beginning with internationally recognised criteria for a free and fair election, and situating the management of the election in the context of the lessons of 1994 and 1999, this chapter explores the management of voting districts, the voters' roll, logistical preparedness, staffing, voter education and election day itself. The key finding is that while the successes of the IEC are explicable in terms of the institutionalisation, increasing professionalism and independence of election management, the limitations are directly correlated to under-resourcing. This implies that the greatest threat to future election administration of a similar standard is the lack of a legal guarantee of resources at current or better levels. Other election administration-related issues, such as falling voter participation, are better addressed through greater government accountability or party competition than through electoral reform.

A similar story emerges in respect of electoral conflict in election 2004, examined in Chapter Two. This chapter begins by distinguishing the forms of illegitimate politics that undermine liberal-representative elections, and assesses the impact that the application of election rules and the design of the electoral system as a whole have on this politics. It is argued that, first, the IEC's conflict management system has built trust in elections in the minds of political elites through including parties in transparent and flexible decision-making processes. Second, the free and fair nature of elections, and the largely inclusive character of South Africa's electoral system, reinforces confidence in the democratic order as a whole. However, problems remain with the perceived accountability of the political system, especially in respect of material well-being – problems which limit popular endorsement of democracy. Further, there is little that future elections can do to address this issue given the remoteness of the ANC losing an election, implying that other ways must be found to deepen democratic culture. This means that while illegitimate politics has waned significantly in post-apartheid South Africa, it is unlikely to disappear entirely until extra-election changes occur.

A kindred point is made in respect of political parties in Chapter Three, where it is argued that although multipartyism is entrenched in South Africa, it will remain characterised by the dominance of the ANC. This outcome

has less to do with the racial prejudices or interests of the electorate than with the subjective strengths of the ANC compared to the subjective weaknesses of opposition parties. Thus, according to the author, the 'problem' of one-party dominance is not caused by the electoral system or the electorate but by the poor strategic thinking of opposition parties. What is required is not electoral reform but innovative strategic thinking by opposition parties. This argument is illustrated by examination of the tactics of the major parties in election 2004, debates over the behaviour of the electorate and the inclusion of women on the political agenda. In short, the further consolidation of democracy in South Africa requires action beyond the electoral system and electoral administration. In this case, it requires revivified party agency.

The final chapter deals with the issue of foreign assistance, noting that since 1999 international financial aid for democratic consolidation has been on the decline, reinforcing concerns about the sustainability of South Africa's democratic institutions such as the IEC. Further, the chapter explores the transparency of the country's democratic institutions in making available information regarding their sources of funding. This is particularly an issue for political parties, as the current practice of non-disclosure opens the way to undue and undemocratic influence. Lastly, the chapter explores a possible role for central government in funding the country's democratic institutions and redefining its relationship with civil society to facilitate the continued development of democracy. Other than suggestions about reforming government funding of parties, the main recommendations do not affect the existing electoral system but rather relations between government, parties and civil society.

RECOMMENDATIONS

All this means that the study has relatively few recommendations as regards the better administration of elections or the functioning of South Africa's electoral system. Indeed, these seem largely consolidated. The few issues that remain touch mostly on the question of the sustainability of the current system, which can be summed up in a couple of proposals:

- *Legal reform to guarantee government funding of the IEC at current or higher levels:* Well run elections are expensive and where resources run short, the independence of the electoral process is

compromised. A certain level of guaranteed funding is therefore imperative to prevent undue influence. This is especially important in a context of declining international assistance.

- *The extension of the conflict management system to future elections, including local government elections:* The more complex and contested nature of local government makes localised forms of electoral conflict more likely. More importantly, the enduring ambivalence of ordinary people towards democracy means that the potential for conflict lingers despite limited expression in 2004.

However, insofar as democracy in South Africa is concerned, the authors identify various recommendations directed at the broader political system. These include:

- greater accountability by government, especially in terms of jobs and service delivery, but also perhaps in terms of institutional reform and cooperation with civil society, to deepen and extend popular support for democracy, so removing the grounds of illegitimate politics;
- revivified opposition party strategies to challenge the ANC, especially in terms of core policies such as the Growth, Employment and Redistribution (GEAR) programme, and thus re-energise electoral competition and voter participation;
- transparency of party funding to prevent undue influence on government; and
- greater investment by government in the political system, including perhaps equitable funding for political parties, but especially for democratic institutions.

Almost all agree that election 2004 was a great success; however, perhaps the most valuable lesson of the election was that there is just so much elections can do for the future of democracy in South Africa. The consolidation of an electoral system is not the consolidation of democracy. In this respect much work remains outside of elections and the electoral system.

1

WHY DEMOCRACY COSTS MONEY: LESSONS FROM ADMINISTRATION

Laurence Piper

Lack of money is the root of all evil
– George Bernard Shaw

Central to the consolidation of new democracies are stable and predictable political institutions, in particular regular free and fair elections.[1] At the heart of elections in South Africa is the Independent Electoral Commission (IEC) established in terms of the post-apartheid constitution, which has overseen the administration of two country-wide local government elections in 1995/6 and 2000, and three national elections in 1994, 1999 and 2004. This means that assessing the freeness and fairness of election 2004 amounts to assessing the IEC's administration of the election, in particular, whether the various electoral procedures defined in the law were adhered to.[2] Furthermore, by comparing the administration of the 2004 election with the elections of 1999 and 1994 we can get a sense of whether administration is improving, with clear implications for the trajectory of democratic consolidation.

At first glance the administration of election 2004 was a success, both in legal and comparative terms. That is not to say there were no problems. The status of prisoners and overseas votes, the fairness of media coverage, party conflict during electioneering in the province of KwaZulu-Natal, voting outside of registered districts and post-election complaints from the Inkatha Freedom Party (IFP) all made news headlines. On the whole, however, these were minor issues and most commentators including political parties, observer missions, non-governmental organisations (NGOs), the media and the IEC itself gave the administration of the election a very positive evaluation. This view is strongly reinforced by the quantifiable aspects of the election all of which, other than per vote cost, were better than in previous elections:

- The number of people on the voters' roll in 2004 was 20,880,953; an increase of some 14.9% over the 18,172,751 of 1999. (There was no voters' roll in 1994.)

- The number of voting stations was 17,051; an increase of 18% over the 14,484 voting stations of 1999 and of 60% over the 10,670 voting stations of 1994.
- The number of complaints lodged with the IEC by parties was 253: down from the 1,114 complaints of 1999 and the 3,594 of 1994.
- The results were counted and announced within three days, well within the seven-day deadline and better than the five days of 1999. In 1994 the official announcement of the results took place nine days after voting.
- The cost of election 2004 was R790 million or R50.59 per national vote: 1999 cost R713.5 million or R44.65 per national vote; and 1994 cost R960 million or R49.15 per national vote.

This overall positive picture is confirmed by more detailed analysis which begins with the constitutional and legal criteria for free and fair elections before reviewing the experiences of 1994 and 1999. We finish by focusing on election 2004 and follow the Electoral Institute of Southern Africa (EISA) in attributing much of the IEC's success to the fact that, first, it has become institutionalised (especially legally) since 1994; second, it has increased its professionalism and efficiency; and third, it has secured a significant degree of independence. However, we argue that – as illustrated by the shortcomings of election 2004 – it is the lack of legally guaranteed levels of resources from the state that is the greatest potential threat to the IEC's long-term independence, and therefore to free and fair elections.

CRITERIA FOR A FREE AND FAIR ELECTION

The IEC has overseen the administration of every nationwide set of elections in post-apartheid South Africa, including the founding election of 1994. However, given that the first election was conducted in terms of the interim constitution of 1993, the IEC was then just a temporary body, only formally institutionalised following the adoption of the final constitution in May 1996. As such the IEC forms one of six institutions 'supporting constitutional democracy' in Chapter 9 of the constitution. Others include the Public Protector, the Human Rights Commission, the Auditor General and the Commission for Gender Equality. As defined by the constitution, the role of the IEC is to:

190 (1) a) manage elections of national, provincial and municipal legislative bodies in accordance with national legislation;
   b) ensure that the elections are free and fair; and
   c) declare the results of those elections within a period that must be proscribed by national legislation and is as short as possible.[3]

This constitutional commitment was given legislative framing in two major acts: the Electoral Commission Act, 51 of 1996 and the Electoral Act, 73 of 1998. In addition to the many regulations published in terms of these acts there are several other acts applicable to elections, mostly to do with local government and party funding.[4] In terms of section 5(1) of Act 51 of 1996 the IEC has the function to:

   a) manage any election;
   b) ensure that any election is free and fair;
   c) promote conditions conducive to free and fair elections;
   d) promote knowledge of sound and democratic electoral processes;
   e) compile and maintain voters' rolls by means of a system of registering of eligible voters by utilising data available from government sources and information furnished by voters;
   f) compile and maintain a register of parties;
   g) establish and maintain liaison and cooperation with parties;
   h) undertake and promote research into electoral matters;
   i) develop and promote the development of electoral expertise and technology in all spheres of government;
   j) continuously review electoral legislation and propose electoral legislation, and to make recommendations in connection therewith;
   k) promote voter education;
   l) promote cooperation with and between persons, institutions, governments and administrations for the achievement of its objects;
   m) demarcate wards in the local sphere of government or to cause them to be demarcated;

n) declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections;

o) adjudicate disputes which may arise from the organisation, administration or conducting of elections and which are of an administrative nature; and

p) appoint appropriate public administrations in any sphere of government to conduct elections when necessary.

The same act also defines the composition of the commission and the appointment of commissioners (section 6) and the administration, accounting and accountability of the commission in sections 12, 13 and 14. Act 73 of 1998 specifies in greater detail the procedural framework of a free and fair election including:

- the registration of voters and the voters' roll (Chapter 2);
- the proclamation of and preparations for elections (Chapter 3);
- the operation of voting stations, including voting procedure, counting, objections and the final declaration (Chapter 4);
- the role of party agents (Chapter 5);
- the establishment of voting districts, voting stations, voting materials, the appointment of officers, and the accreditation of observers (Chapter 6); and
- prohibited conduct, enforcement and penalties (Chapter 7).

Based on the constitution and these two acts, one can draw up a simplified chronological list of tasks the IEC must perform for national and provincial elections to be free and fair. This list provides the basis of our analysis of 2004 and previous elections. The IEC's tasks are to:

- divide the country into voting districts;
- register voters onto a voters' roll;
- make the logistical arrangements for the elections, including information technology (IT) systems and materials, staffing, conflict management and voter education; and
- manage voting and counting, verify and announce the results.

In assessing whether these tasks have been followed in a free and fair way we follow the checklist provided by Jorgen Elklit and Palle Svensson in their article 'What makes elections free and fair?'[5]

Table 1: Elklit & Svensson checklist for free and fair elections

FREE	FAIR
Before polling day	
1. Freedom of movement 2. Freedom of speech 3. Freedom of assembly 4. Freedom from fear in connection with the elections and campaigns 5. Absence of impediments to stand for election 6. Equal and universal suffrage	1. A transparent process 2. An electoral act and system which gives no special privileges to any political party or social group 3. Absence of impediments for inclusion in the electoral register 4. Establishment of an independent electoral commission 5. Impartial treatment of candidates by the police, army and courts of law 6. Equal opportunities for political parties and independent candidates to stand for election 7. Impartial voter education programmes 8. An orderly election campaign with observance of a code of conduct 9. Equal access to publicly controlled media 10. Impartial allotment of public funds to political parties 11. No misuse of government facilities for campaign purposes
On polling day	
1. Opportunity to participate in the elections	1. Access to all polling stations for representatives of political parties, accredited local and internal election observers and the media 2. Secrecy of the ballot 3. Absence of intimidation of voters 4. Effective design of ballot papers

	5.	Proper design of ballot papers
	6.	Impartial assistance to voters, if necessary
	7.	Proper counting procedures
	8.	Proper treatment of void ballot papers
	9.	Proper precautionary measures when transporting election materials
	10.	Impartial protection of polling stations

After polling day		
1. Legal possibilities of complaint	1.	Official and expeditious announcement of results
	2.	Impartial treatment of any election complaint
	3.	Impartial reports on the election by the media
	4.	Acceptance of the election results by everyone involved

The analysis of 2004 will follow this list, but before we get there it is instructive to review quickly the 1994 and 1999 elections in these terms.

THE LESSONS OF 1994 AND 1999

In many ways the legal framework for free and fair elections in South Africa today flow out of the difficult experience of administering the 1994 election. The sheer joy of South Africans at liberation means that no election will ever surpass 1994 as an embodiment of popular will. As a technically correct and procedurally free election, however, 1994 was deeply flawed.

Many of the problems of election 1994 were caused by a lack of organisational preparedness rooted in three factors. First was the sheer unprecedented scale of election 1994. The apartheid-era whites-only electoral system was geared to handling two to three million voters and was not equipped for the extra 16 to 17 million.[6] In addition, there was no voters' roll and thus citizens could vote anywhere, which made it impossible to predict the appropriate distribution of election materials.[7] Further, there was no accurate sense of

the scale of the population and its spatial distribution due to poor census-taking during the apartheid era. Of its own accord the IEC adjusted the government's 1992 figure of 21 million eligible voters upwards to 22.7 million.[8]

Second, the dubious legitimacy of many institutions undermined electoral preparations. Official government departments were not trusted by the ANC. Thus when the Ministry of Home Affairs began to identify sites for new voting stations in March 1993, it was stopped until the IEC was formed.[9] However, like all transitional institutions, the IEC also had legitimacy problems, especially with conflict between (mostly white) apartheid-era bureaucrats and inexperienced (mostly black) ANC appointments.[10] Further, a lack of trust between political parties produced a complex legal framework which hampered the management of election 1994.[11] Notable here was the IFP which entered the election barely a week before election day. Having been excluded from areas under IFP control, mostly in KwaZulu-Natal, this meant that the IEC had to establish 549 extra voting stations, recruit and train some 12,627 new staff, re-allocate resources and re-organise delivery processes and logistics.

Third, there was simply not enough time. Enacted in October 1993, the IEC was activated in December 1993 with the appointment of 11 South African commissioners headed by Judge Johann Kriegler. The 11 were later supplemented by five commissioners from abroad. In effect, the IEC had four months to prepare for the election without an established organisation, without proper information, and in a highly volatile context. To complicate matters, in February 1994 the ANC conceded to IFP demands for a provincial as well as a national ballot, adding another monumental task to the IEC's list.

In 1994 the IEC organised itself into several branches, the largest of which was the Monitoring Directorate which employed 10,000 people. This was in addition to the 15,000 observers from the National Peace Secretariat, 5,000 observers from the United Nations (UN), the Organisation of African Unity, the United States (US), the European Union (EU) and so on, as well as some 3,000 journalists.[12] According to Lodge, the directorate processed a total of 3,594 complaints most of which were not supported by sufficient evidence

to be mediated or adjudicated.[13] In KwaZulu-Natal in particular the Mediation Division was ineffective. Johnson reports that in KwaZulu-Natal, the IEC Investigations and Prosecutions Department, charged with investigating complaints of electoral intimidation, simply fell apart.[14] However, most of the IEC's problems were the business of the Electoral Administration Division whose tasks included the issuing of temporary voting cards, setting up voting and counting stations and conducting the proceedings within them.

As noted above, many of the problems experienced had to do with time. The IEC decided on 23 staff for each voting station, amounting to some 300,000 in total. The late appointment of provincial and district electoral officers and the difficulty in selecting sites for stations delayed the appointment of presiding officers, undermining planning and training. To this was added a degree of inexperience and incompetence.

For example, in KwaZulu-Natal, the Elections Administration Division (EAD) 'appeared to have no contingency plan in the event of the IFP deciding to participate in the election' and thus flew into a panic when the party joined.[15] Disorganisation meant that it was only on the morning of the election that the final list of voting stations became available, causing great inconvenience to the monitors and staff who still had to travel to sometimes remote areas. Irritated by the lack of EAD preparedness, the Monitoring Division put up posters around the IEC offices stating 'my voting station is my secret' – a play on the voter education slogan, 'my vote is my secret'. Nationally, many staff took advantage of the chaos to enrich themselves; 89 vehicles and 45% of all computers including 80% of all laptops were stolen.[16]

During the election days from 26-29 April, these problems were manifest in the huge, slow-moving queues in many areas, the late opening of many voting stations (on the first day 20% did not open at all),[17] the lack of election materials and evidence of temporary voter card fraud. Where the Department of Home Affairs had estimated that some 500,000 voters did not have identity books and would require temporary voters' cards, eventually some 3,557,727 were issued.[18] Reports came in of bias and incompetence of many presiding officers,[19] and of farmers refusing to let farm workers vote in the Northern Transvaal.[20]

The biggest problem, however, was connected to the resistance of the IFP to election 1994. As noted above, the late entry of the IFP made the IEC's job nearly impossible, especially as the ballot papers had already been printed without the IFP on them. As a result the IEC had to add an IFP sticker to each ballot, but by day two of voting it was clear that this was not being done as widely as it ought, and IFP leader Mangosuthu Buthelezi threatened to withdraw his party from the election. In response, the IEC printed nine million extra ballots with the IFP on them and extended voting to a fourth day in the former homelands until all who wanted to vote could do so.[21] A related set of problems concerned significant levels of intimidation and fraud. The Human Sciences Research Council (HSRC) reported 165 no-go areas during the election, 70 of which were in KwaZulu-Natal.[22] Further, evidence of fraud was rife, especially allegations of 'pirate' voting stations in KwaZulu-Natal. In the author's view though, rather than being centralised and systematic, fraud occurred in those processes and areas where IEC preparation and control were weakest.[23]

Lastly, the count and declaration of votes was problem ridden. The main delay was due to a reconciliation process that too was much longer than expected and was eventually disbanded in some areas. It was discovered that a computer hacker had accessed the IEC database and installed a virus which incrementally increased the totals of three minor parties. Further, evidence of fraud began to emerge in KwaZulu-Natal when ballot boxes arrived with ballots neatly stacked, or arrived in private cars from pirate stations and without special seals. This led to significant disputes between the ANC and IFP, delaying the count again. Finally, the counting of ballots and releasing of results were slowed by the organisational inexperience, general weariness and stress of IEC officials.[24] The results were eventually declared at 2:30 pm on 6 May, some 10 days after voting began.

Despite all the problems the 1994 election saw 19 million South Africans (including 100,000 of 115,000 prisoners)[25] vote in an election which most observers viewed as fair and sufficiently free. In time this excellent turnout may well prove to be the best in South Africa's democratic history. In addition the low percentage of spoilt votes for mostly first-time voters revealed that voter education had gone quite well.[26] Such was the widespread joy of that time that the overwhelming memories of election 1994 are of the will of a

people to usher in a new dawn, not of the myriad administrative and political problems that beset the election. Nevertheless, election 1994 provided some key lessons for future elections that informed government decisions around the IEC. These included the centrality of a voters' roll, the importance of the legitimacy of the electoral administrator, logistical preparedness, the training of staff and the establishment of conflict management systems. All this pointed towards a permanent and independent electoral body, and this followed shortly after the final constitution of May 1996.

If election 1994 was historic but flawed as an administrative exercise, then 1999 was almost the inverse. Gone was the human drama, but in its place was an award winning administrative performance by the IEC. Many observers point out that the very fact that the 1999 election happened in South Africa was remarkable in and of itself. Newly democratised states have proved vulnerable to authoritarian regress, especially in Africa. In addition, as Reynolds notes, election 1999 was positively boring in comparison to 1994, reflecting both more 'normal' party competition and far better administration.[27] At the heart of the latter was the newly institutionalised IEC.

