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Chapter Twelve

The magic moment
The 1994 election

Steven Friedman and Louise Stack

Five months after the Kempton Park negotiation had ended, the election it laboured to produce arrived. It was to demonstrate all the weaknesses and strengths of the South African transition.

The poll horrified purists, for it carried the spirit and style of the negotiations into most aspects of election management and the campaign itself. Like the process, it was messy enough to promise certain failure – and to deliver near-total success. Some of its weaknesses were direct products of the Kempton Park deals. The others were resolved by the untidy but effective deals which drove the negotiation forum. It may have been the first ever election which was negotiated at every crucial stage.

The consequences of compromise: the IEC

The negotiators had done much to ensure that the election would be a hurried and harrowing experience for those entrusted with its management. The forum had agreed on an election date in July 1993, but the Independent Electoral Commission Act was only passed at the end of October. The IEC was appointed in December, and could start work only at the beginning of January. For a couple of weeks, it had no law to govern the election: the Electoral Act was passed only in mid-January. And the rules were to be constantly changed in the weeks ahead.

As harried IEC officials battled against time, they longed for a couple of months (indeed weeks) to iron out bugs in the system. But postponement was politically impossible. The ANC had fought to win the date and believed its constituency would not accept a delay: nor, some feared, might the world community. The new constitution would come into force on 26 April, and a delay would create a constitutional vacuum. The date was, in Mandela's words, 'cast in stone', and election managers had no option but to live with it.

The delays were a product of Kempton Park's unique style of compromise in which deals took precedence over practicalities: like the TEC Act, the IEC Act's implementation was held over to the November plenary in the hope that this would persuade the IFP and its allies that the transition die was not yet cast. Implementation actually waited until parliament passed the constitution in December, since hopes of a deal with the IFP persisted until then – or, at least, ANC and NP negotiators were obliged to behave as if it did.

Having presented the IEC with the tightest of deadlines, the negotiators handed it a brief which would have strained seasoned election managers given double the time. Firstly, the election would be run not by the state but by an independent domestic body, the IEC. This was highly unusual, if not unique. In other countries, polls are run by either the public service, or if the state is not seen as neutral, by an international body such as the UN. Either way, the election is run by a state – that of the country concerned, or a combination of other states. The IEC was not a state and could not automatically employ its machinery.

Because the IEC could not rely on a pool of 'neutral' personnel, it attempted to achieve a peculiarly transitional brand of neutrality by supplementing the appointment of independents with that of people of contrasting political loyalties, in the hope that they would balance each other out. As a temporary institution it could only offer brief contracts, which did little to engender lasting loyalty from employees. These factors increased the strain on its internal cohesion, and probably contributed towards its administrative failures.

Nor was the IEC expected only to run the election. It is common practice in founding democratic elections that the current government administers the poll, but is watched over by independent, usually international, monitoring bodies, which declare whether the election was 'free and fair'. This aims to satisfy world opinion that the country in question has indeed embraced democracy. Here, although the election was not run by the government, the negotiators decided that it ought to be monitored anyway – by the IEC, which would also decide at the end whether the exercise had been 'free and fair'. And lest the commission found that this was not enough to fill its days, it would also duplicate the role of the police and courts, receiving complaints from those who believed the electoral law was being violated, investigating such complaints, and adjudicating them.

Kempton Park's legal technicians presumably realised that there was a touch of the absurd in asking the IEC to monitor and judge itself. They decided, therefore, that its three functions – administration, monitoring and adjudication – would be performed by separate directorates which were, in theory, autonomous. But all three were responsible to the same commission. This anomaly – the three directorates did not have to work with each other, but a single group of commissioners was responsible for them all – had consequences which the negotiators had not considered: it was tailor-made for internal buck-passing, in which the shortcomings of one function could be blamed on another.

The mandate to decide whether the election was 'free and fair' would have placed an unrealistic burden on the IEC, whatever its structure and other duties. It is unlikely that there has ever been an election which has been entirely 'free and fair'. In the oldest democracies, some parties have advantages others lack – richer backers, control of the state, or special access to powerful media. But since all democracies agree that imperfect elections are better than none, it is assumed that some blemishes can be tolerated. But how many, and of which sort? The answer depends on the beholder, since there is no 'objective test' of how many blemishes should be allowed before an election is no longer 'substantially free and fair'.

