

South Africa – 1994 – Presidential and National Assembly Elections

My name is Johann Kriegler. I was the chair of the Independent Electoral Commission that delivered my country's elections of liberation in 1994. The tale, very briefly, is the following.

First, the background; the country had been in a low grade civil war for a number of years. However, there had been secret meetings between government representatives and representatives of the opposition groupings for some years, and then something half years before the election there have been official negotiations between the main liberation group, the ANC African National Congress and the South African government and the National Party, which was the Rudy Party, a number of other parties joined in the negotiations. In December of 1993, they had agreed on a transition process which would involve an election of an interim legislature, but also a body which would serve as the Constitutional Assembly. Which would draft the country's final constitution in terms of certain principles that have been agreed upon at the negotiating table.

Statutory provisions were only made in December 1993. The parties had, however, committed themselves to elections to be held on 27 April 1994. That meant that there was less than four months from the beginning of 1994 to deliver the elections. Technically that was impossible. You could not run elections in the black territory such as we were in that period. Moreover, the Victor Commission that was appointed had no electoral experience whatsoever. We were appointed in mid-december 1993. Myself, by mistake, I thought I was accepting the job as the chair of an electoral dispute resolution body. I found out on the way to Cape Town, to the actual form of meeting of the Electoral Commission. That I had accepted the job to chair the Commission itself. That was symbolic of the way I went about it subsequently more by mistake than anything else.

We did a lot of things right and a few things wrong. The Commission consisted of 11 South Africans, none of them electoral experts, none of them with any real knowledge of elections at all. I was a lawyer and I'd done a couple of election cases, but that was it. We were selected by the negotiating parties on an eclectic, representative basis, except that I was answerable to no political part. I was a senior judge in the country and I think I was picked because I belong to no political grouping and was obviously, as a judge, impartial.

The South African election commissioners were joined shortly by 5 international experts who had no vote but a great deal of voice in the Electoral Commission. They taught us a large number of lessons. Very, very good. The election Commission first met on the 4th

of January 1994. They seemed that it was a country with something like 18 to 20 million votes. With no voters roll, some 80% of those voters had no experience of any voting whatsoever. A substantial percentage were illiterate. Some 40% of the country did not have electricity. The roads in substantial areas were not fit for vehicular traffic. There was no electricity network across the country and certainly not in the communication.

The challenge we faced was that, although there had been agreement on elections between the parties at the negotiating table, there were a number of groupings to left and to right who opposed to the election in principle, some of them threatening violence, and some of them actually, in due course, doing violence. The political atmosphere was difficult. The security situation was, we were told very soon that we would have to stick to a limited number of voting stations and a limited number of counting stations because the country simply couldn't offer us the requisite security cover. For the desired number of polling stations, we had to settle eventually. For 10,000 working stations approximately and some 70 counting stations. The ballot box is from constituencies, groups and parties areas. Consolidated and counted together, we decided that vote counting could not take place at the polling stations because of security reasons in the result actually this group, an unwise decision. There was no violence on the electoral days. And no suggestion of any piracy of people trying to steal ballot boxes or the like.

The Electoral Commission had to decide on its 10,000 polling stations. We believe we had a list from the existing Government Department of Home Affairs. It turned out six weeks into the administration process that the voting stations they had chosen or the locations they had selected were largely unusable for a variety of reasons. We therefore have to start from scratch. We had to train, eventually, some 300,000 people to man these 10,000 working stations and 70 counting stations. We did so to the best of our ability, which wasn't particularly good. The result, as I will tell you, to voting process and counting process did not go smoothly. The law relating to the election was changed from time to time as the political process progressed. We initially had one ballot paper for the national government. And the 9 provincial government elections that had to be held. At the beginning of April, some 3 1/2 weeks before the election. The political decision was changed. And there did not have to be two ballot papers. It would be separate ballot papers for the provincial election. For each of them, and then the national ballot paper and vote that made a material change in the arrangement we had to replan the staffing we had to replan the distribution. We had to replan the location of polling stations. And those that could manage one election and those that couldn't manage two, we obviously had to double up on the staff and the school to play properly.