After 1994 the two key laws framing the constitution and operation of the IEC were passed making the IEC a permanent body with the same name, logo and many of the staff of its 1994 predecessor. The new IEC had new responsibilities: the voters' roll; demarcation of wards for local government; review of legislation; and the conduct of large-scale voter education.[28] As Lodge notes, the range of duties implied a substantial bureaucracy but the intention of its planners was that the commission should employ comparatively few full-time staff, and depend on part-time local electoral officers (often town clerks) to manage registration and polling on a contract basis. In May 1997 Judge Kriegler was appointed as head of the new IEC, and was followed by four others in July (including Brigalia Bam), making up the five commissioners of the new IEC. Around 400 full-time staff were employed.[29]

As evident from its legal framing, the independence of the IEC was understood primarily in terms of the exclusive right to manage certain tasks and the organisational backing to do so. However, in late 1997 Home Affairs

seemed to feel that it should conduct elections and the IEC 'would be a small body restricted to a very circumscribed monitoring role'.[30] In October the minister of Home Affairs submitted a draft bill to cabinet proposing that his department control the IEC's monies. The IEC objected and the bill was eventually shelved, although wrangling between the IEC, Home Affairs and the Department of State Expenditure continued for the next two years. The Electoral Act of 1998 helped resolve this issue by specifying in some detail the IEC's control over very specific aspects of elections. Nevertheless, the importance of Home Affairs to a well-administered election was reinforced by the passage of the Electoral Act of 1998. Backed by cabinet, the Electoral Bill stipulated that citizens needed a green 'barcoded' identity document from Home Affairs to register. In Kriegler's view this was the best prevention against fraud. In July 1998 the HSRC ran a survey which found that up to 20.2% of the electorate did not have these documents, and of these 9% had no identification documents at all;[31] concern began to spread among political parties. Prisoner organisations also began to object that the bill removed prisoners' right to vote. After some wrangling, the bill was passed without special provisions,[32] but the issue of identity books returned when opposition parties blamed poorer than hoped for registrations on the failure of Home Affairs to deliver these. Notably, an HSRC survey conducted in February-March 1999 found that there had been a 15% improvement in the holding of identity books, with only 2% of the sample not in possession of any identification document.[33] This led the HSRC to conclude that 60% of the people who did not register for the election did have the new identity book.[34] In short, with the exception of some areas such as the former Transkei,[35] Home Affairs had delivered.

While all this was going on the IEC was organising itself. At the end of 1997 the commissioners appointed a chief electoral officer, Mandla Mchunu, who was to be the practical boss of the organisation while commissioners took more of a supervisory role. The employment of provincial electoral officers (PEO) and local electoral officers (LEO) took place through late 1998 and early 1999, and in certain areas there were complaints about the political affiliations of some LEOs in particular.[36] At national level the IEC administration was divided into three: general administration; electoral administration; and democracy development. The latter was broken into four which included voter education, outreach/liaison, party funding and

international liaison. By January it became clear that the IEC did not have the funds to mount a major voter education drive. In addition there were no monitoring divisions as in 1994. Instead, the IEC decided to appoint provincial monitoring panels of prominent citizens in consultation with NGOs. Appointment and training of these panels took place rather late however.

At the same time the IEC divided the country into 86,000 enumerator areas, each containing between 120 and 150 households. These areas were combined into 12,484 voting districts (VDs), each with a voting station. Their size was determined by two factors: a maximum walking distance of 7.5 km in urban areas and 10 km in rural; and population maximums of 200 in rural areas and 3,000 in cities. This greatly improved the distribution of voting stations, reducing the queues significantly from 1994. In addition the IEC installed its own satellite communications system intended to facilitate the quick recording of registration information (which it did) and the rapid transmission of results.

Perhaps the major project of 1999, however, was the registration drive. This was to form the basis of South Africa's first nationwide voters' roll, which would be maintained and updated with each election. Spread over a three-month period the registration drive was split into several waves. The first, over 27-29 November, saw 37% of the electorate register. The major problems identified were stations not opening (over 10% on the first day) mostly due to staffing shortages, the failure of the barcode reading machines or operators and thus reliance on the manual method, but especially a lack of voter knowledge about the location of their voting station.[37] Also significant was a lack of identity documents – especially in the former Transkei – although whether this was because voters did not have them or did not know to bring them remained a point of debate. The New National Party (NNP) and Democratic Party (DP) took the matter to court but failed.[38] A second round of registration WAS HELD on 29-31 January 1999, and the final round in March brought the total to 18,342,853 or 79.25%.

The final and most notable controversy of the electoral preparations was the resignation of Judge Kriegler as IEC commissioner on 26 January 1999. Kriegler cited government interference in the operation of the IEC as his

main reason. Many issues were involved but a key one was government's requirement that the IEC use civil servants as LEOs to cut staffing costs. For Kriegler, this meant the commission could not hire and fire its staff, thus reducing its 'power to complete the voters' roll without government interference'[39] – notably at root this was an issue about government's reluctance to extend further money to the IEC. Initially government had wanted the IEC to run the 1999 election and compile a voters' roll at a cost of about two-thirds of the 1994 poll,[40] but settled at 75% of 1994's cost. Deputy Chair Brigalia Bam was appointed in Kriegler's stead, a move welcomed by political parties. On 20 February the IEC's funding crisis was resolved when government promised R713.5 million to the commission.[41] In sum, while a good first effort, the controversies around the voters' roll were in Lodge's words, 'coloured by politically partisan perceptions'.[42]

Voting day and the count were greatly improved on 1994. Experience of 1994 and of the registration process led the IEC to ensure the availability of 160,000 paid educators to administer the voting stations. Further, most presiding officers had been trained during voter registration but training for their subordinates started in the week before polling. In addition 80,000 police were on hand to provide security. Another lesson from 1994 was that votes should be counted and declared locally before being sent to IEC headquarters; there, 350 input capturers were on duty throughout the night to receive the preliminary vote tallies and 600 computer operators would record the local results on a database to enable parties and the media to analyse results themselves.

Voting day, 2 June, went smoothly. All but six voting stations opened on time and turnout was very good at 87%. As the day went on, however, it became clear that while much better than 1994, problems with the location of voting stations remained. Some had long queues of up to 15,000 whereas others had only a few hundred. Also the poor training of certain presiding officers meant that some queues moved very slowly. At most stations the machine reading the identity books proved superfluous as roll checking was done manually.[43] There were problems with no-go areas (especially in KwaZulu-Natal) and also isolated incidents of intimidation,[44] but nothing in the order of 1994 levels. Perhaps the major problem was with an estimated 270,000 unregistered voters. Counting and calculating a final result took five

days – two days quicker than legally required – and thus the official result was announced on 7 June. Indeed, most of the counting was done on the first day but fatigue and human error took their toll and the verification process through telephone calls, faxes and emails was laborious and slow.[45]

Administratively speaking, election 1999 was an enormous improvement on election 1994. Perhaps the most important reflection of this was an HSRC exit poll which found that 96% of voters believed the elections were free and fair. In addition, 85% of voters thought their vote was secret, 96% found voting procedures easy to understand, 99% reported that they had not been forced to vote for a party and more than two-thirds (68%) reported that they did not discern any problem with the 1999 election. Among the problems that were reported were long queues (6% nationally, 30% in Gauteng), the need to register (5% nationally, 38% in KwaZulu-Natal), delays at Home Affairs (3% nationally, 32% in Eastern Cape) and a name not being on the voters' roll (2% nationally, 60% in the Eastern Cape). Last but not least, 84% believed that election 1999 was better run than 1994.[46] Similarly, senior figures in all political parties believed that the IEC had done a good job under the circumstances.[47]

However, there were also problems. An HSRC exit poll identified three challenges for the IEC to work on. These were: the more equitable distribution of voters in voting districts to reduce queues and voter frustration; the broader dissemination of the location of voter and registration stations to the public; and the more comprehensive training of local electoral officials to help them cope with problems on election day.[48] Further, political parties voiced concern with various aspects of the election, especially smaller parties which, as Humphries notes, 'often expressed quite vehement criticism of the environment in which they had to compete for votes, for example inequitable state funding of smaller parties, inefficient voter registration and perceived political biases amongst electoral officials'.[49] Two problems with the IEC emerged repeatedly: the alleged partiality of many IEC officials (especially the employment of staff from ANC structures); and poor communication between levels of the IEC, a problem exacerbated by inexperienced local officials.[50]

Despite these challenges, the generally positive performance of the IEC saw it pick up several commendations and awards for election 1999. One observer

group, the Association of Western European Parliamentarians for Africa, said that the elections had set a high standard that any country in the world would be proud to maintain. In addition the IEC won the Computerworld Smithsonian Award in June 2000 for the application of IT to society. For its use of geographic information systems (GIS) the IEC won a National Productivity Institute Award. It also won the Champions of the People-Driven Growth Award of the Institute of People Management in recognition of the use of people and technology in the second democratic election.[51] Other awards included the Special Merit Award from the Southern African Logistics Society and an award for excellence from the Black Management Forum. Anderson Consulting, the IEC's IT partner, won an award for the best management consulting project for 1999.[52]

If election 1994 provided lessons on some key requirements for a free and fair election, such as a voters' roll and certain voting and counting procedures, election 1999 provided some important lessons for the independent administration of elections.

First, the attempt by Home Affairs to assume practical responsibility for much election administration in late 1997 revealed the importance of legally specifying IEC control over election processes in some detail. Without the Electoral Act of 1998, the IEC's constitutional imperative to 'manage elections in accordance with national legislation' might have allowed government to actually run elections, potentially undermining their independent administration. This is especially important as running a national election is a team effort requiring cooperation from branches of state such as Home Affairs, the government, the courts and civil society. The vaguer the boundaries of authority, the less likely is independent administration.

Second, Kriegler's resignation over staffing issues and the battles over budget confirm the importance of the IEC having enough resources to manage an election. Without resources the IEC cannot run an election at all, and with limited resources processes such as voter education and conflict management are the first to be cut. In our view, the lack of legal guarantee of a certain threshold of government support is the most significant design flaw in the current electoral administration system. While government currently has an interest in free and fair elections, should this change the IEC's dependence

on government goodwill for funding makes it more vulnerable to party-political pressure than would be the case if funding was guaranteed.

Third, the independent functioning of the IEC requires good leadership in the sense of non-partisan and competent individuals. As will be shown in the discussion of election 2004, good leadership has contributed greatly to the perceived independence of the IEC through initiatives such as the conflict management system, and the style in which party liaison committees have been managed. The Electoral Commission Act of 1996 goes as far as the law can to ensure the appointment of non-partisan and competent persons as commissioners,[53] and to date good people have been appointed. What is required are ways of preserving institutional memory so that the commission can continue good practices after the proponents of them have left.

ELECTION 2004: 'A ROLE MODEL FOR ... PEERS'[54]

Election 2004 was the best administered national election yet in South Africa. A significant part of the reason for this is that the IEC learned from many of the problems of 1999 and deployed remedies in the local government elections of 2000. Most of these concerned tweaking aspects of administration to ensure that future elections were more free and fair, but some of these had to do with deepening the independence of the commission in the eyes of parties and the public through pursuing good management practices.

In respect of improving the freeness and fairness of elections the IEC, with the assistance of the Demarcation Board, revisited the number and positioning of voting stations to facilitate greater access and reduce queues. It also tried to improve the quality of local electoral staff by rehiring staff who had served before. In addition, the commission looked to improve its internal organisation, especially its information management systems to speed up operations generally. In respect of improving its reputation as independent with parties, the IEC endeavoured to further develop the party liaison and conflict management processes. In improving its standing with the general public the IEC took some tentative steps beyond election management by holding public events to deepen democratic culture. Some examples include the hosting of a consultative meeting of the International Institute for Democracy and Electoral Assistance on 14 June 2001,[55] the co-hosting of the Human Rights and Democracy Awards in December 2002,[56]

the 'take a girl to work day' of March 2003,[57] and the launch of the Electoral Democracy Development and Education programme aimed at adult learners in August 2003.[58]

Not all the problems of 1999 were addressed by 2004 however. As is shown below many problems recurred including the status of prisoners and overseas voters, but most notably the uneven quality of many local electoral staff and the lack of voter education. Why was this? According to the IEC the main constraint is financial. While one can appreciate how, in most cases, financial investment had reached the point of diminishing returns prompting government caution, money is clearly central to the effective administration of elections, exposing the IEC's key point of vulnerability in design.

Election 2004 saw the IEC increasingly turning to business for financial support, but is this a real guarantee of future financial autonomy or simply a new creditor to whom election administration will be indebted?

In discussing election 2004 we follow the chronological structure identified in the first section and applied to both the 1994 and 1999 cases. Unfortunately, at the time of going to press the IEC has not released its official 2004 election report, and so while we are confident that the broad characterisation of events is accurate, some of the details require filling in.

Voting districts
A key acknowledgement of the IEC in reflecting on election 1999 was that the number and location of demarcated of voting stations needed to be addressed to avoid the over-crowding and long queues that persisted in some places.[59] Fortunately the local government elections of 2000, which took place some 18 months after the national poll, required the demarcation of municipal boundaries by the Municipal Demarcation Board. Set up in terms of the Municipal Demarcation Act, No. 27 of 1998 and the Municipal Structures Act, No. 117 of 1998, the Municipal Demarcation Board was formally established on 1 February 1999. The Demarcation Board and the IEC worked together on the new voting district boundaries, redrawing 1,707 voting district boundaries (12% of all VDs) and adding 344 new ones. This brought the total number of VDs up from the 14,650 of 1999 to 14,994 in 2000.[60]

Since 2000 the IEC has further worked on the number and location of VDs, adding another 2,047 to bring the total number of voting stations to 17,041. The most striking feature is the disproportionate allocation of voting stations to the Eastern Cape, which has 25.6% of all voting stations and 62.2% of all new stations.[61] Sixty-five per cent of all voting stations were situated in schools, 39.1% had no electricity, 20.8% had no toilets and 27.3% had no water. The IEC had to arrange these services during the election, including cardboard tables and chairs at some voting stations that had no furniture. Some 432 voting stations did not have cell phone network coverage but were connected to the IEC through land lines.[62]

While 14 April 2004 did reveal some problems such as long queues, in general they were fewer and further between than ever before. Indeed, EISA election observers reported that voting stations were well located, adequately staffed and provided with sufficient materials. Consequently, at most stations things ran smoothly and the queues moved quickly, with some people taking no more than two minutes to cast their ballots.[63] This also assisted in the counting of ballots, which was faster than ever before.

Voters' roll

Perhaps the biggest logistical difference between 1999 and 2004 was the voters' roll. Set up for the first time in 1999, the roll had been updated with each round of elections, notably the local government elections of 2000. This was in line with a recommendation of the HSRC (among others) after the 1999 election. Nevertheless, the IEC planned registration weekends on 8 and 9 November 2002 and on 24 and 25 January 2004 to register first-time voters and allow existing voters the opportunity to re-register. These weekends made a real difference. On 31 March 2003 the voters' roll stood at 18,106,859 voters, but after the registration period it stood at 20,674,296 – exceeding the 1999 registration level by more than 2.6 million and representing some 77% of eligible voters. While satisfied with the registration level, the IEC was concerned at the low registration levels among first-time voters.[64]

Two other issues reminiscent of the 1999 election popped up during the registration process: the status of prisoners and overseas voters. The Electoral Laws Amendment Act of 2003 deprived prisoners serving sentences without the option of a fine of the right to vote. On 23 December the National Institute

for the Prevention and the Reintegration of Offenders (NICRO) and two convicted prisoners petitioned the Cape High Court for an order declaring the amendment unconstitutional. The case (*Minister of Home Affairs vs NICRO and Others*) was decided by the Constitutional Court on 3 March 2004. The court ruled that it was unconstitutional and that all prisoners who are entitled to vote must be given an opportunity to register. The IEC was required to let prisoners know how this would happen by 9 April,[65] and by April some 27,170 prisoners were registered.[66] Further, the commission established procedures for allowing South African citizens travelling abroad to vote. However, as in previous elections, very few took advantage of the opportunity and by April the IEC had received notice of an intention to vote from just 1,681 people outside of the country.[67]

All this suggests that citizens had better opportunities to participate in election 2004 than in election 1999. Granted there were two political movements which agitated against the poll: the Eastern Cape based Landless People's Movement (LPM) and the Herstigte Nationale Party (HNP), but they enjoy limited support.[68] The real debate then centres on the significance of turnout, which was at 76.73% nationally compared to 87% in 1999. This means that some 59% of all eligible voters cast their vote in 2004, a sharp decline from the estimated 80% of 1994. Some have suggested that the drop in turnout reflects a new 'maturity' in South Africa's democracy,[69] which we presume to mean that growing political stability and predictability has removed some of the incentive to vote. We are sceptical of such a sanguine conclusion and suspect the lower poll to represent some form of dissatisfaction with democracy, especially given the often negative attitudes towards democracy revealed in some attitudinal surveys.[70]

In this regard, a Markinor poll of 25 March 1994 found that 13% of registered voters reported that they were 'not likely' or 'not at all likely' to vote. Of these, 38% (that is, 5% of registered voters) said their vote would make no difference. A further 35% (that is, 4.5% of registered voters) expressed some reason disapproving of parties and politicians.[71] In addition to these 9.5% of registered voters, a Markinor survey of 22 January 2004 found that nearly 4% of eligible voters were definitely unlikely to register because they could find no party to support or reasons to vote. Over 44% of these were young voters.[72] In sum, roughly 15% of South Africa's eligible voting population,

many of them young voters, seemed disenchanted with election 2004 or with South Africa's political system more generally.

However, prior to engaging in this debate over the meaning of the lower poll, we need to answer two practical questions: first, how many people did not vote because the polls were open for just one day, and a holiday at that? In its interim report on the election EISA raised the latter as a concern.[73] In our view, given the opportunity to vote outside one's registered district, this probably did not influence the turnout too much.

Perhaps more significant is a second question: how up-to-date is the voters' roll? Given that the voters' roll is now continuously updated, only those interested in voting would have re-registered in 2004 had they moved voting districts. Those not interested in voting would have stayed at home and yet still remained on the voters' roll. Given the effort it takes to register, it makes little sense to have registered in 2004 and then not voted, and thus we suspect that 'dead registrations' form the real reason behind the lower turnout.

Logistical arrangements for the elections

In the past both financial and IT management have been outsourced, but for the 2004 election the IEC looked to restructure the two departments, replacing external suppliers with their own employees. This helped improve election management.[74] Central here was the implementation of a logistics information system from the 2000 local government elections, which allowed the IEC to directly manage and monitor the supply of materials to voting stations with great success.[75]

When added to the use of technology elsewhere in the IEC, especially the GIS system in managing voting district demarcation and the voters' roll, as well as the wide area network (WAN)-based intranet for communicating results, a picture begins to emerge of growing sophistication and professionalisation in IEC systems and management over the years. Given the resource-hungry nature of much technological innovation, this is often an expensive process. Thus by the beginning of April 2004 the election had already cost R640 million, R400 million of which was on logistics. The commission was expected to spend another R150 million, mostly on stipends for 215,412 volunteers at the voting stations.[76]

While investing in sophisticated and expensive systems and people clearly delivers a far better election, it does make the IEC dependent on a certain level of financing which is quite high compared to other countries. In addition to a degree of financial dependency, organisational preparations reveal the degree to which the IEC must rely on others to help deliver an efficient election. A good example comes from KwaZulu-Natal where, barely a month before the election the IEC said it needed 140 roads constructed at a cost of R57 million so that rural people could access the polls .[77] When one adds the use of state property, especially schools, the requirement for water, telecommunications and transport, it is soon evident that an effective election would be impossible in South Africa without significant cooperation from state departments. As is show below, other aspects of the IEC programme require help from civil society too. In short, the administration of an efficient and effective election is impossible without both government funding and a collective effort between the IEC, government, state departments and civil society.

Running the elections

This will deal with four issues: staffing, conflict management, voter education and election day itself.

Staffing

Perhaps the most notable change in IEC staffing since 1999 was the change in chief electoral officer. Following the successful administration of the municipal elections in 2000, Mandla Mchunu left the IEC and was replaced by Pansy Tlakula in February 2002. This appointment was widely welcomed not least as, according to EISA, the IEC's process of appointing staff is transparent and inclusive, thereby promoting the impartiality of the commission.[78]

As in previous elections, in 2004 most IEC staff were temporary contract appointments. Most of these are voting station staff, but not all. Thus by the end of March the IEC had employed some 189,400 voting station staff,[79] and by the election 214,412 in total.[80] However, by the end of March the commission had appointed just 54.9% of head office staff reflecting, in the opinion of one commentator, 'that not enough continuity and accumulated electoral management exists'.[81]

The timing of staff appointments matters as it affects staff training. In 1999 the IEC's performance was limited by a reliance on local electoral staff for recruitment, plus the issue of electoral regulations delayed the training of many officials.[82] In 2004 the IEC tried to address this by re-employing staff who had worked in 1999 and 2000 as far as possible, but this was not always doable. In addition the IEC used more technology-based training in 2000, including a testing process whereby staff had to get 70% on a test to be employed. Similar processes were employed in 2004, but once again were hampered by some late recruitments and the late issue of regulations, especially regarding voters wanting to vote at polling stations outside those in which they had registered. Indeed, this latter issue proved the basis of the most serious party objections to election 2004.