The IEC had presumably been chosen to express society's judgment on its behalf. But who would listen to it when it declared whether the election was 'free and fair'? The test of any election is whether society, and the losers in particular, accept the result. It was never explained why the judgment of 11 appointed persons would influence this either way. Most people assumed that the IEC would declare the election 'free and fair' whatever happened – which, in the end, it did. But it would have been foolish and dangerous to do anything else. The problem was not the IEC's answer, but the fact that it was asked the question. The effect was to damage its credibility further, and to add to the considerable pressures on it.

But, like the delays, these handicaps had less to do with the eccentricities of the negotiators than with the constraints of political deal-making. The election could not be run by the current state, since the ANC insisted that it was not neutral; nor could it be run by other states, since the SAG insisted that this would impair its sovereignty. Adjudicating disputes could not be left to judges, since they were appointed by the state; and monitoring could not be left to foreigners, because the SAG was determined that they should not be arbiters. In a country in which there were few political neutrals, appointing people with contradicting loyalties made sense. It could also be argued that since the old state was seen as partisan, and an election was needed before a new one could be created, appointing an independent, impermanent body was inevitable – if

only because its failures would not undermine the credibility of the new public service. In some respects, the IEC's peculiarities reflected those of the political process.

One aspect of the IEC brief, however, arguably reflected an avoidable foible of the negotiation technicians. Not content with brokering a deal which might save the country from a conflict which had once seemed inevitable, they insisted in addition that the transition create a democracy more ambitious than many which have survived for centuries: in a country which lacked political bread, they demanded roses too. It was not enough to attempt, for perhaps the first time in history, to run an election without a state: the body which ran it would also have to guarantee the calm and tolerance which four years of negotiation had not achieved. The Electoral and IEC Acts asked the commission to act not only as an administrator but seer and savant also – down to deciding how many votes parties had gained improperly, and deducting them from their totals.[1] But even the basics proved to be more difficult than Kempton Park had believed.

The negotiated umpire

In December the 11 IEC commissioners were appointed. Perhaps inevitably, few were politically 'neutral', but they did seem to balance each other out. The IEC Act also sought to guarantee that they would have no stake in the result: no commissioner could hold public office during and for 18 months after their IEC tenure. It had been agreed that a supreme court judge should chair the commission – Johann Kriegler, whose independence was widely accepted (he was later to declare, controversially, that he would not vote since he had confidence in none of the parties) was chosen. In a partial concession to those who still believed the election should be run by the world community, five international non-voting commissioners were appointed.[2] Political balance on the commission and a clause in the IEC Act guaranteeing its independence did not ensure that parties or the public would see it as a neutral arbiter. During the campaign there would be charges that the IEC was partial. In the Orange Free State, the NP accused it of pro-ANC bias, as did the IFP in KwaZulu/Natal,[3] and the PAC repeatedly contested its impartiality. But while there was evidence that some officials favoured the ANC, there were also claims that others were partial to the NP or, in KwaZulu, the IFP. This was probably an inevitable consequence of doing without a state: the election was run not by officials whose jobs depended on remaining impartial, but by private citizens – some of whom could not

abandon their loyalties. But despite the complaints, all parties used the IEC's complaints procedures and accepted its mediation and adjudication procedures, thereby implicitly recognising its legitimacy.

The IEC had only four months to create an entirely new institution comprising some 300 000 employees, most of whom had little or no experience in running an election: while some senior Home Affairs officials who had run elections did join it, this poll was ten times larger than any they had managed before; it also included remote areas with poor infrastructure where no Home Affairs electoral officials had ever been.

The IEC's three directorates began operating from January 1994. Piet Colyn, deputy director-general of Home Affairs, was appointed to run Electoral Administration; Peter Harris, a lawyer who chaired the Wits-Vaal Peace Secretariat, headed Monitoring; and Mojanku Gumbi, an advocate and former Azapo office-bearer, ran Adjudication.