The biggest problem, however, was the political one. There were major groupings, as I've said, to left and right, who did not want to join. The biggest group was the one

representing most of the Zulus. Some 20% of the national population. They stuck out. They were not going to go to the election until the week before the polls were due to be held. That meant that we had within six days. To provide an additional 700 building stations with staff with balloting material. And above all, we have to redo or correct each of the national ballot papers. To include the new political representation of the Zulus in the ballot paper, the party, joined, as I say a week before the election, we had guessed that they were going to join. We had hoped they were going to join and we had had the reckless artwork for the printing of some 80 million stickers to put on the ballot papers done a week before and these could be stuck on the ballot papers in the last day or two. Before the election or in some instances, actually on voting day, the. Absence of a voter's role made it impossible to plan numbers of voting materials per voting station.

We have to guess in some places we overcounted. In other places, we undercount. We also did not have identity documents by which people could prove their eligibility to vote, or at least large numbers of people could not who had been refugees and left the country. Because of the population unrest. We therefore had to produce alternative identity documents for these people. The ultimate number of ballot papers up typically voting cards issued was three and a half million of these one and a half million were issued in the last week when we found out that the department had not been issuing them.

At sufficient speed we had to upgrade it and that was an exercise in logistics in itself we ran out of marking on polling day for a number of reasons, each had to be transparent because there were so many boycotters we didn't want voters to be identified by marks on their fingers. But at the same time, we wanted to have marks to predict duplicate voting. As a result, the secret formula was used in Washington and large quantities of transmission were sent to South Africa. These would be visible under ultraviolet light, so we needed 10,000 of ultraviolet lamps. They work electronically and the vast areas where we didn't have electric electricity, they had to be batteries driven, they were delicate. They broke down in many tight places. The ink ran out as I said. We, as a matter of necessity, instructed building stations. To make as if they were checking on the ultraviolet lamp can see that nobody was. Had a mark on his finger. That we also said that the way he ran out of this translucent material, just use water. They don't know it'll be any better than the vultures won't know any better. And if somebody's prepared to stand in line. For an extra 6 or 8 hours to vote twice would make very little difference. In the public in a proportional representation this.

The early day was preceded by a special voting Day, 26 of April. However, that was a polling day for the halt and the lame and the elderly and the infirm. On that morning it was quite clear that the majority of the population had waited for 300 years to vote and

then graduate another day, and the many polling stations were swamped on extra special voting day by voters who insisted on voting. In the result, the polling day arrived the next day. Many of those polling stations had institutional numbers of ballot papers. The result was that we had to print publicly 9 million ballots, distribute them to the areas that had run out. The act, admitting the Encarter Freedom Party for the election necessitated on identifying, proclaiming, staffing and equipping some 700 extra polling stations within the week before the election is depleted, all of our observers of voting by. Materials and more particularly ballot papers. So that is why in the other stations around short, we didn't have reserves, we had to print extra papers. There were major difficulties in the counting. There were areas where the counting staff, consistent on extra wages, wanted to boycott we had. Industrial relations problems.

The whole process ultimately, however, proved successful. On not one of the polling days was one single person injured in any violence relating to the election. The election produced a national government. That produced 9 provincial governments. It was accepted by the vast majority, the overwhelming majority of the electorate, and notwithstanding its multiple administrative flaws, it was politically accepted for a number of reasons which applied to all elections.

The political support of all of the major runners in the race was crucial. Listen up until Mr Mandela, not get President, President the CAP, the then President and the political parties they led were quite clearly resolute that the country was going to vote. It was to pass its right of passage, it was going to conduct its first democratic elections and make it possible for us to draft a new constitution, that spirit prevailed throughout the country. It was a crucial factor in the success of the election. Another crucial factor was that during the negotiation process, the days running up to the election, the student of give and take and to build throughout the country, there were local peace committees of people of opposing political parties that have dealt with local areas of friction and conflict. Also, the Electoral Commission had made it plain and had been effective in persuading large numbers of boycotters to join the election. Above all, they had managed to establish a few factors. And make them accepted by the population #1 we were not perfect. We were doing our best, but we were honest. They could trust us. The election that we were going to result would be the genuine result of the vote, the confidence of the electorate was a crucial factor.

Another crucial factor was that the game could run at speed. There was no time for a boycott to develop. There was no time for sabotage to really frighten me. The determination to hold the elections has determined my agreement in advance. Was the overriding force that ensured that the victory process would be another, and ultimately most important, feature that from the first day that the Electoral Commission started

operating. It did so on a consensual basis. Assured you that the party liaison committee was formed at national and provincial district and the polling station level throughout the country, and if a single decision or principle had to be taken. Was run past the relevant liaison committee, and national or provincial or lower level. This meant that when we got to the polling itself. The competitive part of the process. The spirit of cooperation, a joint co-ownership of the process, have been developed as a result of South Africa.