Conflict management

This issue brings us squarely to conflict management, a topic dealt with thoroughly in the next chapter. Consequently, it is not discussed in any detail here other than to say that election 2004 was the freest to date, a claim confirmed by the Southern African Development Community (SADC) observer team. The number of conflicts reported in election 2004 was just 253, down substantially from the 1,114 of 1999. Importantly, there was a noticeable shift in the nature of conflict with just 34 of the 253 complaints (13%) involving harassment, violence or intimidation. The vast bulk of complaints concerned posters (31), faulty station procedures (21) and alleged IEC bias (19). According to EISA the peaceful election was thanks to the provision of conflict management training for electoral staff and conflict mediators, coupled with the presence of security forces.[83] To this, however, one must add the approach of political parties' leaders who repeatedly calmed simmering tensions, especially in KwaZulu-Natal. Perhaps the only source of conflict which remains unchanged since election 1999 is the unhappiness of smaller parties about the funding formula which they see as biased towards the bigger players. See Chapter Four for more on this.

Voter education

An issue the IEC has more control over – but one also constrained by funding – is voter education. A key recommendation of the HSRC following the 1999 election – but also of the IEC itself following the 2000 local government elections – was better voter education. In 1999 voter education began late,

not least due to a R400 million shortfall in the budget which prompted the conflict between Kriegler and government.[84] Further, it was sub-contracted out to civil society organisations (CSOs) with uneven results. In 2000 similar problems were experienced with the budget due to 'uncertainty as to the eventual cost of [the] elections'. Further, while the commission ran voter education itself it did contract CSOs to help at provincial level with varying degrees of success.[85] In 2004 the IEC experienced pretty much the same problems as in 2004. The budget and relationships with civil society are the key variables which affect voter education.

Voting day
The stiffest test of IEC organisation and preparation is voting day and the count. Both went better than ever in 2004. Thus voting stations were due to open at 7 am, and 98% opened on time.[86] As already noted, the length of queues was generally shorter than in 1999, and the number of polling stations that had to stay open beyond the official closing time of 9 pm was also lower. There were some incidents on election day. These included allegations of fraud against the ANC by the Pan Africanist Congress (PAC) in the Eastern Cape, a bomb hoax in Gauteng, and Democratic Alliance (DA) canvassing in a voting station in the Western Cape. However, other than the section 24A voters these incidents were few in number and minor in nature. These claims are confirmed by criticisms made by EISA observers. These included:

- The position of ballot booths had the potential of compromising the secrecy of the ballot in some areas.
- The use of ballot papers not very dissimilar from each other led to confusion.
- Some voting stations used one ballot box for both national and provincial ballots, while others used a ballot box each for the two ballots.
- 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 role of election officials.
- There was an insufficient number of domestic observers.[87]

Counting, verification and announcement
The positive assessment of election preparations was confirmed by the counting and results process. In the 1999 election the IEC did the count at the voting stations immediately following the closure of the polls and continued this practice in 2000 and 2004. As the EISA observers commented, this greatly increased the transparency of the process as there were no fears of tampering with ballots while in transit to counting centres. [88] According to the IEC, the deployment of greater numbers of party agents in 2004 also helped ensure transparency in counting and verification.

Following the 1999 election the HSRC had recommended that the counting of votes needs to be done by a fresh and rested team and the procedures for declaration and special votes need to be streamlined.[89] In 2000 the IEC looked to meet these challenges by speeding up voting so that counting could begin as soon as the polls closed and be a quicker process. In addition they speeded up the reporting and verification process using the WAN intranet and other technologies. Thus while counting was not done by a fresh team in 2004, it was done in better time and reported faster.

This same approach was used in 2004 with the result that 60% of the poll was counted by 1 pm the day after the poll and the results widely known. Indeed, even in the last province to report, KwaZulu-Natal, all the counting had been done by about 3-4 am on the morning of 15 April. It was the verification process which delayed the final results until the morning of the 17th. Again it was human error, often caused by fatigue, which caused much of the delay. Nevertheless, the announcement of the results was well within 72 hours of the closing of polls.

Another innovation from 1999 that was continued was the establishment of results centres in the provinces and nationally, drawing all stakeholders into a single location thereby providing a venue for constructive interaction, and allowing the media and the public to join in the monitoring of the results. As the IEC notes:

> 'the operations centres have in a way become the flagships of elections by focusing the attention of the nation and the world on the culmination of free and fair elections in South Africa and

underlining the professionalism and commitment of all those
involved in the democratic process.'[90]

This practice continued in 2004 with the effect of improving the transparency
and acceptance of the results by all parties.[91] The ANC in particular welcomed
the results and congratulated the IEC. Mbeki suggested that 'an effort should
be made to popularise [the IEC's] work especially among the youth of our
country, so that they can serve as role models for their peers and those who
are younger than them'.[92]

However, not all parties were as pleased. On 19 April the IFP expressed its
deep concern at the 367,731 votes cast outside of registered voting districts
and what it claimed was the failure of the IEC to investigate the 42 complaints
made by it before declaring the election free and fair on 17 April. It announced
it would be challenging the declaration in court, only to withdraw the case
on 26 April 'in the interests of national unity'. At around this time the African
Christian Democratic Party (ACDP) discovered that the IEC had mistakenly
added some of its votes to the ANC, with the result that the Azanian People's
Organisation (AZAPO) got a seat in the national assembly that rightly
belonged to the ACDP, courtesy of the highest remainder method of awarding
seats. AZAPO refused to hand over the seat voluntarily and the matter went
to the electoral court. In explaining the bungle, the IEC's deputy chief electoral
officer blamed human error caused by fatigue.[93]

CONCLUSION

All the evidence suggests that election 2004 was the best administered yet in
South Africa. Certainly the elections were the freest and fairest to date, and
the professionalism, efficiency and independence of the IEC were affirmed.
This noted, not all was perfect with election 2004 nor with the IEC. If one
thinks of the strengths and weaknesses of the administration of election 2004
then there is direct correspondence between success or failure and resources.
Those areas which were invested in – such as district demarcation, the voters'
roll, the counting procedure and permanent staff – perform to world
standards. Those areas which were not – such as voter education and
especially temporary staff and their training – were the source of most
problems. What this means is that IEC's practical ability to decide how the
election is administered rests on it securing sufficient resources. This is a

power that lies with parliament, and thus ultimately with the ruling party – in this case, the ANC.

To date parliament and the ANC have supported the IEC financially, but it has no real legal obligation to do so. This is the one weak point in the design of the electoral administration system in South Africa.[94] What if one day it is not in the interests of government to have elections which are as free and fair as those in 2004? Less remotely, what if government is far more content with declining participation levels than the IEC, especially if the decline reflects a degree of disenchantment? Under these circumstances the IEC's commitment to voter education and participation could even be perceived as a threat to the ruling party.

The IEC's response to the problem of a shortage of government funding has been to look to international donors, and more recently, the private sector. In this regard it is noteworthy that second on the list to speak at the IEC's celebration banquet was Mandla Tisani, director of Public Affairs Coco-Cola: Southern and East Africa. Curiously, Coke's sponsorship of the IEC was reported as an issue 'not for public consumption'.[95] Is it wise to rely on the private sector as an alternative to government funding, especially with this attitude towards transparency? We believe that this simply reproduces the dependency of the electoral administrator, albeit on an additional patron. A far more satisfactory solution to the long-term security of electoral funding would be a legal requirement of government to maintain or improve current funding levels. Without this, the IEC cannot guarantee free and fair elections that are independent of the whims of the ruling party.

2

MINIMISED BUT NOT ELIMINATED: THE DECLINE OF POLITICAL CONFLICT

Laurence Piper

According to official IEC statistics, election 2004 was the least conflictual to date. In the national and provincial elections of 1994 the IEC received 3,594 official complaints, and more than 1,000 people were killed in election-related violence. In the 1999 national and provincial elections the number of official complaints was 1,114 and the number of people killed less than 100. In 2004 the IEC received just 253 complaints and claims no election-related deaths. In short, the numbers indicate that election-related conflict has declined progressively and substantially over three elections – a claim substantiated by both independent observer bodies and the media. If we take election-related conflict to be a reliable indicator of levels of political conflict more broadly, this suggests that political conflict has declined dramatically in post-apartheid South Africa.

That political conflict has declined is common cause. Why this conflict has declined is a more vexed question. It seems sensible to assume that the various mechanisms introduced by the IEC to manage party rivalry during election time, especially the conflict management system, have helped. In this chapter we outline the development of the conflict management system over several elections, evaluating its performance in 2004. We also explore its relationship with related mechanisms such as the party-liaison committee process, arguing that conflict management has been successful as it has built trust in the IEC and its processes. This has been achieved by including the key players in election conflicts, namely political parties, in transparent and flexible decision-making processes overseen by an independent arbiter and governed by the consistent application of the rules.

While elections and their management are clearly important, there is more to conflict reduction than this. After all, the very rules of the liberal-democratic game must be supported by the major players before their application and interpretation can be endorsed. What this means is that conflict reduction

programmes are premised on a significant degree of support for institutions such as multiparty elections in the first place. Indeed, the very term conflict is actually constructed in terms of liberal-democratic norms such that conflict reduction is not about the eradication of all political rivalry, but rather those forms that infringe human rights and democratic principles. Thus understanding 'peace' in newly democratic South Africa requires understanding the role of elections in affirming the liberal-democratic rules of the new political system.

In this respect, the experience from elsewhere in Africa is that elections can help build both democratic institutions and culture so long as they are free and fair, inclusive and that the political system is accountable to the public. We argue that while the first two criteria are met through election 2004, the third is only partly met. Further, given the ANC's likely dominance of future elections, there is little that elections can do to remedy this problem. The solution lies in improving delivery and finding other mechanisms to improve government accountability. Failure to act on this problem will leave a significant proportion of the population ambivalent towards democracy and thus potentially open to forms of 'illegitimate' conflict. Consequently, in terms of what elections can do for peace, election 2004 is as good as it gets.

THE CONFLICT PARADOX

At the outset it is important to define what is meant by conflict as the term is a very broad one, and is used variously in the scholarly literature and in IEC documents. For the purposes of understanding the language of 'conflict reduction' in democratising states it is useful to distinguish two meanings of conflict: 'conflict as the clash of wills' and 'conflict as illegitimate politics'. These views are quite different. Conflict as the clash of wills sees conflict as central to political relationships in any polity, whereas conflict as illegitimate politics sees conflict as an aberration in a liberal-democracy. Where the former sees conflict as inherent to all politics – and thus inevitable and even healthy – the latter casts conflict as exceptional, manifest in the place of legitimate politics, and pathological. So what is conflict? Is it the lifeblood of all politics or a virus in the democratic body? Paradoxically, both views are right as they mean different things by 'conflict'. We take conflict as the clash of wills to be a broad and common-sense understanding, and conflict as illegitimate politics to be specific behaviours deemed unacceptable in a liberal-democracy.

The latter is a sub-set of the former, and much of South Africa's recent history has been about transforming conflict as illegitimate politics into more liberal-democratic forms. It is this second meaning of conflict which is invoked in assessing the credibility of elections in general, including the South African ballot of 2004.

Conflict as the clash of wills

Robert Dahl's *The Concept of Power* is the classic formulation of the 'politics is conflict' view.[96] Here Dahl articulates his 'intuitive idea of power' in the form of '*A* has power over *B* when *A* can get *B* to do something *B* would not otherwise do'. Central to this view is the notion of conflict, more especially a clash of wills, between two actors: *A* and *B*. The powerful entity is the one which triumphs in this conflict. The strength of Dahl's account of power is its simplicity. As Steven Lukes points out, by defining power in terms of observable conflict between agents Dahl laid the methodological foundations for American pluralism.[97] The investigation of politics became about the exercise of power, and the exercise of power was revealed by observable incidences of conflict between actors with rival desires. These assumptions facilitated the measuring of power by counting bullets or ballots in conflict situations.

Perhaps the key point for our purposes, however, is the idea that conflict – understood as the clash of wills – is at the heart of power, including liberal-democratic power. This idea is widely held. Notably even Dahl's critics who wanted to broaden his definition of politics beyond observable conflict to include cases of agenda-setting and systemic power (see Lukes 1974), recognised a relationship between power and conflict. In brief, their view was that not all power was marked by conflict, but that much of it is. Our reading of this is that while not all power is about conflict, all conflict – including rivalry for office in liberal-democracies – is about power.

Notably, the idea of conflict as the clash of wills prevalent in all political systems is expressed in IEC documents. For example, the handbook used by the IEC for conflict management training in election 2004 foregrounds assumptions very close to Dahl's:

> 'Conflict exists in a relationship when parties believe that their aspirations cannot be achieved simultaneously or perceive a

divergence in their values, needs or interests and purposely deploy their power in an effort to eliminate, defeat, neutralise, or change each other to protect or further their interests in the interaction … Most societies tolerate some form of conflict as inevitable.'[98]

Similarly, the IEC report to parliament on conflict management in the 1999 election opines: 'Conflict can never be avoided; it is the way in which we contrive to deal with it that determines the prosperity of democracy.'[99] The IEC's conflict management report on the 2000 local government election describes 'the very nature of elections' as 'adversarial in that political parties, party candidates and independent candidates are contesting political representation'.[100]

At the same time, however, a different conception of conflict is manifest in these documents. For example, the IEC 1999 *Report on Conflict Management Committees and Mediation and Arbitration Panels for the National Assembly and Provincial Elections* opens by stating: 'The threat of conflict in any democracy can seriously undermine the validity of an electoral result.'[101] In a similar vein the 2004 *Conflict Management Report* states: 'The threat of conflict in any democracy can seriously undermine the validity of an election result.'[102] These claims make no sense on the conflict as a 'clash of wills' view, for what else is an election but a clash of wills between contending parties? The answer is hinted at further on where the report notes that 'one factor which definitely has the potential to inhibit the democratisation process in South Africa is the level of unmanaged conflict experienced during the elections'.[103] Here the special character of the conflict in question is identified by the term 'unmanaged', separating it out from the common sense view of conflict as the 'clash of wills'. Other examples from IEC documents of this 'conflict of a special type' include the *Conflict Management Report* of 2000 which states: 'In a country with a history of political intolerance, oppression, poverty and violence, conflict around elections becomes intolerable,'[104] and the *Conflict Management Handbook* of 2002 which refers to conflict manifesting itself 'in unacceptable ways'.[105]

However, perhaps the most telling evidence of the understanding of conflict to be in some way pathological is the IEC's development of a 'conflict management

programme' after election 1994. The point of this programme was not to stop the clash of wills between parties, but rather the aberrant forms that some conflict took. In short, when talking about conflict, most of the time the IEC is talking about conflict as 'illegitimate politics'. Unfortunately these two meanings of conflict remain implicit and intertwined in many IEC documents and in broader public discourse, and explicitly distinguishing between them is useful not only for conceptual clarity but, as will be shown below, also for the analysis of the health of democracy in general and elections in particular. All of this requires we outline 'conflict as illegitimate politics'.

Electoral conflict as illegitimate politics

In the 1999 *Report on Conflict Management Committees and Mediation and Arbitration Panels for the National Assembly and Provincial Elections* the development by the IEC of conflict management institutions and programmes is justified in terms of 'the qualified verdicts on the freedom and equity of South Africa's founding election', especially the 'designation of no-go zones for particular parties' and the 'pervasiveness of violence'. What was required, in the words of Tom Lodge, were 'the kinds of political behaviour which would maximise freedom of choice'.[106]

This suggests that the conflict the IEC is concerned to minimise includes actions such as violence, intimidation and exclusion. However, even this is too imprecise as sometimes these kinds of behaviours are required for free and fair elections. For example, violence – or at least the threat of it – is central to the role of the security forces, as is the exclusion of political parties from certain places and processes at certain times, for example the transporting of ballot boxes. Thus when politicians are arrested for assaulting police officers or defacing posters we do not speak of 'conflict undermining the elections'. The point is that 'conflict' as used by the IEC and government needs to be understood normatively as those actions which are wrong.

What are these normative constraints? Well, Lodge hints at these when he talks above of maximising freedom of choice, but there is more to it than this. In our view contemporary liberal-democracies are legitimised in terms of at least three discourses: human rights; democracy; and the law. Space forbids a thoroughgoing exposition of these normative legacies, but a quick survey of some of the key laws governing elections in South Africa confirm

their importance. Thus in respect of individual freedom, Chapter Two of the constitution, the Bill of Rights, includes political freedoms such as the right 'to form a political party', the right 'to participate in the activities of, or recruit members for, a political party', and the right 'to campaign for a political party or cause'.[107] Furthermore, 'every citizen has the right to free, fair and regular elections for any legislative body established in terms of the constitution';[108] every citizen has the right 'to vote in elections for any legislative body … and to do so in secret'; and every citizen has the right 'to stand for public office, and if elected, to hold office'.[109] In addition, the 1998 Electoral Act, which outlines election procedures, forbids anyone to 'compel or unlawfully persuade any person' to 'register or not to register as a voter', 'to vote or not to vote', 'to support or not to support any registered party or Candidate', 'to attend and participate in, or not to attend and participate in, any political meeting, march, demonstration or other political event', and to prevent a party, candidate or official 'from gaining reasonable access to voters, whether in a public or private place'.[110]

In respect of popular sovereignty (interpreted as multiparty representative democracy) Chapter 9 of the constitution establishes an independent electoral commission to manage elections and 'ensure that those elections are free and fair'.[111] In addition, among the functions of the IEC as defined by the Electoral Commission Act, Act 51 of 1996, are requirements to 'promote conditions conducive to free and fair elections',[112] 'promote cooperation with and between persons, institutions, governments and administrations for the achievement of its objects'[113] and 'adjudicate disputes which may arise from the organisation, administration or conducting of elections and which are of an administrative nature'.[114] Last but not least, the evident centrality of law to election management affirms the significance of this tradition – a legacy most profoundly indicated in the sovereignty of the constitution rather than parliament in South Africa.

However, perhaps the best example of the IEC's understanding of conflict as 'illegitimate politics' are the various codes of conduct signed by parties and candidates during elections. Typically these commit all players to 'publicly state that everyone has the right' to 'freely express their beliefs', 'to challenge and debate the political beliefs and opinions of others', 'to publish and distribute election materials', 'to lawfully erect banners, billboards,

placards and posters', 'to recruit members', 'to hold public meetings' and 'to travel to and attend public meetings'.[115] Importantly these codes prohibit parties and candidates from 'violence during an election', 'the intimidation of candidates, members of parties, representatives or supporters of parties', publishing 'false or defamatory allegations', 'plagiarising the symbols, colours or acronyms of other parties', offering inducements to another person 'to join or not join a party', 'to attend or not attend a public meeting', or 'to vote or not to vote in a particular way'. In addition these codes forbid anyone to 'carry or display weapons', 'unreasonably prevent access to voters', 'deface or destroy billboards, placards, posters or any other election materials of a party', and 'abuse a position of power, privilege or influence, including parental, patriarchal, traditional or employment authority to influence the conduct or outcome of an election'. [116]

In light of the above it should come as no surprise that most of what the IEC lists as incidents of conflict in all post-apartheid elections in South Africa constitute some violation of the above normative framework. Further, many objections are incorrectly lodged due to a mistaken belief in the perceived violation of these norms, unintentionally reinforcing their significance. Thus, the 1994 election, which was clearly the least free and fair to date, saw the IEC bombarded with complaints about irregularities with the voting process, temporary voting cards, pirate voting stations in KwaZulu-Natal and the lack of IFP stickers.[117] In 1999:

> 'the majority of the issues of dispute resulting in conflict were about incorrect information about the electoral process, infringements on the rights of competing political parties, demonstrated by the tearing down of posters and the intimidation of voters. Only isolated incidents of violence were reported … .'[118]

In 2000 over 60% of the complaints were issues in direct violation of the Code of Conduct, such as posters being torn, disruption of events, violence and intimidation. The rest were complaints about poor administration, such as the late opening of voting stations.[119] In 2004 most of the incidents reported 'related to problems experienced at registration and voting stations and less to violence and intimidation'.[120]

In sum then, when the IEC talks about conflict, most of the time it means 'conflict as illegitimate politics' not 'conflict as a clash of wills'; after all, elections are nothing other than competition for popular support, with parties pitting their wills against each other. What this means is that any assessment of conflict during an election is also indirectly some kind of assessment of compliance with the broad normative framework of a liberal-democracy. In other words, peace is more than the absence of conflict; it is the absence of 'illegitimate conflict'. What this means is that the decline of conflict is necessarily connected with the rise and consolidation of liberal-democracy. More specifically, understanding how elections help consolidate liberal-democracy should help understand how they reduce conflict. Hence it is to the role of elections in democratic consolidation that we now turn.

ELECTIONS AND DEMOCRATIC CONSOLIDATION

Clearly, many scholars and politicians the world over believe that the introduction of liberal-democratic institutions in authoritarian and conflict-ridden states (such as South Africa under apartheid) can turn violent conflict into peaceful politics. However, as the above normative discussion alerts, this claim is in danger of being meaningless if by peace one means 'less conflict' and by conflict one means 'illegitimate politics'.

All one ends up saying is that liberal-democracies have less illegitimate politics than authoritarian regimes. No news there. What this claim is really doing is redefining peace not just as the absence of conflict (which of course it is) but also as the absence of illiberal and undemocratic forms of conflict. Thus when people say that liberal-democracy brings peace, what they are really saying is that liberal-democracy excises illegitimate conflict.

Of course this can still count as a point in favour of liberal-democracy if one embraces the liberal and democratic values which distinguish legitimate from illegitimate conflict. Thus empirical evidence shows that citizens of liberal-democracies are far less likely to experience pogroms, ethnic cleansing, widespread political intimidation, arbitrary violence or state terror than are the citizens of other regimes. Moreover, it is a remarkable fact of modern politics that no two liberal-democracies have ever gone to war with each other. Thus both ideally and practically, liberal-democracies tend to avoid more 'illegitimate' forms of conflict than do other regime types.

Of course this argument only has purchase on those who share certain liberal-democratic values (which increasingly is anyone who wants to be somebody in our world), but there is another respect in which liberal-democracies are 'more peaceful' than other regimes: their conflicts are more predictable, and therefore their politics and governments are more stable. It is a truism of authoritarian regimes that the dictator always falls, whereas mature liberal-democracies survive regime change almost effortlessly. For liberal-democrats this is because the connection between popular will and political power is sufficiently accommodated in democracies to prevent a system threatening legitimacy crisis.[121] Thus, insofar as stability and predictability are social virtues (which they are for most financial investors), liberal-democracies are a better bet than rival regime types.

While it may be the case that liberal-democracies are better than rival regimes in turning 'violence into politics' and reducing the risks associated with conflict, just *how* to go about transforming an authoritarian state into a liberal-democratic one is a far more vexed question. While mature liberal-democracies tend to avoid 'conflict as illegitimate politics', experience has shown that democratising states can be vulnerable to violence. What this means is that having an election is not necessarily enough to secure peace – certain conditions apply. We will now explore some of these conditions as identified in the literature on democratisation and elections in Africa. In particular we pick out three main findings: the centrality of democratic institutions such as elections; the importance of inclusivity in electoral design; and the importance of both elite and popular attitudes.

The first debate centres on the relative importance of institutions as opposed to attitudes for successful democratisation. The main insight we draw from this is that careful institutional design is a necessary, if not sufficient, condition for successful democratisation. Thus, as Reynolds and Sisk assert, 'we place an analytical premium on institutional design, and particularly the role of elections and the systems under which they are contested in the democratisation and conflict management process'.[122] Critics of this view argue that a focus on institutional design often assumes a commitment to democratic values, which is often not evident among political elites and/or ordinary citizens. Indeed, in Africa's case political elites 'tend to regard democracy as a strategy for state power. They use elections to secure it by

manipulating ignorant masses struggling to cope with economic deprivation'.[123]

However, as Mozaffer points out, the notion that attitudes or culture must first change ignores 'the prior, very practical problem of devising rules embodying the mutual guarantees that people make to each other when constituting … a political community to constrain the political excesses that are always evident in the exercise of power'. He adds:

> 'To produce democracy is to craft institutions. To craft institutions is to design rules that, in the first instance, authorise the constrained exercise of power in public life by *both* the governors and the governed. And to the extent these rules also encourage accommodation, compromise, and tolerance of diverse opinions, protracted functioning democracies *produce* rather than reflect a "civic" political culture in which emancipatory projects might evolve.'[124]

Thus institutions, like elections, are necessary to produce democracy and, if done correctly, can help build popular democratic culture. As Sisk observes, the 'central question is not whether to promote democratisation and conflict resolution, but how to do it better', adding 'clearly the structure of rules under which elections are conducted, and the sequence of events that leads to an election, do influence how the game is played and whether the outcomes will help promote democratisation and conflict management, or not'.[125]

In some ways South Africa is a good example of how institutions, and elite bargaining over them, can lead the democratisation process in a context of limited democratic culture. Many of the liberal and democratic values such as freedom of belief, association and tolerance were only weakly present in South Africa in 1990 but have improved over time although, as we shall explore below, much still needs to be done. Notably, the one democratic commitment which was most clearly evident and widespread during the transition was the desire for an election, suggesting the importance of attitudes towards institutions in developing democratic culture. This suggests that any assessment of democratic consolidation, and thus conflict transformation, in South Africa today should involve some sense of how

ordinary people regard election 2004 and related institutions such as the IEC. It should also examine how the elections are used to deepen other aspects of democratic culture.

The second debate engages with the issue of precisely which institutions are the important ones. As already suggested, elections are central to democratisation. This view is perhaps best expressed by Larry Diamond:

> 'Democracy did not emerge pristine and beautiful anywhere in the world … Anywhere you look you find a very nasty, utilitarian, ugly, corrupt, top-down, clientelistic process. The question is how did it get from that to democracy? It would not have made that progress without the operation of whatever passed for democracy itself … Elections are a step in the process … [If] you don't start there, where do you start? What is the agenda? How do you get to the deeper democracy that you want? The only way you get there is by passing through the ugly, nasty, corrupt, utilitarian, exploitative, undemocratic in many ways, civilian, multiparty electoral machine … .'[126]

As many note, one of the reasons for this is the lack of any institutional alternative, especially in the prevailing international climate where governments and NGOs alike routinely promote elections.[127] However, the other reason is that they can work. Ensuring they do though requires learning the lessons from previous failures. Sisk lists three main lessons. To begin with are 'sham' or 'managed' elections which are used by ruling elites to provide the cover of democracy without the meaning. Examples include Kenya in 1992 and Zimbabwe in 2002. Sisk also talks about crisis-ridden elections where violence, intimidation and 'no-go' areas result in polls that are neither free nor fair.[128] A central element to ensuring that elections are free and fair is their oversight by an independent electoral commission of some sort. While a commission can never run every aspect of an election and must depend on the state, political and civil society for support, independent control over the electoral process is essential. A further and related condition is the recognition that elections are free and fair by the country's independent judiciary, at least insofar as there has been no significant legal breach, but especially accreditation by the international

community. In Africa's case the African Union and the peer review mechanism associated with the New Partnership for Africa's Development can play an important role. In short, unfree and unfair elections must not be tolerated.

Next are elections which 'precipitate ethnic conflict'. Weak states in which competition is structured in ways conducive to the manipulation of ethnicity tend to lead to ethnic conflict. As Sisk notes this is particularly exacerbated by electoral systems that create a zero-sum game, where one party wins at the expense of another.[129] The experience in Africa is that constituency-based systems are more likely to induce this kind of politics than proportional representation (PR) systems. This argument is most powerfully made by Mozaffer who points out that 'PR formulas, combined with lower effective thresholds, tend to encourage more parties to compete in elections and enable them to win seats'.[130] This is important because, as the example of democratisation in Western Europe shows, the inclusion of parties in new democracies better facilitates the legitimacy of new democracies. What is at stake, Mozaffer concludes, is equitable representation, and PR systems are better at this.[131]

Given South Africa's choice of a PR system these findings are good news, but they also suggest that we explore the extent to which the electoral system is inclusive of minorities in 2004. Part of the answer lies in tracing the number and fortunes of parties in successive elections in South Africa, paying particular attention to perceptions of inclusiveness among minority groups. Key here is the element of recognition; that is, minority players need to feel heard. Thus inclusion does not necessarily mean some kind of special veto power or other political right for a minority. Obviously, key to the notion of inclusion is the party liaison and conflict management systems as these are designed to address party grievances.

For Sisk the final set of problems concern 'elections held at the wrong moment'. He adds, 'there is considerable debate about whether "early" transitional elections are best because they create a legitimate government soon, or whether groundwork required for a successful election demands that they be deferred'.[132] In South Africa's case the form of the future order had mostly been decided before the 1994 election, reducing the stakes of the

outcome. Minority parties were able to secure a stake in the system via the Government of National Unity (GNU), but also by winning power in some provinces and later municipalities. In the event, timing was no longer really an issue in South Africa in 2004 given that this was South Africa's third national election.

The third debate evaluates the significance for democratisation of attitudes – both elite and popular. Obviously the attitude of elites, especially political leaders, is central to successful democratisation, and reference has already been made to the importance of pre-election bargaining and the inclusive nature of the electoral system. In addition though, the relationship between elite and popular attitudes is critical – especially for the longer-term consolidation of democracy – and can pose problems if elites are disconnected from the masses or connected mainly through patronage. In short, there needs to be some sense of popular inclusion in the democratic project, or at least elite accountability. As Mozaffer puts it:

> '... in established democracies these [democratic norms] developed over time. They developed through the adjustment of political parties to the unintended consequences of electoral systems. But more importantly, they developed through a variety of formal and informal mechanisms ... devised by political leaders to manage the inherent tension between representation and governance. To the extent that elections remain a viable means of peaceful conflict management ... Duverger's psychological effects work to stabilise electoral outcome for several cycles. Most of Africa's new democracies have yet to go through these cycles.'[133]

It is this concern with the remoteness of the political elite in South Africa which motivates argument for a constituency-based electoral system over a PR one, and it raises the question when, if ever, frustration at the lack of accountability by politicians will outweigh fears of minority exclusion thus recommending reform of the electoral system. What it requires in this chapter, however, is a close investigation of popular attitudes towards democracy in general, and elections and government more specifically. This is important because, as Friedman points out, most South Africans are very enthusiastic

about elections while less so about democracy in the abstract and government in particular. This confirms the importance, noted above, of investigating popular attitudes towards election 2004 – especially the meaning of the lower turnout – as well as the various voter education programmes embraced by the IEC over this time.

In sum, the lessons from democratisation in Africa affirm a central role for elections in consolidating democratic institutions and culture so long as they are free and fair, inclusive, and that the political system is perceived as accountable to the public. Exploring election 2004 in these terms will cast light on the trajectory of democratisation; that is, whether forms of legitimate conflict are replacing illegitimate, or to put it in popular terms, whether the new rules are being reinforced or undermined. In this respect we shall argue that, in addition to the good management of the rules, a key reason for the declining conflict in South Africa's elections since 1994 lies in the successful realisation of markedly free and fair – and inclusive – elections. Problems are more evident in respect of the attitude of ordinary people towards democracy.

CONFLICT, CONSOLIDATION AND ELECTION 2004

In this section we argue that, on the whole, election 2004 was good for reducing illegitimate conflict both because of the good management of the election and because the election was free and fair and inclusive. We make the first claim through an examination of the conflict management programme employed by the IEC in elections 1999 through 2004. This examination reveals that reducing electoral conflict requires building trust through approaching consensus on rule interpretation, and that this is best done through the inclusion of key players in transparent and flexible decision-making processes on election administration, as overseen by an independent arbiter and governed by the consistent application of the rules. We make the second claim through assessing the extent to which election 2004 was free and fair, inclusive, and the extent to which the political system is perceived as accountable. Here we argue that problems with accountability to the public remain, perpetuating popular ambivalence towards liberal-democracy and thus also the potential for future illegitimate conflict.

The success of conflict management systems
The decline of illegitimate conflict in elections 1999 through 2004 corresponds

with the rise of conflict management programmes. Based on the (often bad) experiences of the 1994 elections and the 1995-6 local government elections, conflict management programmes were implemented in recognition of the fact that 'historically adjudicatory institutions such as the courts, and more particularly the electoral courts, have dealt with election-related disputes and conflicts' and that 'alternative dispute resolution and conflict management processes such as mediation, arbitration and conciliation are potentially a more accessible, cost-effective and rapid means by which to address such disputes'.[134] More specifically, the 1999 conflict management programme was developed in response to two main needs not addressed during the 1994 national and 1995-6 local government elections. These were early warning mechanisms to alert electoral authorities to potential election-related conflict, and sufficient organisational capacity to facilitate the effective resolution of disputes, including the design of effective dispute resolution systems and people skilled in the resolution of election-related disputes.[135]

The Conflict Management and Conflict Resolution Project of 1999 included: the electoral Code of Conduct to be signed by all parties and stakeholders; the Electoral Court, established in terms of the Electoral Commission Act of 1996; the development of election monitoring and conflict management capacity; and frameworks for election security. Overseeing these four objectives were new structures: conflict management committees and mediation panels in all nine provinces.[136] These were initiated by the Legal Services Department of the IEC and intended to institutionalise legal powers of adjudication of disputes in partnership with NGOs that enjoyed both the confidence of the community and familiarity with local conditions.

In February 1999 the Legal Services Department called a meeting with NGOs already involved in conflict resolution, election monitoring and observation. The meeting 'discussed the feasibility of setting up a cohesive NGO strategy for election observation and monitoring during the elections, as well as a conflict resolution process to respond to disputes that may arise during the election period'.[137] It was from this process that the conflict management committees emerged. More specifically, it was envisaged that the conflict management committees would be complemented and supported by the NGO monitoring initiatives of the Network of Independent Monitors in

KwaZulu-Natal, the Urban Monitoring Awareness Committee in the Western Cape, and the national election civil society observation initiative.

The basic idea was that conflict management committees would oversee three strategies: an early-warning system where NGOs would alert all to looming election-related conflicts; observation of the election for freeness and fairness, but also appropriate interventions in conflicts by monitoring agencies; and lastly the establishment of panels of trained, independent mediators at provincial level.[138] Importantly, all decisions of the conflict management committees could be reviewed by the Electoral Court, but this was no longer the first step in the conflict resolution process but the last. In the event, success of the conflict management process has kept the business of the electoral court to a minimum in the 1999, 2000 and 2004 elections.

Formally, the conflict management programme was run at provincial level with conflict management committees headed by the provincial electoral officer (PEO) and including relevant NGOs, the security forces (the South African Police Services and the South African National Defence Force), a representative from each of the mediation panels established in the province and resource persons as deployed by the PEO. In practice it was not the PEO's office which ran the committee but rather the political party liaison departments – a decision reflecting the central role of parties to election conflict. The conflict management committees continually monitored levels of conflict, oversaw all conflict mediation, decided the levels and nature of interventions, tracked the adherence of parties to decisions, and oversaw all conflict-related training of staff.[139] During election 1999 most requests for dispute resolution came in from the national call centre and were then referred to the provinces.

In staffing the conflict management committees, great care was taken to employ people who were 'in good standing' with the community and who were perceived to be 'non-partisan, impartial and independent' in dealing with disputes and conflicts. At first it was thought that lawyers, academics, clergy, teachers, social workers and other professionals with a working knowledge of mediation and alternative dispute resolution should staff the committees. However, community leaders without any formal training often ended up on the committees, although the majority 'had either had previous

mediation training, were familiar with the process or had engaged in an informal way in resolving disputes and conflicts in their own communities'.[140] Formal training was done through EISA, and EISA was indeed the 'implementing agent' for the IEC, facilitating 'the establishment of the provincial conflict management committees, the recruitment and training of staff and the administrative and logistical infrastructure required to implement the project in all nine provinces'.[141]

During the 1999 election most of the complaints made to the IEC came via the national call centre, although this did not prevent parties and individuals from approaching the provincial conflict management committees directly. Established on the eve of the election, the call centre was staffed by 17 people and was open 24 hours a day. In addition, complaints were received at the IEC head office in Pretoria and at the IEC nerve centre during the election period. According to the IEC this was because 'some political parties were not familiar with all aspects of the electoral legislation and were therefore not able to lodge objections and complaints in the required manner. In some instances, objections were confused with basic complaints and the staff at the Independent Electoral Commission Legal Services Department had to coach the complainants on how to correctly process their objections'.[142]

The main consequence of this was that 'the statistics recorded at the national call centre are not as reliable as would have been hoped' and, as reflected in Table 2, the report adds the complaints received at the results centre and by the IEC's Legal Services Department to the total from the national call centre. This caveat notwithstanding, the overall decline in illegitimate conflict from 1994 to 1999 is indubitable and remarkable. Clearly having in place a more sensitive, expeditious and inclusive conflict management system made a positive difference. As the official report noted, political parties chose the new conflict resolution mechanisms over the electoral court.[143] (See Table 2.)

Despite the successes of the conflict management programme of 1999 there were problems with the project. An IEC post-election evaluation revealed that most staff felt that the Electoral Act should be amended to secure the legal standing of conflict management committees and mediation panels. The belief was that this would both enhance the status of mediators and arbitrators and regulate their activities. There were other organisational

Table 2: Final conflict management committees' report[144]

	KZN	Northern Cape	Western Cape	Eastern Cape	Northern Province	Gauteng	Mpumalanga	North West	Free State
Logged calls	444	137	61	144	15	259	20	15	19
Complaints referred to:									
➢ Mediation	37	6	11	17	1	51	3	8	5
➢ Facilitation	35	0	9	17	1	1	2	6	5
	2	6	2	0	0	50	1	2	0
Referred elsewhere or resolved by telephone	407	131	50	127	14	208	17	7	14

shortcomings such as the lack of a uniform recruitment process or salary structure, differing workloads and responsibilities between provinces, unclear lines of accountability and the like.[145] In addition it was felt that new mechanisms would be needed for the 2000 local government elections, specifically electoral tribunals at local level 'to deal with objections related to voter registration and procedures', and recommendations were made as to the securing of financial support from the international donor community and better communication with the public about the conflict management system.[146]

A similar evaluation by political party representatives was funded by EISA and returned very positive feedback but noted that effectiveness was undermined by the late formation of conflict management committees in some provinces, uncertainty about their role, insufficient training of staff, allegations of party political bias and, perhaps most significantly, an ineffective enforcement capacity. Hence political parties recommended that conflict management committees be formed well in advance of elections; that they should be multiparty or non-party structures to ensure impartiality; that their role should be clarified and properly communicated; and that their members should be properly trained and they should work at community and local level. In sum, both evaluations reported that the conflict management committees were 'a resounding success, despite the fact that they were established late'.[147]

Following on the success of the conflict management programme of 1999, a similar programme was implemented during the 2000 local government elections. The 2000 programme differed in certain respects; however, the key one was the establishment of municipal level mediator panels as well as provincial panels.[148] The notion here was that since these were local government elections 'there was more likelihood that most conflicts would be locally based and would focus on issues specific to that municipality'.[149] Nevertheless, as reflected in Table 3, both provincial and local conflict management panels were put in place in areas where most conflict seemed likely.

Provincial panels comprised lawyers or religious and community leaders who conducted conciliations and mediations on a more advanced level.

Table 3: Conflict management panels in the 2000 local government elections

Province	Provincial panels	Municipal panels
Eastern Cape	6	25
Free State	7	18
Gauteng	11	0
KwaZulu-Natal	15	36
Mpumalanga	5	17
North West	4	20
Northern Cape	8	8
Northern Province	5	24
Western Cape	6	18

Municipal panels were staffed by recruits of the municipal electoral officer (MEO) and in most instances were municipality staff. Moreover, the panels were put in place earlier than in 1999 and their training was more extensive.[150] In contrast to 1999, requests for intervention were mostly received by telephone at the IEC's provincial offices, and channelled through the provincial coordinators. The national call centre in Pretoria referred about 100 calls to the provinces. In total 314 reports were received, of which 167 were resolved telephonically by provincial coordinators and did not require further intervention. All other reported conflict was dealt with through interventions by provincial and municipal panellists.[151]

Another major difference from 1999 was the legal provision for a code of conduct in the Local Government Municipal Electoral Act, 87 of 2000, which obliged every party and candidate to adhere to the code.[152] While the code made no provision for sanctions against transgressors, Chapter 7 of the act did. This section prohibits conduct such as undue influence, impersonation, false statements, infringements of secrecy, damaging voting and election materials and so on (see sections 67 to 76). It also provides for the imposition of a fine or imprisonment, in some cases up to 10 years.[153] As in 1999 the nature of the reported conflicts included allegations of IEC bias towards

certain parties; defamation of candidates; destruction of posters; harassment and intimidation; canvassing near or in voting stations; and death threats, violence and murder.[154] Notably, despite the 314 complaints only two cases reached the Electoral Court in May 2001. As the IEC notes, 'the process of taking a dispute to the Electoral Court is regarded as a last resort and is a mechanism for resolving disputes that is infrequently utilised'.[155]

Two post-election evaluations of the conflict management programme were held – an internal one and an independent, external one – and both were generally positive, especially as regards the introduction of municipal panellists. There were, however, recommendations as to how to improve the programme, some of which echoed the points made in the 1999 evaluations. Key here was the recommendation that the programme should be ongoing and that 'conflict management should be provided for in the electoral law'. Other recommendations dealt with streamlining organisational procedures, improving aspects of training and clarifying payment schedules.[156] The external evaluation added that 'it may be appropriate to cast the net wider to ensure that other possible initiatives are investigated'. Other minor points included the improving of training, better publicising of the programme, and the delegating of further powers to the municipal level.[157]

Conflict management in 2004

The conflict management programme of 2004 was conceptualised as a 'continuation and consolidation' of the 1999 and 2000 conflict management programmes,[158] and thus was remarkably similar in intent, design and effect. As in 1999 the programme included an electoral Code of Conduct, the Electoral Court, party liaison committees and conflict panels. One significant change from the previous elections was a 2003 amendment to the Electoral Act, 73 of 1998, with the insertion of section 103A which reads:

> 'The Commission may attempt to resolve through conciliation any electoral dispute or complaint about an infringement of the Code brought to its notice by anyone involved in a dispute or complaint.'[159]

This gave formal legal recognition to the non-conflictual and pre-emptive way of dealing with illegitimate politics that the IEC had developed in 1999

and 2000. In addition it helped specify the field of issues the IEC should seek conciliation on to infringements of the Code of Conduct, rather than every administrative issue.[160]

In terms of structures, the 2004 programme resembled 1999 rather than 2000, establishing conflict panels within the IEC in each province rather than at local level. However, unlike 1999, these conflict panels were managed by provincial coordinators who were responsible for overseeing the recruitment and deployment of panels, although the PEOs were responsible for identifying conflict panellists. Furthermore the provincial coordinators reported to both EISA and the IEC as EISA was responsible for administering the programme. Part of the reason for this was to increase the non-partisan nature of the conflict management programme as the IEC was often a party to disputes. Indeed in 2004, 19 complaints of IEC bias were made by parties.

Provincial coordinators were drawn from provincial full-time or contract staff, unlike the 2000 programme where short-term contractors were appointed. They were required to publicise the establishment of the conflict panels, arrange and attend training, administer the programme, submit reports and invoices, capture information into the database, generate reports and deploy panellists. The fact that coordinators had responsibilities over and above conflict management placed a significant burden on these individuals, and both EISA and the independent evaluator recommended that 'consideration be given to a dedicated person' in future.[161]

As far as possible, provincial panels comprised panellists with experience in the previous two programmes. Depending on the province, an estimated 65% to 75% of panellists had experience from the 2000 local government elections. Only panellists who were in 'good standing' with the community were invited to participate, especially those perceived to be non-partisan, impartial and independent in dealing with disputes related to elections. In most provinces panellists were religious and community leaders, lawyers and members of NGOs. (Interestingly some felt that the reliance on lawyers should decrease as legal intervention tends to affirm adversarial attitudes.)[162] Further, most provinces looked to ensure a good spread of panellists from across the province, and with sufficient knowledge of the various languages to ensure better coverage of likely conflict. As illustrated by Table 4, the

Table 4: Projected and actual conflict panels by province in election 2004

Province	Actual number	Projected number
Eastern Cape	11	20
Free State	5	5
Gauteng	15	20
KwaZulu-Natal	19	20
Limpopo	4	5
Mpumalanga	10	10
Northern Cape	8	5
Northwest	5	5
Western Cape	30	20
Total	**107**	**110**

number of panels differed from province to province depending on levels of anticipated conflict.

In general pre-election preparations went well. The training of personnel occurred in three phases: training for provincial coordinators in administrative procedures and use of the database; training for panellists in election regulations and conflict management; and training electoral project coordinators (EPCs) responsible for IEC projects such as voter education in conflict skills management. Reports of the training were positive, especially the first two phases, and the training methodology and materials received special praise.[163] However, due to time constraints EPC training was limited to one day. Similarly, communication and awareness campaigns were satisfactory, if limited by the R20,000 given to each province.

The best indication of the success of the conflict management programme was the fact that just 253 complaints were recorded in the 2004 election. This is 22.7% of the 1999 figure and just 7% of the 1994 level. Of these 253 complaints, 31 required direct intervention from panellists, with 24 relating to inter-party disputes and seven to disputes with the IEC. KwaZulu-Natal

contributed the largest number of complaints of any province at 185 (73%), followed by Mpumalanga with 25. Importantly, only 34 of the 253 complaints involved harassment, with violence or intimidation at a mere 13%. The vast bulk of the complaints concerned posters (31), faulty station procedures (21) and alleged IEC bias (19).

Indeed, election 2004 had only three major conflicts. One was conflict between rival rallies of the IFP and ANC in the same area in KwaZulu-Natal, and the other was when Deputy President Jacob Zuma was refused access to the George Goch and Jeppe hostels in Gauteng. Perhaps the major source of conflict during election 2004 was the 371,741 votes in KwaZulu-Natal cast outside of the voting district in which voters were registered. The IFP alleged this was largely due to ANC bussing of voters in from the Eastern Cape. In addition the discovery of IEC stickers used to register voters in the possession of unauthorised individuals in Durban (allegedly ANC members) sparked concern among opposition parties. They suspected illegal registration or perhaps double voting. After the election the IFP cited these incidents – plus the IEC's alleged silence on them – as the major reason for considering a court challenge. On inspection we found that the percentage of section 24A votes (as they were known) was the same in KwaZulu-Natal as in other provinces and bore no relationship with any other voting pattern. While the IFP did drop the court challenge, there is no doubt that voting outside of registered districts was a major political and logistical problem for the IEC. KwaZulu-Natal electoral officer, Mowethu Mosery, publicly spoke out in favour of a revision of the section 24A amendment allowing voting outside of the voting districts of registration on the grounds that it made logistical preparations extremely difficult.[164]

Post-election evaluation confirmed the general success of the programme and noted several minor points for improvement, including the in-compatibility of the conflict database with IEC systems, the over-burdening of provincial coordinators, and the importance of extending the programme to the 2005/6 local government elections. The 2004 report concludes: 'The reduction in the number of reported disputes, rather than suggesting a need to discontinue a programme of this nature, recognises the long-term benefits inherent in such a programme.'[165] In this regard a recommendation of the evaluation is the extension of conflict management training to all IEC staff

and not just conflict management structures and perhaps even to political parties.

So far this examination of election governance has focused on the role of the formal conflict management committees and conflict panels. However, these were not the only players involved in managing electoral conflict. It should be noted that the conflict management programme emerged only after party liaison committees (PLCs), which were established in terms of the Electoral Commission Act of 1996. Formed at national, provincial and even local level, these committees play an important role in avoiding conflict through including the major players in a transparent process in which the IEC nevertheless retains decision-making powers.[166] The intention is that PLCs deal with administration-related problems and that the conflict management structures deal with party conflict; but the line is blurred and the PLCs often end up dealing with conflict-related issues, especially during election and results days. In so doing the committee kept parties informed about the more troublesome aspects of electoral administration, helping forestall potential problems.[167] For example, in the weeks leading up to election day in KwaZulu-Natal the PLC met regularly (sometimes up to three times a day) to discuss many issues, including potential conflicts which were often resolved without having to be mediated by the conflict structures. Further, in the week before election day all PLCs, IEC provincial leaders and conflict panels moved into one space – an election operation centre in each province – with the effect that all players were dealing with conflicts and disputes on election day.

In addition to these formal IEC initiatives, the management of election conflict in post-apartheid South Africa has been greatly aided by interventions from civil society, both local and international. Indeed, in the 2004 election the conflict management programme was administered by an NGO – EISA – which also contributed towards the costs of the programme. As noted above the point of this was to help ensure a non-partisan programme given that the IEC was often a party in disputes. Further, civil society in the form of the South African Civil Society Observers' Coalition (SACSOC) helped monitor potential conflict, feeding reports into joint operating committees comprising themselves, the security forces and the IEC. In addition, in KwaZulu-Natal the Democracy and Elections Forum – a collection of five NGO and

community-based organisation (CBO) networks pulled together by the Democracy Development Programme – deployed 20 trained mediators to help prevent conflict in addition to being an accredited observer body with some 2,000 observers. According to EISA, it was the only civil society body to do this in the country and operated beyond the formal conflict management processes.

These observations bring to mind two points: first, while led by the IEC, the management of election conflict is a multiplayer process involving political parties and civil society. As Titi Pitso, a former IEC official who oversaw party liaison committees in KwaZulu-Natal from 1994 to 2000, explains:

> 'The commission was not enforced to engage all stakeholders other than parties but for the sake of transparency extended the Party Liaison Committee process to these stakeholders. With all these stakeholders involved, the opportunity to engage in political violence was decreased'.[168]

This brings us directly to the second point. To be successful, the conflict management process must have a particular character. It must be perceived as non-partisan, impartial and independent in its application of the rules. This independence needs to be institutionalised as best as possible, including by law, and its status carefully guarded. Clearly the IEC has done a good job in this regard, but the fact that 19 complaints of IEC bias were laid is evidence that more can still be done, and the IEC is to be commended for involving EISA to help address this concern.

Furthermore, the conflict management process exhibits five other virtues: inclusiveness; transparency; consistency; flexibility (understood as the ability to respond both quickly and appropriately[169] to problems); and consensus building. To put it more precisely, at the heart of reducing electoral conflict is building trust through building consensus on rule interpretation. This is best done through the inclusion of key players in transparent and flexible decision-making processes on electoral administration, as overseen by an independent arbiter and governed by the consistent application of the rules.

Let us unpack this in more detail. Inclusion of the major players helps the election administrator make better decisions by being well-informed, and it

reduces conflicts caused by false perceptions of bias prompted by secrecy or exclusion of parties. A recurring lesson of conflict situations is that the first step in resolution is recognition of the grievances of stakeholders, and inclusion in processes facilitates this. Transparency is central to affirming the unbiased interpretation of the rules by the arbiter in the eyes of the major players, but it also helps prevent conflicts due to ignorance of the rules by keeping all well informed. Consistency is central to ensuring fairness to all parties, thus reducing fears of bias and reinforcing the norms underlying liberal-democratic conflict. Flexibility is a key virtue in that it enables speedy action to nip conflict in the bud. Given the possibility of conflict escalating as one incident prompts a cycle of reprisals, this is crucial and distinguishes the IEC's various initiatives from the comparative inflexibility of the courts. Lastly, while all the above is implicitly orientated to affirming liberal-democratic norms, consensus building refers to a deliberate process of affirming these norms through projects such as voter education, but also through other tactics such as including organisations from civil society in election monitoring or forms of decision making.

Election 2004 and democratic consolidation
Reducing election conflict is not just the short-term outcome of good management, but a longer-term process of affirming the basic rules of the liberal-democratic game. In this respect lessons from elsewhere in Africa affirm the importance of free, fair and inclusive elections, as well as a political system perceived to be accountable. In this section we evaluate election 2004 in these terms.

The first of these criteria – that election 2004 be free and fair – was clearly realised. A similar claim can be made in respect of inclusiveness. Indeed it is our view that the requirements of freeness and fairness and inclusiveness are entailed in the claim that reducing electoral conflict requires building trust through approaching consensus on rule interpretation. Freeness and fairness are implied by the requirement that the independent arbiter apply the rules consistently, given that the rules spell out what a free and fair election is. Furthermore, we specifically identify inclusiveness of the major players as a condition of conflict reduction. While these claims are reasonably uncontroversial, those still unsatisfied can see the chapter on election administration for a fuller argument on freeness and fairness of election 2004.

As regards inclusiveness, not only is South Africa the most inclusive type of PR system but, as pointed out above, IEC initiatives such as the party liaison committees and conflict management systems further institutionalise party inclusion. In this regard it is notable that election 2004 had more parties contesting than ever before.

In respect of key social groups, one could argue that inclusion is also helped by some party initiatives, notably the ANC's policy that one-third of all its candidates are women, and the participation of trade unions, churches and NGOs in electoral administration processes such as monitoring and mediation.[170] Notably, in election 2004 only two small fringe groups agitated against the election, the Eastern Cape based LPM and the HNP.[171]

However, there were at least two developments in election 2004 which are possibly bad news for inclusiveness. These were the lower poll and the consolidation of ANC power. The turnout in election 2004 was 76.73%, down some 12.5% or 365,000 voters on the 89.3% of 1999. There were also some 3,670,000 fewer votes cast in 2004 than in 1994! (Indeed on 2004 registrations, the highest yet, the 1994 turnout would have been an incredible 94%.) While some read the lower turnout as a sign that South Africa's democracy is 'maturing',[172] it is debatable whether this is a good thing and whether it is actually the reason for the lower poll. Claiming that a lower poll is somehow a good thing as it makes us like mature democracies assumes that everything is good with mature democracies. Clearly this is a problematic assumption. A more specific reason for arguing that low polls are 'good' is that they reflect satisfaction with the status quo.[173] However, it seems more sensible to assume that satisfaction with the status quo would manifest itself in support for the ruling party. Indeed if it were true that satisfaction leads to lower turnout then popular ruling parties would always lose power! Other grounds are required to show that low polls are good for democracy.

We believe there are more plausible interpretations of low polls as bad for democracy. These include the view that turnout drops when citizens feel that voting makes no difference either because all parties are the same and/or because politicians are remote from the public – that is, they do what they want to regardless of public opinion and do not keep their promises.[174] This connects with the idea that representative democracy is actually quite a weak

form of democracy in that one vote among millions every few years is not going to make any real difference to decision making.[175] In addition to these general criticisms one can add some specific to South Africa. First is the view that voting in election 2004 was a waste of time as the ANC was guaranteed an overwhelming victory. Second, such is the popularity of the ANC among black voters and the weakness of opposition parties, that disillusioned black voters and many opposition voters are more likely to stay at home on election day than to vote for an alternative party.

In this regard, a Markinor poll of 25 March 1994 found that 13% of registered voters reported that they were 'not likely' or 'not at all likely' to vote. Of these, 38% (that is, 5% of registered voters) said their vote would make no difference. A further 35% (that is, 4.5% of registered voters) expressed some reason disapproving of parties and politicians.[176] In addition to these 9.5% of registered voters, a Markinor survey of 22 January 2004 found that nearly 4% of eligible voters were definitely unlikely to register because they could find no party to support, or reasons to vote. Over 44% of these were young voters.[177] In sum roughly 15% of South Africa's eligible voting population, many of them young voters, seemed disenchanted with election 2004 or with South Africa's political system more generally. Notably, these findings dovetail with surveys of popular attitudes to democracy in South Africa conducted by Bob Mattes and Afrobarometer. We deal with this issue in the following discussion on democratic culture.

Before we get there, however, some comments about the consolidation of ANC power and its impact on popular attitudes to elections. Election 2004 may have had more parties participating than in any election before but, with the exception of the DA, they generally fared worse than before, and collectively secured the lowest support levels to date. It is a common view that the future for opposition parties looks bleak while the prospects for the ANC look good, eroding the significance of national elections as a real contest for the foreseeable future. Indeed, many have argued that the only hope for a substantive opposition to government is if the ANC itself breaks up, and some have argued that this is what ought to happen with the more left-wing members forming a new party in consultation with the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU).[178] At the moment, however, this scenario seems pretty remote.

What this means is that future elections will not be much of a contest, undermining public enthusiasm to vote and – in a paradoxical way – belief in the answerability of government that electoral change seems to bring.

This brings us to the attitudes of ordinary South Africans to democracy. The argument from the comparative literature is that elections can help improve people's opinions of democracy and embrace of liberal-democratic norms. It is a common argument among left-wing critics of the ANC government that its policies have not delivered to ordinary people the improvements in their daily life that they expected. This disappointment is assumed to be slowly but steadily eating away at the loyalties earned by the ANC in its fight against apartheid and manifesting itself in subtle ways such as lower turnout for elections and lower participation rates in political parties.[179]

There is some empirical support for these arguments. For instance Mattes notes that South Africans tend to understand democracy in terms of material goods as well as liberal rights. As he puts it:

> 'When unprompted South Africans spontaneously see democracy as the realisation of individual rights and civil liberties. When provided with a list of constitutive elements of democracy, however, an average of 60% saw that socio-economic goods are "essential" for a country to be called democratic, while an average of 35% say the same about procedural requirements like regular elections … .'[180]

Further, on the basis of several surveys conducted from 1995 to 2000, Mattes argues that South Africans' affirmation of democracy is 'lukewarm and has not grown in any substantial way', and sits at lower levels than most neighbouring countries. He concludes: 'With increasingly tenuous connections between the voters and their government and increasing policy disaffection, trust in government and satisfaction with economic and political performance are declining sharply.'[181]

Notably, Mattes articulates a point about the disconnectedness of politicians from ordinary people, which Joel Barkan uses as the basis for advocating a constituency-based system instead of a PR one in South Africa's case.[182]

Similar sentiments have been expressed to the author personally by IEC staff of the view that it is only a matter of time before the problems of elite unaccountability outweigh the problems of minority inclusiveness. Certainly, within a generation or two the tiny and shrinking size of racial minorities will undercut the utility of the current race-correlated political allegiances in South Africa. However, it might be foolish to assume that constituencies will solve the problem of accountability if accountability is indeed understood in terms of material delivery. Furthermore, it is not necessarily the case that the constituency system makes politicians more accountable if, as is usually the case, a candidate's constituency is decided by the party, thereby affirming party loyalties over popular ones.

Consequently, South Africa may find itself in a paradoxical scenario whereby the very popularity of the ANC is a reason for dwindling faith in the democratic ideal. In a recent briefing paper, Afrobarometer argues that the more recent a turnover of ruling party, the more popular the idea of democracy.[183] In a survey of 10 African countries Afrobarometer found a strong negative relationship between the number of months elapsed from the last electoral alternation and positive attitudes toward democracy. Simply put, 'the more recent an electoral alternation … the more positive people feel about democracy. By contrast, the more distant these defining political events, the more disillusioned people become'.[184] Given that South Africa's last change of ruling party was in 1994 and looks unlikely to change for many, many years, popular attitudes to democracy can only get worse.

While this is an intriguing argument affirming the significance of elections – if mostly those that bring about a change of government – it has its problems. For one thing it is not consistent with Mattes's claim that South Africans' affirmation of democracy is 'lukewarm and has not grown in any substantial way' between 1995 and 2000.[185] If only time lapsed since an election affects popular attitudes towards democracy they ought to have worsened in South Africa since 1994, not stayed constant. Further, additional attitudinal research suggests that other factors also influence perceptions of well-being and, theoretically, governance and democracy as part of this. Thus a poll of 3,500 South Africans carried out by Research Surveys in February 2004 revealed that white men score the highest on a 'happiness scale' at 86 out of 100. White women scored 83, black men 74 and black women 73. Significantly

there was a weak correlation with income below a monthly household income of R10,000, suggesting that material issues do count in the assessment of poorer people; a finding similar, if more nuanced, than Mattes's. Perhaps most significantly, 'Research Surveys found that there is a correlation between happiness … and voting intention'.[186] All this suggests that factors other than elections also influence attitudes towards democracy, not least material factors for those below a certain threshold, but also other variables linked to power, money and status. In short, the better the quality of life of South Africans the better they will feel about themselves, South Africa, elections, democracy and the future.

To rephrase, there is a *primae facie* case to assume that there are ways of improving popular views of democracy other than the ANC losing an election. Given the unlikelihood of the ANC losing an election any time soon this is good news, but it does place much of the responsibility for the consolidation of the more cultural aspects of democracy in the hands of elites, especially the government, requiring direct initiatives to improve the perceived accountability of government and indirect initiatives such as policies that improve the quality of life of ordinary South Africans. Obviously though, there is just so much government can do, particularly in relation to job creation, and thus civil society – especially business in South Africa, the sub-continent and internationally – needs to play a role too.

The fact that elites are so important to creating the conditions required for the improvement of popular attitudes to democracy in South Africa is not necessarily a bad thing as elites have been central to South Africa's success to date. Not only has the country been blessed with political and economic leadership which largely endorses democracy but it has also behaved pragmatically and responsibly in most respects to date. Hence the well-told story of the transition to democracy is one of these elites turning away from a 'violent equilibrium', where power was evenly balanced between warring blocs, to negotiation and compromise. Faced with a choice between sharing the country or destroying it, South Africa's elites took the sensible option. As events in the Middle East demonstrate, this is often not the choice elites make in this kind of situation.

Just as importantly though, South Africa's political elites enjoyed great popular legitimacy allowing them enough space to lead the country on a

liberal-democratic path somewhat alien to the political culture on both sides. Between them the key architects of the post-apartheid order – the ANC and National Party – enjoyed not only the support of 86% of South Africa's people, but the clear majority of all racial groups. Indeed, the only grouping of any significance not substantially included in the 1994 pact was the IFP, ostensible representative of the Zulu people. Notably though, since 1994 the IFP has been charmed and compelled into the new political order, especially by its stake in successive provincial and national governments.[187] This was clearly manifest in election 2004 in the repeated calls of IFP leadership on its own members to tolerate the ANC presence in its areas and refrain from violence and intimidation.[188] In sum, the IFP elite may have started off the journey to the post-apartheid political order somewhat sceptically, but is now a convert.

The cause of democracy in South Africa has greatly benefited from a sensible and legitimate political elite but, as suggested above, it is an elite whose legitimacy is beginning to wane. Key to reinforcing both the legitimacy of our leaders and the popularity of democracy is the greater incorporation of ordinary citizens in post-apartheid prosperity. By this we mean a certain level of socio-economic well being symbolised in R10,000 a month household income. That this is first priority is pretty much common cause, but it is not enough. From the above it is also clear that we need greater accountability in our political institutions and practices; a strengthening of constructive state-society relations as political ties weaken. This is especially important given the limited positive effect we can expect from future elections.

CONCLUSION

The argument of this chapter rests on two sets of distinctions. The first seeks to clarify the meaning of the term 'conflict', separating out conflict understood as the clash of wills from conflict understood as illegitimate politics. We argue that where the former is an integral part of all politics, the latter refers to specific actions inconsistent with liberal, democratic and legal norms. Thus, when talking about the decline of conflict in South African politics we are actually talking about the decline of illegitimate ways in which the clash of political wills occurs. Understood in these terms, we can say unequivocally that election-related conflict has declined progressively and substantially in South Africa since 1994, and can claim reasonably that the same is true for all politically related conflict.

The second distinction concerns the causes of conflict, and here we set apart the management of election rules from the design of the electoral system. In respect of the former, we trace the rise and performance of conflict management arguing that the way the IEC and others have managed conflict has built trust in elections in the minds of the political elites. This is because consensus on rule interpretation has been affirmed by including political parties in transparent and flexible decision-making processes on electoral administration. Furthermore, this process has been overseen by neutral and independent arbiters, such as the IEC and the courts, who have applied the rules reasonably consistently. These are positive lessons which are already influencing practices in neighbouring states.

In respect of the design of the electoral system we argue that, as shown by lessons from elsewhere in Africa, the free, fair and largely inclusive nature of South African elections reinforces confidence in the liberal-democratic system as a whole. This reduces the chances of conflict as parties are more likely to abide by the electoral rules, thus taking pressure off the conflict management system. While there are potential problems for the inclusivity of future elections in South Africa, it is only really the limited accountability of the South African political system that is the current weak point in terms of democratic consolidation.

Furthermore, we argue that future elections are unlikely to positively change these popular perceptions for two reasons. First, many ordinary South Africans evaluate democracy in terms of their material well-being rather than in terms of decision-making procedures such as elections. This means that popular perceptions of democracy are dependent on good governance more than on democratic procedures. Second, given the remoteness of the ANC losing future elections, the ability of elections to revivify popular support for democratic procedures is limited. Other forms of democratic institution and practice must be found to achieve this. Simply put, deepening popular enthusiasm for democracy is not a task elections can achieve in South Africa.

Thus while election-related conflict may have dropped significantly in South Africa since 1994, it is unlikely to disappear entirely so long as popular attitudes towards democracy do not improve. We may well have to 'tolerate

a degree of intolerance' in future elections until significant progress is made both in respect of the socio-economic upliftment of ordinary citizens and the greater accountability of key institutions of governance. In this sense then, election 2004 may be as 'good as it gets' for peace in South African politics. Political conflict is a problem that good election management and good electoral design has minimised but not eliminated.

Does this mean that the conflict management programme ought to be dropped in future elections? Not at all. First, as the 2004 *Conflict Management Programme Report* argues, the more complex and contested nature of local government makes localised forms of electoral conflict more likely in the 2005/6 local government elections.[189] Second, and more importantly, the enduring ambivalence of ordinary people towards democracy means that the potential for future conflict lingers despite limited expression in 2004. The conflict management programme has proved central to preventing disputes turning into conflicts and should do so in the future. It may not be the cure for underlying popular discontent, but it can help treat the symptoms at election time.

PARTY STRATEGY NOT POPULAR PREJUDICE: ELECTORAL POLITICS IN SOUTH AFRICA

Cheryl Hendricks

On 14 April 2004 post-apartheid South Africa conducted its third set of national and provincial elections. A number of trends in relation to political parties emerged from this election. First, although there was a marked increase in the number of political parties contesting the elections the ANC increased its support and concomitant legislature majority. Second, the NNP virtually collapsed, the IFP was defeated in KwaZulu-Natal, the DA increased its support and a new party, the Independent Democrats (ID), made its appearance count. Third, there was a marked convergence of the campaign issues highlighted by the political parties. Fourth, political parties displayed more maturity, which translated into a decrease in violent conflict between their supporters. And fifth, the percentage of women in parliament increased reaching the 30% quota target.

This chapter explains the above trends through an analysis of South Africa's multiparty system and the political context in which it operates, the nature of political parties and their campaign strategies, the linkages between identity and party politics, and the process of securing women's representation. It argues that South Africa has a wide array of political parties but few viable alternatives to the incumbent ruling party. The growth of political parties is an outcome of the organising political principle of individual freedom and the electoral system of PR. However, mechanisms to reduce the number of political parties will not lead to the desired effect of a stronger opposition. The chapter also contests the view that identity pre-determines the outcome of elections and that this threatens democratic consolidation. Instead, it argues for a more complex and nuanced interpretation of voting patterns which takes account of both psychological and material interests and that vary through time and from place to place. The chapter contends that opposition political parties are not sufficiently addressing these interests. This emphasis places the onus on political parties to address the concerns of voters effectively in order to garner their votes

instead of the current explanations of one-party dominance that locate the problematic in the behaviour of the electorate.

MULTIPARTYISM

Since the unification of South Africa in 1910, the country has had a multiparty system of governance. However, the National Party (NP) was the dominant party from 1948 until 1994 and the ANC since then. Prior to 1994 the political system was exclusionary; blacks were prohibited from participation in governance. The new constitution adopted in 1996 established the equality of all citizens and grants them the freedom to make political choices. All citizens have the right to form a political party that will represent the interests of a particular constituency. The political system recognises the diversity of the citizenry and is based on the values of representativeness, inclusiveness and fairness. The closed list PR system was introduced to give substance to these values. The list system allows political parties to put forward diverse (in terms of gender, race and ethnicity) candidates enabling the parties to attract votes across existent cleavages. Political parties such as the NP and DP have been able to transform themselves into multiracial parties in large measure because of this system. The low threshold for political party representation in parliament (0.25% of the vote) facilitates a more inclusive government. Through these principles and mechanisms, a representative multiparty democratic system has been institutionalised, albeit one in which one party (the ANC) is overwhelmingly dominant.

Nineteen political parties contested the 1994 national election. In the 1999 elections, the number of parties decreased to 16. However, in 2004 there were 21 political parties contesting national elections and 33 political parties fielded candidates for the provincial election. Many analysts have raised concern that the proliferation of political parties leads to a dilution of the opposition and that this phenomenon is caused by the low threshold for entry into parliament. The relevant questions here would be: What drives the formation of political parties in South Africa? What is the nature of these political parties? What are the advantages and disadvantages of increasing the threshold?

Various definitions of political parties note that its primary purpose is to gain control of the machinery of government. A review of the election results

(see Table 5) indicates that the majority of political parties in South Africa do not have the ability to acquire sufficient support to gain control of the machinery of government. The proliferation of political parties under a PR system therefore contradicts the commonly held view of the objective of the vast majority of parties. Instead, the objective is to represent a broad range of interests, hence the number of single-issue parties.

A clear pattern emerges from Table 5. Political parties that do not attain the required number of votes for parliamentary representation tend not to contest the next election. New parties are continuously emerging but few succeed in attracting sufficient support to be allocated seats in the legislature.

Of the 21 parties that participated in the 2004 national elections, 10 obtained parliamentary seats. PR facilitates the proliferation of political parties, but voter choice leads to a natural withering away of political parties. Even if mechanisms were introduced to limit the number of parties represented in government (for example, by increasing the threshold), the political arithmetic indicates that it would not be a sufficient strategy to enable the opposition to vie for power (the opposition parties in total only account for 30% of the vote). Therefore, the strengthening of the opposition lies not with the tinkering of the electoral system but with the transformation of the parties themselves.

Many of the political parties that did not obtain parliamentary seats are single-issue parties, for example, the Green Party of South Africa, the Employment Movement of South Africa and the Pro-Death Penalty Party. Those campaigning on an ethnic ticket, for example, the New Labour Party (Coloureds) and Minority Front (Indians) also lacked popular appeal. Though the Freedom Front (Afrikaners) and IFP (Zulus) are still able to mobilise votes on the basis of a particularistic identity, this pattern shows signs of decline. The religious-based parties – ACDP, United Christian Democratic Party and Christian Democratic Party – were only able to muster 2.46% of the votes collectively. It is political parties that are able to speak across the class, gender and racial divides and who direct their attention to political, social and economic issues that attract voter support. The next section analyses the campaigns and support bases of the larger political parties.

Table 5: National election results, 2004[190]

Party	1994 %	National Assembly seats	1999 %	National Assembly seats	2004 %	National Assembly seats
ANC	62.65	252	66.35	266	69.68	279
DP/DA	1.73	7	9.56	38	12.37	50
IFP	10.54	43	8.58	34	6.97	28
NP/NNP	20.39	82	6.87	28	1.65	7
UDM			3.42	14	2.28	9
ACDP	0.45	2	1.43	6	1.6	6
ID					1.73	7
FF/FF+	2.17	9	0.80	3	0.89	4
UCDP			0.78	3	0.75	3
PAC	1.25	5	0.71	3	0.73	3
FA			0.54	2		
MF	0.07	0	0.30	1	0.35	0
AEB			0.29	1		
AZAPO			0.17	1	0.27	0
AITUP			0.07	0		
GPGP			0.06	0		
SOPA			0.06	0	0.1	0
AMP	0.18	0				
AMCP	0.14	0				
DPSA	0.10	0				
FP	0.09	0				
SOCCER	0.05	0				
ADM	0.05	0				
WRPP	0.03	0				
XPP	0.03	0				
KISS	0.03	0			0.04	0
WLP	0.02	0				
LUSO-SA	0.02	0				
NA					0.1	0
PJC					0.1	0
OP					0.05	0
NLP					0.09	0
UPF					0.06	0
EMSA					0.07	0
CDP					0.11	0

THE AFRICAN NATIONAL CONGRESS

The ANC was formed as a liberation movement in 1912. It led the resistance to apartheid and was the key player in the transition from an apartheid to a post-apartheid state. Since being elected into power in 1994, it has dominated the party political arena. It has been able to strengthen its support base from 62% in 1994 to 70% in 2004; this despite a sustained critique from both the left and the right about its performance in government. The ANC has become the dominant party in all nine provinces. It has finally been able to secure control of the provincial legislatures in the Western Cape (46%) and KwaZulu-Natal (47%), though it did not receive an absolute majority in these provinces. Its support is strongest in the Limpopo (89%), Mpumalanga (86%), Free State (82%) and North West (81%) provinces.

Since 1955 the ANC has presented itself as a non-racial organisation seeking to secure the support of all anti-apartheid groups. Post 1994, it has been able to attract support from minority groups, but this support has been marginal. Its primary constituency remains that of the African majority. However, this support base is so large that the ANC is able to maintain a position of power with relatively little support from minority groups. The Western Cape constitutes an exception for Coloureds are the majority in the province. The ANC therefore has to court their support in order to govern the province. The party has maintained its historical alliance with COSATU and the SACP – organisations instrumental in delivering worker support to the ANC.

Andrew Reynolds indicated that in 1994, 94% of Africans voted for the ANC, 4% of Coloureds, 1.5% of Indians and 0.5% of whites. In 1999, 90% of blacks supported the ANC, 7.5% of Coloureds, 1.5% of Indians and 1% of whites.[191] As of writing, there is no racial breakdown of the 2004 results, however a Markinor survey released in January 2004 indicated that the ANC support base 'is stronger amongst the youth, South Africans with lower education profiles, and those with lower incomes. 94% of the party's supporters are black, and three quarters are not employed'. The party has been able to secure support from both the working class and the new black bourgeoisie. Its campaign strategy, 'a people's contract', has appeal to the black working class, while its policies of black empowerment have created the *noveau blank de noir* bourgeoisie.

The ANC began its election campaign in KwaZulu-Natal. This signalled its determination to secure the majority of votes in the province – a move that reinvigorated the animosity between the IFP and ANC. Rivalry between the ANC and IFP prior to 1994 plunged KwaZulu-Natal into violence. After 1994 there was a cooperative agreement between the two parties and the IFP's leader, Mangosuthu Buthelezi, was incorporated into the national cabinet. Tensions had, however, persisted between the two parties with accusations that Inkatha was a stumbling block to progress in the province. After the 2004 election, Buthelezi was dropped from the national cabinet although other IFP members were included as deputy ministers. In a similar vein, the ANC declared that it would go all out to achieve victory in the Western Cape. Although the ANC received the majority of support in the 1999 elections, the NNP and DP formed an alliance, the Democratic Alliance, to maintain control of the province. But after the 2003 floor crossings the ANC became the majority party. The quest was therefore to hold on to this power. To do so, the ANC sent in its top politicians to canvass support in the province.

The ANC's campaign was run on a similar theme as in previous elections – 'a better life for all'. The party was able to capitalise on the 10-year democracy celebrations for it was the ruling party during this period. It claimed that it was engaged in a 'people's contract' and would continue to deliver on policies and promises that secured it power since 1994. In his State of the Nation address on 6 February 2004 President Thabo Mbeki asserted that there was no need for new polices; the need was to implement those that already existed. Through a series of *imbizos* (similar to the listening campaign of previous elections), the ANC sought to determine the needs of the people and its manifesto was drawn up on the basis of these needs.

The ANC's manifesto specified that it would ensure low interest and inflation rates, invest more that R100 billion on improving roads, rail and air transport, spend more that R15 billion to facilitate broad-based black empowerment, ensure learnership and skills training aimed at the youth, create one million jobs, speed up the delivery of services, improve health facilities, increase the police force by 150,000 nationwide, stem illegal migration, fight corruption, strengthen public-private partnerships and so forth. Why these were not achieved over the past 10 years is attributed to a lack of resources, capacity

and bureaucratic inefficiencies. ANC leaders sent out a clear message against corruption and self-enrichment of civil servants and ANC politicians. The contentious issues around HIV/AIDS and Zimbabwe were, however, played down. The ANC manifesto therefore largely addressed the concerns of the electorate, widely noted as being unemployment, crime and corruption.

Door-to-door campaigning has always been the strength of the ANC and it served the party equally well this time around. A year prior to the elections, opinion polls indicated that voter apathy was large and that the ANC would only be able to attract 50% of the votes. The ANC went on an extensive drive to turn these statistics around through its 'meet the people' form of mobilisation. The president, usually stereotyped as an aloof person, received a make-over as a 'people's person' by appearing at many campaign events, *imbizos*, and by participating in door-to-door visits. The ANC ran a 'positive campaign' focusing on the issues instead of maligning other parties. The party used the 10-year democratic celebrations, in which it listed all achievements of government, as part of its campaign message. There was a definite blur between party and state in the ANC's campaign for it was difficult to discern a distinction between the achievements of the ANC and those of government as a whole.

The ANC's economic policy, GEAR, has been a primary source of contention among its support base. Opponents of the policy, many from within the ranks of the Tripartite Alliance, assert that this macro-economic policy has led to increased unemployment and economic hardship for the poor. They also contend that it contradicts the social democratic principles embodied in the Reconstruction and Development Programme – a programme that formed the basis of the ANC's economic strategy when it assumed power. Despite the fact that South Africa's unemployment rate has increased to approximately 40%, the majority of the unemployed still believe that the ANC is the only political party that can reverse this trend. The ANC has promised to do so through a new Public Works programme that will create temporary jobs by attracting foreign investment and providing skills to the unemployed.

The ANC sought to broaden its support base via an alliance with the NNP. This alliance was needed to secure control of the Western Cape, but shortly

after the election the NNP decided to disband as a party and formally join the ANC.

The ANC's strength and weakness lie in the fact that it constitutes the incumbent government. It will therefore be blamed for all societies' current ills, but conversely it can claim credit for all the positive aspects that materialise. South Africa has indeed undergone a profound transformation. Though many people remain poor, the abolition of race discrimination has restored a sense of dignity, freedom and hope to people. People attribute this to the ANC and it is this psychological aspect that continues to secure it widespread support. Also, one cannot diminish the importance of the service delivery that has taken place under an ANC-led government. New social welfare policies, access to water, electricity and housing, though basic, are a material reality for those who were deprived of these basic necessities. The doom and gloom scenarios of a collapsing state painted by opposition parties during the 1994 elections have largely been dispelled during the course of time. In addition, the ANC's commitment to gender parity through a quota system and gender mainstreaming, its affirmative action programmes and its black economic empowerment policies, place it at the forefront of promoting equity. These goals and principles are valued by the majority of the South African electorate.

The ANC's weaknesses are that it has not devised a strategy to attract the youth vote. The youth have grown up in a different environment and are not animated by references to the past. Their low turnout in the elections speaks to a growing apathy. The ANC also needs to do much more to secure the trust of minority groups. The fact that their non-support has a negligible impact on the ANC's ability to control government is not sufficient reason to dismiss them. In order to create and sustain national unity their concerns need to be creatively addressed. The primary concern of these groups, as with all other minorities, is (real or perceived) marginalisation. An inclusive discourse therefore needs to be continuously asserted for; in its absence the country runs the risk of remaining racially polarised. Corruption scandals, mismanagement in the provinces and the challenges of delivery all have to be addressed if the ANC seeks to retain its position as the ruling party.

Political pundits argue that a viable opposition can only emerge from within the ranks of the ANC: that is, if the Tripartite Alliance splits up. This is not

likely to be the case in the near future for, although there have been tensions within the alliance these have not reached the extent where a break up seems imminent. The ANC therefore remains a relatively cohesive party destined to be a major political player for decades to come.

THE DEMOCRATIC ALLIANCE

The DA traces its roots to the formation of the Progressive Party in 1959. Welsh notes that 'the Progressives languished in the political wilderness: between 1961 and 1974 they were represented solely by Helen Suzman …'. The Progressive Party changed name several times: it became the Progressive Reform Party, then the Progressive Federal Party, and in 1989 it changed its name to the Democratic Party. In 1999 the DP merged with the NNP and was reconstituted as the DA. It retains this name even though the original alliance partner shifted allegiance.

The DP, championing liberalism, exerted parliamentary pressure to reform the apartheid state. Under the leadership of Colin Eglin and Ken Andrew the DP participated in the multiparty negotiating forum, CODESA, and ensured that some of their party's key tenets (PR and devolution of power) were incorporated into the new constitution. Until 1994 the DP's support base was primarily wealthy white English speakers. It hardly made any inroads into securing Afrikaner support, except a few who were regarded by Afrikaners as renegades. The DP did not actively court the Coloured and Indian vote (which it could under the tricameral system). Post-1994 its political survival depended on broadening its support base: it had obtained less than 2% of the national vote in 1994. With Tony Leon at its helm, the DP set out to galvanise the support of all minority groups in a quest to become the formal opposition.

The DP led a 'fight back' campaign in the 1999 election. This campaign was primarily directed at minority groups, with claims that it would fight against crime and affirmative action in particular. Tony Leon's aggressive style, in which he often publicly denounced ANC policy, instilled more hope of a credible challenge in the minds of minority groups than the new NNP leader, Marthinus van Schalkwyk. The DP succeeded largely in making inroads into the NNP's traditional constituencies and in 1999 tripled its number of votes. The DP also dedicated one-third of its budget to the black voting market

and recruited 'quality' black candidates, many of whom had impressive records of civic activism. However, the DP's inroad into the black constituency remained marginal. The DP did not place blacks in the top positions on the PR candidate list and it was unable to shake off its image as a party protecting white interests.

Reconstituted as the Democratic Alliance in 2000, the party specifically targeted Coloured and Indian voters. Its campaigns were consequently concentrated in the Western Cape and KwaZulu-Natal. The DA also entered into an alliance with the IFP. The DA's message during the 2004 election campaign was 'South Africa deserves better'. As in 1999, its manifesto and speeches focused on rooting out crime and corruption. It promised to put 150,000 police on the streets, to devise a 'road map' for democracy in Zimbabwe, a free supply of antiretrovirals (even devoting a whole ministry to AIDS), a basic income grant of R110, scrapping some labour laws, providing tax incentives, creating export processing zones, free transport and one million new jobs. In its bid to compete for the NNP's core constituency, it continuously alerted the public that the NNP had formed an alliance with the ANC. The DA popularised the view that a vote for the NNP would translate into a vote for the ANC. Much of its campaign was that of vilifying the NNP and on highlighting alleged ANC incompetence.

The DA was once again able to more than double its electoral support by obtaining 12% of the national vote. It attracted most of the former NNP supporters for it appeared to remain true to the sentiment of 'keeping the ANC out' in the Western Cape (the slogan which the alliance used in the 2000 municipal elections). The DA's rise in the Western Cape has been spectacular for it was able to increase its share of the vote from 6.6% in 1994 to 27% in 2004. The speculation now is whether or not the DA has reached its ceiling of support. In order to grow it has to attract votes from blacks. For this to happen its image as a party for disgruntled minorities, its pale leadership and often obnoxious leader, and its campaign strategies must change. It has to begin to focus more on issues and present alternative policies. The DA's liberal ideology is premised on championing the rights of individuals, but because of the nature of the issues it has focused on (for example, affirmative action) this has overlapped with identity and, hence, it is now seen as a groups-based party. In the South African context it is difficult to separate issues from identity for the two are so intertwined.

THE NEW NATIONAL PARTY

The NNP was one of the oldest political parties in the country. Its history is steeped in the creation of an apartheid state. The party was formed to champion the interests of the Afrikaners; it was a white exclusionist party fighting to secure a white exclusionary state. From the 1990s it began to transform itself radically. When F.W. De Klerk became leader of the party, he set it on a course that would eventually lead to the abandoning of the ideology of apartheid, the creation of a democratic state and its transformation into a multiracial one. It also led to the demise of the party itself in 2004.

The NP succeeded in capturing the Coloured vote in the 1994 election. Using the trope of a broader Afrikaner family that it sought to protect against the African nationalism of the ANC, the NP was able to secure 20% of the national vote and 53% of the vote in the Western Cape. Its constituency in 1994 was 49% white, 30% Coloured, 14% black and 7% Indian.[192] This distribution attests to its transformation as a multiracial party. In 1996, however, the party went into crisis. The NP withdrew from the GNU and De Klerk resigned as head of the party. A relatively young and unknown personality (nicknamed *kortbroek* as euphemism for a little boy), Marthinus van Schalkwyk, took over as head of the party. Under his leadership the party first went into an alliance with the DP and then began to seek closer ties with its age-old enemy, the ANC. Its new mantra was that of 'cooperative governance'. Giliomee has argued that one of the unique features of the South African political system is that the NP leadership was able to protect its support base despite fundamental policy changes. This optimistic assessment was not sustainable for from 1999 the NNP went on a steady decline. Its support plummeted to 7% in 1999 and to less than 1.6% in 2004. As a consequence it has disbanded; the rump of the party leadership absorbed into the ANC.

The NNP was unable to sell its new message to its constituency. In fact, it hardly bothered to do so for it simply told them that working with the ANC was the right thing to do: this after decades of telling them of the evils of the ANC. The shift was far too radical for its supporters and appeared to be based on opportunism rather than principle. NNP supporters read through the lines of the deal that their leadership had struck with the ANC: deliver the Coloured vote and we will secure some seats for you. Many Coloureds shifted their support to the DA, increasingly rendering the NNP/ANC

alliance precarious. This was seen in the debacle as to who would be the premier of the Western Cape, Van Schalkwyk or Rasool. Neither ANC nor NNP supporters were in favour of the alliance. The NNP noted in its campaign that it would be the people's voice to the ANC. Their constituency did not feel the need for a go-between party and therefore either shifted their vote to the DA or to the ANC directly. The NNP paid a heavy price for its contemptuous treatment of its supporters. It will go down in the annals as the party that sold out the white vote in the apartheid era and the Coloured vote in the post-apartheid era. For this suicide, Marthinus van Schalkwyk was rewarded with a ministerial position.

INKATHA FREEDOM PARTY

The IFP is primarily a regionally based party with a predominantly Zulu-speaking constituency. The party emerged in 1975 as an offspring of a Zulu 'cultural organisation'. It made its mark through its simultaneous participation in, and critique of, the then apartheid created Bantustan structures. In the late 1980s it was centrally involved in the violence that engulfed Natal as it sought to keep the ANC out of the province. The party has been on a steady decline since 1994. Its support base is now largely rural and therefore its interests are associated with traditional structures. The IFP has attempted to form alliances with different parties, such as the DA in 2004, to stay in control but this has not proved successful. Although the IFP is not nationally strong and its regional support is waning, it is often perceived as having the ability to destabilise the country. It has shown its propensity to use this tactic when it felt threatened in the past. The ANC is, however, not cowing to this kind of blackmail. Instead it seeks to sow division in the party by working with the moderates within the IFP in the hope that this will eventually lead to the dissolution of the party. The IFP is unable to attract substantial minority support and therefore has to rethink the future make-up of its constituency if it is to remain a major political player.

THE INDEPENDENT DEMOCRATS AND THE UNITED DEMOCRATIC MOVEMENT

The ID was formed during the floor-crossing period in 2003. Former PAC stalwart Patricia de Lille leads it. The party performed beyond expectation in the national elections and in the Western Cape and Northern Cape provincial elections. It obtained 1.73% of the national vote (which is high for a party established less than a year ago), giving it seven parliamentary seats

and 7% in the Western Cape. The ID is dismissed by many as a one-woman party that would suffer the same fate as the United Democratic Movement (UDM): that is, it would lack sustainability. De Lille is on a mission to refute the claims of her opponents. Her liberation struggle credentials provide her with legitimacy among blacks, her ethnic background and campaign issues endear her to the Coloured community, and her outspokenness on corruption appeals to the white electorate. Moreover she is a black woman who promotes women and children's rights. These characteristics enable the party to draw a cross section of support.

Many opposition parties draw their support on the basis of individual leaders. This would therefore not be a unique feature of the ID. However, the party needs to draw on more people of the ilk of De Lille in order to broaden its support base for the next election.

The party's manifesto concentrates on social welfare (basic income grant, child support and social assistance for the poor and for HIV/AIDS victims), women and child abuse, free education, the creation of employment and anti-corruption. Making gender abuse a prominent feature of the ID campaign was a welcome attribute and secured it the vote of many white liberal women. The party also advocates cooperative governance but claims that it will not be establishing any alliances. For the ID, cooperative governance refers to supporting policies that it agrees with and challenging those that it does not. In the recent parliamentary session De Lille told President Mbeki that he does not need to worry about 'that little boy' (referring to Tony Leon), for she will sort him out. This kind of intimation may endear her to the ANC, but can equally backfire as her constituency expect her to direct challenges to the ANC rather than assisting the ruling party to obliterate other opposition parties.

The UDM was formed in 1999 by Roelf Meyer (ex-NNP) and Bantu Holomisa (ex-ANC). They started the party believing that the combination of the two leaders would be able to attract a cross-section of voters. Roelf Meyer withdrew from the party after the 1999 elections. The party has been unable to grow, remaining at a 2% national support level. Its constituency is predominantly blacks located in the Eastern and Western Cape. Similar to other parties, its manifesto promised free education, the creation of jobs,

lowering interest rates and a zero tolerance approach to crime. This political party appeared to have potential in 1999, but it has subsequently suffered the fate of other predominantly black political parties – that is, they do not offer sufficient substance to persuade ANC supporters to switch parties.

IDENTITY VERSUS INTEREST

There are two primary arguments used to explain the weakness of opposition parties in South Africa. These are that the electorate vote on the basis of identity and that the financing of parties is unequal. Both these arguments fail to take account of the ineffectiveness of the parties themselves.

Since 1994, political analysts have made the argument that voting in South Africa is a 'racial census' and therefore opposition parties, themselves largely race based, will forever be confined to the parliamentary benches of the opposition. This argument was taken further by Giliomee and Simkins who asserted that the lack of the possibility of an alternation of power inhibits democratic consolidation in the country.[193] Others, such as Mattes and Reynolds,[194] oppose this view and point to the multi-ethnic basis and cross-cutting support of the major political parties. Friedman argues that there is a false dualism (identity/interest) in the argument and Habib asserts that voters are more issue oriented. Identity and interest are not mutually exclusive characteristics and their malleability negates arguments of the permanence of the current status quo between political parties. The race-based arguments do not address why other identity-based political parties fail to attract support.

There is undoubtedly a correlation between race and support for the ANC, even if it attracts some support from other groups. However, if racial identity was the only factor determining support for the ANC why do other black-led political parties, such as the PAC and AZAPO, fail to attract support? It is obvious that the black electorate perceive the ANC as the party championing the interests of the majority: that it has more to offer than mere identity affiliation. Coloureds and Indians do not vote for political parties led by persons from their ethnic groups. Similarly, Afrikaners shifted their support to the DA, not the right wing, when they felt that the former champion of Afrikaner nationalism no longer acted in accordance with their desires.

People inhabit multiple identities and these identities and interests are moulded by the changing conditions. It is incumbent upon political parties to read the signs and develop agendas that speak to the audiences they wish to capture. Analysts need to be more circumspect in their portrayal of voters as either primordial/atavistic or utilitarian and should pay more attention to the apparent inability of opposition parties to offer credible alternatives to the ruling party. For, where it matters most to voters – namely, alternative economic policies – none of the major political parties have an alternative to GEAR. The opposition is therefore weak because of its own make-up, a lack of policy alternatives, an inability to go beyond the window-dressing of party transformation and because they largely remain trapped in the binaries of majority/minority identities.

Smaller political parties have asserted that there is an in-built unfairness in the election campaigns and therefore they cannot do well. The number of seats allocated to political parties determines party funding from the state but they are free to raise money from alternative sources. New parties are unlikely to get many donations and will receive no state funding, while smaller parliamentary parties get very little. It is obvious that those with more funding are able to campaign more extensively. However, this distribution of state funds appears to be fair within a PR system. Lack of party support cannot be conclusively blamed on lack of funding. The funding formula did not affect the rise of the ID. It used the little money it raised effectively by concentrating on those areas in which it could possibly do well.

It is the control of outside funding that needs extra policing. At the moment, political parties do not have to disclose the origins or amounts of donations they receive. This can lead to both fraud and corruption, as has been seen to be the case with scandals around donations to the NNP. The Institute for Democracy in South Africa (IDASA) has taken up the challenge to force laws on to the statute books that will require political parties to make such disclosures. (See Chapter Four for more on this theme.)

WOMEN AND PARTY REPRESENTATION

The women's movement in South Africa was instrumental in ensuring that women's rights were incorporated into the constitution and that the ANC

adopt a 30% quota for women's participation in government. In 1997, South Africa signed the SADC Declaration on Gender and Development that committed governments to 'ensuring the equal representation of women and men in the decision making of member states and SADC structures at all levels, and the achievement of at least a 30% target of women in political and decision making structures by 2005'. This target has largely been met by government, as can be seen in tables 6 and 7.

Table 6: Women in provincial legislatures in South Africa[195]

	1994			1999			2004			
	Seats	**W**	**%W**	**Seats**	**W**	**%W**	**Seats**	**W**	**%W**	**+/-**
Eastern Cape	56	14	25	63	15	23.8	63	20	31.7	7.9
Gauteng	86	25	29	73	25	34.2	73	31	42.4	8.2
KwaZulu-Natal	812	11	13.6	80	21	26.2	80	21	26.2	0
Free State	30	7	23.3	30	7	23.3	30	8	26	2.7
Limpopo	40	11	27.5	49	15	30.6	49	16	33	2.4
Mpumalanga	30	6	20	30	8	26.6	30	9	30	3.4
Northwest	30	11	37	33	10	30	33	11	33	3
Northern Cape	30	7	24	30	8	26.6	30	11	37	10.4
Western Cape	42	10	23.8	42	10	23.8	42	12	28.5	4.7
Total	**425**	**102**	**24**	**430**	**119**	**27.7**	**430**	**139**	**32.6**	**4.6**

W = women

The Free State, KwaZulu-Natal and Western Cape are still below target. The statistics for the Western Cape are disconcerting given a strong history of gender activism in the province. It is clear that in the two provinces where the ANC does not have absolute majorities, gender equity becomes a secondary concern for the distribution of public office positions.

Table 7: Representation of women in National Assembly 1994 to 2004[196]

Party	1994			1999			2004		
	Total	W	% W	Total	W	% W	Total	W	%W
ANC	252	90	35.7	266	95	35.7	279	104	37
DP/ DA	7	1	14	38	6	15.7	50	13	26
IFP	43	10	23	33	9	27.2	28	5	18.5
NP/ NNP	82	9	10	28	4	14.2	7	0	0
UDM				14	1	7	9	4	44.4
ACDP	2	0	0	6	2	33	6	2	33
FF				3	0	0	4	0	0
UCDP				3	1	33	3	0	0
PAC	5	1	20	3	0	0	3	0	0
Other				5	2	40	(7)	(3)	(43)
TOTAL	**400**	**111**	**27.7**	**400**	**120**	**30**	**400**	**131**	**32.7**

W = women

One can note from Table 7 that the ANC has been consistent in ensuring a minimum of a 30% representation of women in parliament. Overall, a total of 32.7% women are represented in parliament. South Africa still has a long way to go before it reaches the stage of gender parity. The new concerted effort at gender mainstreaming will assist in achieving this goal; however, it is clear that it is only the ANC that has made a sustained effort to include women in government. For other parties, gender representation appears to rise and fall with their overall performance. This would indicate that women are the first to be axed when a party loses seats.

Few women lead political parties. Focus was on Patricia de Lille for the 2004 election precisely because she was a woman campaigning in a male-dominated space. Women's issues barely featured among the campaign

slogans and manifestos. There was hardly an attempt to articulate the differential impact on women of the issues that the political parties focused on, for example, crime, unemployment and AIDS. Women primarily enter government decision-making structures via the quota system on the PR lists. Analysts have not only asserted that the threshold on the PR system needs to be higher, but that the PR system needs to be abolished because it does not facilitate accountability. However, one of the reasons to maintain the PR system would be that in a patriarchal society PR is arguably a powerful mechanism for advancing gender equity in political representation. Political parties would be unwilling to put up women candidates for fear of losing a ward. The quota system adopted by the ANC has had spill-over effects on other parties which, in its absence, would not have forwarded the number of women representatives they currently have.

CONCLUSION

Multipartyism is firmly entrenched in South Africa. For the foreseeable future, it will remain characterised by the domination of one party and the proliferation of smaller parties. This feature has more to do with the nature of the opposition parties themselves than with the voting behaviour of the electorate. The ANC's advantage is that it does address the plight of the poor and the needs of the black middle class as well as offering protection to the rich, even if more in rhetoric than practice at times. Through the legal framework implemented during its rule, the party has provided the vast majority of the electorate with the fundamentals so long denied to them: dignity, respect and freedom. The ANC may be found wanting on the side of delivery of material needs, but it promises to do better. No other party has shown that it could perform differently under the same conditions of vast inequities. It is the combination of speaking to the psychological and material interests of a cross section of blacks that brought the ANC into power and that sustains it there. Any party that wishes to tap into this constituency needs to have similar appeal. This calls for innovative, strategic thinking rather than blame placing.

THE NEW CHALLENGES OF DEMOCRACY ASSISTANCE IN SOUTH AFRICA[197]

Grant Masterson and Sydney Letsholo

LOOKING BACK TO THE 1994 AND 1999 ELECTIONS

International assistance was an important element in the liberation of the racially segregated political system of apartheid that existed in South Africa for more than 40 years. Sanctions, embargoes and other assistance maintained pressure on the apartheid regime to liberalise and desegregate its policies. Vital to the anti-apartheid movement, international financial assistance sustained elements of civil society, activist groups and underground resistance movements in the fight against racially segregated politics. After South Africa finally abolished its apartheid policies in 1994, international financial assistance continued to play a significant role.

Democracy assistance has played an important role in support of the democratisation process in South Africa. Donors were actively involved in the three post-apartheid general elections of 1994, 1999 and 2004. The donor community contributed financially and otherwise to the consolidation of the electoral process. They have assisted government, the IEC and CSOs. This chapter discusses the nature of assistance donors have given to these stakeholders. Furthermore, the chapter will intimate the shift in focus by the donor community towards NGOs and CBOs, especially with regard to pre- and post-1994.

It is important to prelude this chapter with a brief overview of some of the challenges that face the 'new' South Africa. This is necessary in order to apprehend the critical contribution of donors to the consolidation of democracy in the country. Following apartheid, South Africa was confronted not only with political challenges but also with serious developmental problems. These challenges were identified as:[198]

- consolidating democracy and improving the quality of governance;

- making sufficient progress in improving services to the disadvantaged population in housing, health, education and other areas;
- making appropriate economic policy and regulatory changes to achieve higher, sustained economic growth; and
- expanding participation of the disadvantaged majority in the private sector and ownership of businesses, houses and other assets so that the benefits of growth are spread more equitably within South African society.

Further, these political and economic challenges are indivisible. The developmental challenges could not be achieved without a successful political transition. Thus in 1994 the international community deliberately decided to support financially the founding democratic election. South Africa received more support in 1994 than any other country in the region for their elections. This was a demonstration of the importance placed on South Africa by the international community.

DONOR ASSISTANCE, THE EC, NGOs AND CBOs

South Africa's anti-apartheid and pro-democracy NGOs and CBOs enjoyed extensive donor assistance before and after 1994. During the apartheid era foreign donors saw NGOs and CBOs as legitimate vehicles for channelling funds to apartheid victims.[199] Furthermore, the country's social and political climate did not make it easy for donors to follow-up on the usage of funds. According to a Centre for Policy Studies research report (2001), between 1986 and 1991 the European Commission (EC) donated about R2 billion to South African NGOs and CBOs; by far the largest amount given to any single country in that period. The report further asserts that funded activities and organisations varied greatly, from poverty relief through education grants for black South Africans to direct contributions to liberation movements.

International funding and financial aid to South African NGOs and CBOs played a prominent role in the sustainability of these organisations in the wake of the 1994 elections. This is primarily the case as the new GNU lacked the capacity to assist with either regulatory frameworks or access to government subsidies immediately after 1994. Of the estimated 10,000 NGOs and CBOs that existed in 1994,[200] the formal NGO sector comprised some

4,800 organisations which received South African government funding in some form. The remaining 5,200 organisations were therefore completely dependent on the assistance of private and international donor support in order to survive. Additionally, the country's tax laws as they existed in 1994 severely hindered the growth and strengthening of NGOs and CBOs and the active participation of not-for-profit organisations in the country's democratic processes. International organisations such as the United States Agency for International Development (USAID) worked closely with the central government to successfully amend these laws. Consequently, greater numbers of CBOs and NGOs qualify for increased exemptions from tax. This has been significant in strengthening civil society's participation in policy making and democratic processes since 1999. However, a significant number of NGOs and CBOs in South Africa continue to rely completely on private and international financial assistance in order to continue functioning.

Prior to 1994 NGOs and CBOs were funded if they were perceived as helping in the creation of a new democratic South Africa. This was despite the fact that in the early 1990s donor strategies started to change to empower political parties that would be contesting in the historic 1994 elections. Large amounts of money were invested in strengthening political parties involved in the negotiation process, with donors providing funds for research which would allow parties to articulate their policies. Nonetheless, NGOs and CBOs that were involved in democracy work continued to receive financial support, especially for voter education initiatives. Although the establishment of new and democratic political structures was an essential transitional step, conducting an election in an unstable political environment is a risky business.[201] This is why most donor support was heavily directed to assisting the country's electoral process, focusing on the administration and management of elections. The IEC was the largest beneficiary. USAID played a significant role in assisting the IEC with funds for the 1994 election. Table 8 compares the US government funds through USAID to South Africa and four other countries in the Southern African region.

In comparison to other countries in the SADC region, it is clear that South Africa enjoyed the largest contribution from USAID. It is important to note that the elections in Table 8 were transitional elections hence the high costs – justified on the basis of start-up costs of putting infrastructure and personnel

Table 8: USAID funds for founding elections in Southern African states[202]

Country	Election	Total cost US$ million	No. of voters million	Per voter US$
Angola	1992	100	4.5	22
Botswana	1994	1	0.37	2.7
Lesotho	1998	6	0.83	6.9
Malawi	1994	8	3.8	2.1
South Africa	1994	250	22.7	7.88

in place.[203] Besides the financial assistance, foreign donor aid played an important role in developing the capacity of inexperienced elections staff by pairing them with experienced electoral officers from other parts of the world.

In addition, the international community offered logistical support in 1994. For example, the EU played a significant role in terms of democracy assistance in South Africa. In October 1994, South Africa formally accepted the EU's invitation to work towards a comprehensive and long-term relationship.[204] In an effort to assist the country's fragile democracy, the EU created the Election Unit whose task was to observe the country's first democratic elections. A 'Joint Action' was established to oversee this process. This Joint Action provided for a wide ranging programme of assistance including training, technical assistance, support for domestic monitoring initiatives, continued support for non-partisan voter education, and the deployment of a substantial number of European election observers as part of a complete international effort coordinated by the UN.[205] However, the EU assistance to South Africa has not only been limited to democracy assistance. Due in part to the efforts of the international donor community, few major logistical glitches were reported during the 1994 election, contributing to the success of that election.

International donor support continued in 1999. Funding amounting to approximately R20 million was received from Britain, Canada, the US, Austria, the Netherlands, Japan, the Ford Foundation and the United Nations Development Programme.[206] This money was used by various stakeholders

including the IEC, civil society and government. For instance, according to the IEC Report (1999) the grant from Britain was used to provide technical advisors for programmes which involved the setting up of conflict mediation committees in the nine provinces, as well as for a domestic observer coalition which fielded 10,000 domestic observers throughout the country. Furthermore, the report asserts that the grant from the Netherlands was used for voter education, the Austrian grant was used for voter education for special groups, and the grant from USAID was used for technical resource persons to be deployed to the provinces.

Notably, however, donor focus in 1999 shifted slightly away from civil society towards empowering the new government. Between the period 1994 and 1999, South Africa's government continuously received financial assistance from the international donor community, which not only focused on elections but on other pressing matters as well. Table 9 shows the broad nature of financial assistance to South Africa by the international donor community.

Table 9 clearly shows the shift in focus of the international donor community. The general sentiment of donors (whether local or international) was that democracy would not flourish without developing and empowering strong state sectors. Donor assistance to South Africa also focused on matters such as health, security, education and justice, to name just a few. Between 1995 and 1999, the Embassy of the King of Belgium donated R20 million towards safety and security, while during the same period the government of Switzerland donated $60 million towards the democratisation of society, increased access to resources and sustainable change.[208] Notable contributions also came from the United Kingdom (UK). According to the Development Cooperation Report of 1999, the UK's overall assistance to South Africa increased between the 1994 and 1999 elections. The priorities of the UK's assistance to South Africa were education, health, rural development and small enterprise development. Donor assistance to government focused on strengthening various government departments such justice, safety and security, health and education.

While donor assistance has played an important and necessary role in South Africa after 1994, there needs to be an assessment of its impact. Accurate impact evaluations of donor assistance in the country are difficult to quantify

Table 9: The variety of international donor support to South Africa[207]

Donor	Context assistance	Period	Sectoral focus	Amount
Embassy of King of Belgium	Specific support for organisational restructuring of the police	1995-1999	Safety and Security (Police)	R20 m
Commonwealth	Democracy, rule of law, just government, human rights	1994-95 but continuing	Justice: training in community policing, basic training curriculum, gender equality	+/- R1.1 m
The UK	Overall UK assistance to South Africa has been increasing since the 1994 elections. Priorities are: • education • good health • rural development • small enterprise development	1995-96	Safety and Security /Justice	R17 m
		1996-97		R23 m

as a result of poor coordination among the donor community as well as internal obstacles within the South African government. This needs to be addressed particularly because the progress that has been made in specific sectors where the international donor community has intervened is not publicly known. This is also useful in identifying new challenges that require the attention of both the government and donor community.

Notwithstanding the focus on government after 1994, NGOs and CBOs have also directly benefited from the generosity of the international donor community. The participation of ordinary South Africans outside of the elite groupings in society must be at the very core of impact assessments at community or district level. EISA, whose mission is to strengthen electoral

processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions subscribes to this notion. In the run-up to the elections, the institute produced *Election Update* which specifically dealt with issues related to the elections. This was in the form of a fortnightly newsletter with contributions from researchers in all the provinces. This project was funded by the Norwegian Agency for Development Cooperation (NORAD) and the Open Society Foundation South Africa (OSF-SA). The OSF-SA also organised a community radio conference to promote democracy at community level. The main objective of this workshop was to capacitate community radio stations in all the country's provinces.

DEMOCRATIC ASSISTANCE IN 2004

The transitional elections of 1994 and 1999 enjoyed the support of the international donor community. By 2004, however, this support appeared to be on the wane. With declining international interest in South Africa's progress towards a consolidated democracy and an altered geo-political environment post-9/11, there has been a clear shift in emphasis placed on democratic assistance to South Africa, with attendant consequences.

In addressing the question of international democratic assistance in South Africa during the 2004 elections, three major issues emerged. Evidence suggests that international financial aid to the country for the specific purpose of democratic consolidation is in decline, which raises questions about the sustainability of the country's democratic institutions. The second area of discussion centres on the transparency of the country's democratic institutions in making available information regarding their sources of funding. This is particularly an issue for the political parties contesting the country's elections. Finally, the role of central government in funding the country's democratic institutions has become central to the continued development of democracy in South Africa, and is discussed in more detail later. This section addresses some of these issues.

The onset of donor fatigue?

International interest in the electoral processes and observation of election 2004 in South Africa were at there lowest levels since the country's transition to a non-racial democracy. The country's electoral management body, the

IEC, established itself as a competent and impartial institution largely capable of ensuring that the elections to select parties in the national and provincial legislatures were mostly free and fair. By far the greatest share of what international attention existed was focused on the politically turbulent KwaZulu-Natal province, where supporters of the ANC and the IFP were involved in allegations of political violence and intimidation prior to the elections. As a result of the predictable nature of the ANC's victory and the generally favourable political environment in which the elections were conducted, international involvement in the elections declined from 1999 onwards. The clearest indication of the declining international interest in the South African elections was the EU's decision not to send an observer mission to the country in the run-up to the election.

Exactly how this declining international interest impacts on financial assistance to the country's democratic institutions is not immediately assessable. During the country's first non-racial democratic elections in 1994, a strong international presence was supplemented with significant financial involvement in the administrative costs of running the elections. The IEC's budget of nearly R1 billion was largely funded by the South African central government; however, international organisations accounted for more than R20 million to the IEC in grants alone.[209] In 1999, the IEC reported an expenditure of slightly more than R500 million, and again roughly R20 million was directly donated to the IEC from international organisations.[210] In the 2004 national and provincial elections, the total projected costs of the election were put at approximately R600 million; however, international donations to the IEC showed a sharp decline to an amount of less than R7 million. Clearly from the evidence at hand, direct financial assistance to the IEC has declined sharply since 1999.

Table 10: International grants/donations in comparison with election budgets

	Total budget	International grants/ donations
1994 Elections	R 912,131,326.00	R 24,234,030.00
1999 Elections	R 529,210,483.00	R 20,081,056.00
2004 Projected totals (unofficial)[211]	R 612,914,385.00	R 6,613,229.00

The IEC is, however, not the only democratic institution to have benefited from international financial assistance over the past decade as numerous NGOs and CBOs have also been the recipients of democratic assistance. The active participation and engagement of civil society in the decision-making process is essential to the promotion of democracy, and in South Africa a broad and diverse number of NGOs and CBOs assist in the promotion of democratic practice and application.

Trends in international assistance in the civil society sector tend to underline the declining interest in South Africa's democratic consolidation. While financial assistance to the civil society sector as a whole rose from R1 billion to R1.8 billion in the period 1994 to 2000, in 2003 this total declined to R1.4 billion. In addition to this drop in financial aid, the number of organisations that benefited from this aid declined from 6,000 in 1999 to 3,700 in 2004.[212] Thus not only has the amount of direct financial aid from international donors declined, but so has the number of organisations which receive that aid. It is still too early to be able to determine what effect this decline in financial assistance to the civil society sector has had on its sustainability. To date there is little clear evidence to suggest that the decline in financial assistance has negatively impacted the sector yet. However, the disengagement of international financial organisations in the promotion of democratic consolidation presents a challenge which the sector will need to address if this trend is to be reversed.

The question of transparency

The issue of transparency with regard to donor funding is a complex and controversial topic in many established democracies.[213] South Africa, as a consolidating democracy, is no exception. The disclosure of such information as the content, source and substance of donor financial assistance made to an institution remains a sensitive topic for many of South Africa's NGOs, state institutions and political parties. In recent years, the debate has tended to focus largely on the disclosure of information regarding the private funding of political parties.[214] However, the country's political parties are not the only institutions whose policies restrict and hinder access to information regarding donor funding information. The manner in which this issue is addressed could have a direct impact on the further institutionalisation of democracy in South Africa.

Access to information is a significant factor in enabling informed discussion and debate regarding policies, and is crucial to the consolidation of democracy in a country. In 2001, a report from a delegation of South African NGOs which were assessing conditions in the US NGO sector made the following statement:

> 'Another eye-opener was the facilitative role that the [US] government plays when working with NGOs, a role that includes providing high quality public information, whether it is the detailed statistical reports of the US Department of Agriculture's National Agricultural Statistics Service or the "Funding Alerts" issued by the DC Mayor's office. This is a challenge for the South African government at all levels – the ability to provide citizens with reliable, useful and accessible statistical and information services is an important element of democracy building.'[215]

Although many South African institutions are making good progress in transforming their operations into more transparent policies, it is often still difficult to obtain the type of 'detail' and 'high quality public information' available to NGOs in other democracies. In particular, the financial affairs of organisations are often not available in detailed form, with generalised statements and partial reports made available on request, while more detailed and substantive documentation is unavailable. Although there are several factors that could account for this state of affairs, the fact remains that access to information is a challenge in the consolidation of democracy in South Africa.

In the preamble to the 2000 Promotion of Access to Information Act, the South African parliament states that the act is meant to:

- Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and
- Actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.[216]

In order to promote these objectives, the act stipulates the responsibilities of public institutions and organisations in providing information on request to any concerned party that makes a request for that information. According the act, it is not permissible to refuse access to any information requested of a public body, with a handful of exclusions such as criminal court proceedings and the reports of cabinet meetings. The act paves the way for legitimate queries into the affairs of any public body which civil society deems it necessary to enquire about. Although the act itself has in theory paved the way for civil society to gain access to information from public institutions, the practice continues to fall far short of the mark, and questions remain about when a body is considered a public enterprise and when it is a private enterprise. It is this argument, which is the cornerstone of the case, that South African political parties have made when requested to disclose the nature and substance of private donations in support of their work.

As in many emerging democracies, South Africa's reach continues to exceed its grasp in this important area of democratic consolidation. In regard to the provision of information requested from public bodies and CSOs, it seems that stipulations exceed delivery. Informal requests for assistance in speaking to the most appropriate persons in government institutions are too often met with ignorance and incompetence. In all instances, government officials proved cooperative and amenable to requests for information; however, the actual delivery of figures requested from government institutions never arrived. In some instances, requests for information regarding the composition of a public body's international contributors are redirected to reports which are yet to be distributed. Formal requests tend to be tedious and require sustained and intense effort on the part of the organisations requesting information. The number of these requests that are ultimately successful is high; however, the process tends to take between three and six months per request.[217] This does not compare favourably with the US where the average time per request is 10 days.[218] At the time of writing, no requests for information had been satisfactorily addressed by any government department of which these details were requested.

Despite the challenges of service delivery in responding to queries, government and other public institutions have generated a mere fraction of the controversy that has surrounded the financial affairs of South Africa's

major political parties. The refusal of the country's parties to publicly disclose the details of their financial backers has placed them on a collision course with CSOs, which looks likely ultimately to head for the Constitutional Court unless some agreement is reached.

Political parties argue that making available to the public information about their financial backers could adversely affect the ability of opposition parties to successfully campaign for funding and unfairly prejudice organisations that make contributions to opposition parties in their dealings with the government. In other words, companies and private individuals who would otherwise wish to make financial contributions to opposition parties might be wary of doing so if they felt that they would unnecessarily prejudice themselves in future dealings with the ruling political party. NGOs and CBOs assert that as political parties contest elections – and ultimately form governments which legislate policies – keeping the record of financial contributions to political parties secret affords private individuals and organisations undue influence over government policy making. Even more damaging to democratic consolidation, these organisations and individuals are shielded from accountability through their anonymity. Thus special interest groups are able to influence policy without ever being subjected to public scrutiny.

This issue raises a complex challenge for South Africa. In order for a multiparty democracy to be effective, the electorate of the country must be provided with at least two (if not more) legitimate choices to vote for. To promote their policies and ideologies, political parties must necessarily campaign in their constituencies, often at considerable costs. Although no official figures have ever been released, best estimates guess that the ANC spent upwards of R80 million in the 1994 elections – a large majority of which was funded by private sources.[219] In the 1999 elections the DA is believed to have spent more than R20 million, and the IFP R28 million.[220] The funding that these parties received from the Represented Political Parties' Fund (RPPF), which provides all political parties with funding on a performance-based system, clearly failed to cover their total expenses. In 1999 the DA received R12 million from the fund and the IFP received R5.2 million,[221] indicating a funding shortfall in the millions in both cases. Although these figures have never been confirmed, if true they represent significant contributions made to political parties by private sources.

There is nothing inherently undemocratic about private funding of political parties; democratic processes incur costs which are often not sufficiently catered for by government subsidies. However, the challenge to democracy comes when private donors attach conditionalities to their campaign contributions. In this instance, the lack of transparency in a political party's financial affairs means that the electorate is not made fully aware of the political party's agenda, as some issues are the prerogative of special interest groups hidden from public scrutiny.

Since the ANC was voted into power in 1994, rumours have continually surfaced regarding campaign contributions made to the party on condition that certain actions be undertaken (or not undertaken as the case may be). The clearest single example of this form of back-room politics came in 2002 when Taiwan's last officially recognised ambassador to South Africa, Eugene Loh I-cheng, confirmed that the Taiwanese government had made substantial financial contributions to repay debts incurred in the ANC's 1994 election campaign with the attached condition that the ANC continue to recognise Taiwan's diplomatic status in favour of Mainland China for at least two years. In 1998 the ANC government made a formal shift in diplomatic recognition between Taiwan and China, some two years after these payments were made. According to the ambassador, the approximately $10 million was seen in Taiwan as a good investment at the time, and allegedly stalled the shift in diplomatic recognition which the ANC ultimately took.

In the run-up to the 2004 elections, allegations of 'dirty money' again surfaced, this time focusing on the relationship between the DA and a German fugitive Jurgen Harksen. The ANC immediately condemned the allegations of financial contributions made by Harksen to the DA, and demanded an accounting from the party's head, Tony Leon. The DA hit back with counter allegations that the ANC had since 1990 received financial assistance of more than R240 million 'from some of the world's worst human rights abusers'. The DA alleged that the ANC had received private contributions from President Muammar Gaddafi of Libya, Nigerian dictator Sani Abacha, Mohammed Suharto of Indonesia, King Fahd of Saudi Arabia and Sheik Zaid bin Sultan an-Nahayan of the United Arab Emirates. Both the DA and ANC denied the allegations and made obscure and vague accountings of those dealings for which they deemed to respond.

This has prompted CSOs and the smaller political parties to demand an accounting from the major political parties regarding their financial backers, which has for once brought the ANC, DA, IFP and ACDP together in a common position.[222] The political parties argue that they are not public entities and therefore the Promotion of Access to Information Act is not applicable in this instance. They assert that their accountability is to their membership. However, IDASA has taken the political parties to court over the issue, arguing that as political parties represent the electorate in the government, this makes them public entities. This matter is still pending.

The role of central government in democratic consolidation

Declining international financial contributions and the issue of private donor funding to political parties have prompted some to present arguments for the greater involvement of central government in the democratic consolidation of South Africa as a means of addressing these issues. The PAC argues for a greater role and more equitable division of state resources between the political parties as a means of addressing the inequalities and deficiencies of private donor funding.[223] Given declining international democratic assistance, there exists a vacuum which the central government could potentially occupy in the promotion and consolidation of democratic gains in the country. Already some of the smaller political parties such as the PAC are struggling to compete in national and local elections due to severe financial constraints. In a dominant party system such as South Africa's, the current structuring of the RPPF tends to entrench the dominance of the largest party over the rest. This is a concern for the long-term consolidation of multiparty democracy in the country.

At present, the RPPF, which is administered by the IEC, allocates 10% of its budget equally across all parties. The other 90% is allocated proportionally to the number of political representatives a party has in local, provincial and national legislatures. This has seen the larger parties receiving the lion's share of the fund's allocations, while the smaller parties continue to be marginalised in the current process (see Table 11). The PAC has proposed that the percentages be altered such that 50% of the allocated budget is split equitably between all the parties and 50% is divided proportionally. Their argument is that this would allow smaller parties to compete on a firmer financial footing with the larger dominant parties.

Table 11: Party funding from the Represented Political Parties' Fund, 2003/4[224]

Party	Number of seats in all legislatures	RPPF receipts 2003/2004
ACDP	12	1 404 821.80
ADP	1	72 274.34
ANC	573	42 573 853.10
AZAPO	1	72 274.34
CP	1	198 002.22
DA	82	7 087 153.46
FA	3	342 550.89
FF	7	933 739.62
IAM	1	72 274.34
ID	2	270 276.56
IFP	66	5 050 841.12
MF	3	371 829.99
NA	1	72 274.34
NLP	1	202 480.20
NNP	49	4 702 100.33
PAC	4	610 995.17
PDP	1	227 281.31
PJC	1	72 274.34
UCDP	6	535 950.63
UDM	15	1 779 751.93

Whether this reallocation of funds would actually serve the consolidation of democracy by advancing the cause of the smaller political parties is unclear; however, the RPPF could potentially address this issue by expanding the role of central government in the consolidation of democracy in the country. Declining international financial assistance poses a likely threat to the continued existence of a vibrant and vocal civil society community, raising the question of long-term sustainability of the sector. The opportunity exists for the role of the RPPF to be expanded and its mandate and budget to be increased in order to entrench the democratic gains made in the past 10 years.

The country's democracy is maturing, and with the shifting geo-political landscape and international attention shifting away from democratic consolidation towards the global war on terror, regional integration initiatives and other issues, the South African government needs to demonstrate its commitment to democratic consolidation by picking up the slack. In other established democracies, the state tends to play a key role in the promotion and democratic assistance of both political parties and civil society in engaging in the political process. In the first 10 years of South Africa's young democracy, the international presence on the ground has been significant. As this presence recedes, the state will need to recognise and redefine its role in the promotion of democratic values.

There are already some positive indications that the state is increasingly aware of the important role that it needs to play in the promotion of civil society and the entrenchment of the country's other democratic institutions. Initiatives such as the government's roll out of funds to improve the quality of the country's community radio sector demonstrate a growing awareness in Pretoria of its role in democratic consolidation. However, serious questions remain, particularly over the issue of political party funding as to the extent to which the ANC – an organisation which prefers as its *modus operandi* a hierarchical structure – is committed to entrenched and open democratic principles.

CONCLUSION

International financial aid was crucial in transforming the South African political landscape from a racially segregated system to a non-racial democracy. Since 1994, international assistance has been instrumental in the entrenchment and consolidation of democratic gains in the country. However, declining presence on the ground and reduced aid contributions by the international community have created new challenges for the country's democratic institutions. This is a trend that looks likely to continue given that the prevailing global economic and geo-political outlook will necessitate a shift in the role of key role players in South Africa, including civil society, political parties, private donors and the government. The gains made after a decade of democratic rule now need to be translated into tangible benefits for the country's citizens in order to truly consolidate democracy in South Africa. To promote this process, greater coordination between central

government, political parties and international and private donors will play an important role in building on the success of the past decade. In the light of recent trends, this coordination appears more important than ever.

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ABOUT THE EDITOR

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ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA is currently the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Realisation of effective and sustainable democratic governance in Southern Africa and beyond.

MISSION

To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:
- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance

- To build institutional capacity of regional and local actors through research, education, training, information and technical advice

- To ensure representation and participation of minorities in the governance process

- To strive for gender equality in the governance process

- To strengthen civil society organisations in the interest of sustainable democratic practice, and

- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing

- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter/civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Rule of Law, which examines issues related to justice and human rights;
- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
- Election observer reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database

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