Electoral Administration's task included procuring 9 000 voting and 900 counting stations – no easy task, since the law did not give the IEC the right to commandeer even public facilities such as state schools, and the right to use each station had to be negotiated with those who controlled it. Each station also had to be staffed with officials: if the IEC was not to be seen as Home Affairs in disguise, many or most would have to be people who had never voted in, let alone presided over, an election before. All citizens aged 18 and over would be eligible to vote (except for prisoners who had committed serious crimes, an issue which prompted violence during the campaign). There were no voter registration requirements, and therefore no voters' rolls. Voters established their right to vote by producing an identity book or a 'temporary voters' card' issued by Home Affairs under the supervision of the IEC.

Monitoring was to appoint, train, equip and deploy some 10 000 monitors, at least one per voting station. But its task did not begin on election day – it had to monitor political meetings, investigate alleged electoral offences, and mediate disputes which threatened the election. It was also responsible for regulating and helping local and international observers. It was to become by far the largest part of the IEC. Monitoring was divided into 11 departments whose tasks ranged from the technical, such as transport and telecommunications (for the monitors) to the political. An information verification committee, comprising three intelligence specialists, was appointed to detect and check threats to the election, a mediation division tried to negotiate settlements, and an analysis department was to use social science methods and computerised data to give the IEC the information it needed to decide whether the election

was 'free and fair'. At its core was an operations centre which received information and conveyed it to those who needed to act on it.

Adjudication was the smallest – its job was not to investigate complaints (Monitoring did that), but to establish tribunals to hear them. This may partly explain why, except in one case, it escaped most of the controversy which the IEC attracted.

And if the IEC was to watch over the parties, it was also meant to respond to their needs. The Electoral Act required it to establish liaison committees which would serve not only to inform parties of arrangements, but to resolve conflicts in the hope that this would reduce the need for formal discipline. Party co-operation was also (formally) secured by a code of conduct which they were obliged to sign when they registered, and which committed them to avoid and condemn violence and intimidation, promote voter education, affirm the virtues of political tolerance, and accept the election result.

Compromising the contest: the campaign begins

The influence of the negotiations on the election did not end when the IEC was appointed. They shaped the poll throughout, beginning with the mundane task of party registration.

The Electoral Act stipulated that parties' registration applications had to be filed no later than ten days after the proclamation of the election. It was proclaimed on 11 February, making 21 February the deadline, although parties had another 20 days to submit candidate lists and their signed commitment to the code, failing which their registration would lapse.

Registration day arrived with the Freedom Alliance parties still refusing to participate. Administration officials were kept busy as more than a dozen parties enlisted, some smaller ones undeterred by the need to pay a deposit of R25 000 to register for the national ballot and R5 000 for each provincial poll, which they would forfeit if none of their candidates were elected. Two fielded one candidate each,[4] showing that proportional representation did not bar maverick independents. No party was refused registration, despite difficulties in three cases.[5] One, the African Moderates Congress, was ordered to change its name and logo, the IEC concluding that this might just be an attempt to capitalise on the support of a more famous rival.

But the major Kempton Park parties were aware that the number of parties participating was unimportant if some key ones stayed out. Registration coincided with a fresh attempt to lure the FA into the process,

and the deadline was extended to 3 March to allow it time to change its mind. While a first sign that the IFP might bite faded when it allowed its registration to lapse, the extension did bring General Constand Viljoen's Freedom Front into the campaign. But it also brought a further infusion of small and exotic parties: 19 parties registered for the national poll, and 24 for the provincial elections.

It was whispered after the poll that one of them was attracted less by the chance to test voter support than by the prospect of economic advancement. In an attempt to prevent wealthier parties gaining an advantage, a state electoral fund, financed by parliament and donations, was established to provide campaign funds to parties. They qualified if they could show at least 2 per cent support in a credible poll, or could submit 10 000 voter signatures if registered for the national election or 3 000 if registered in a province. The rest of the fund was distributed after the election to parties which had won seats. The ANC, NP, IFP, DP, Freedom Front and PAC qualified for some R3,4 million each. The Workers' List Party and African Christian Democratic Party received about half this, and eight others amounts ranging from about R130 000 to around R900 000. Eleven received no funds; two of them[6] were taken to court by the IEC to challenge successfully the validity of the polls they had submitted.

The extended deadline showed that the uncompleted negotiation process was still intruding on the neatness of electoral arrangements. It was to intrude a good deal more.

Carving up the country: the campaign

The logic of assigning the IEC to monitor the election was debatable; that the campaign needed to be monitored was not. Even before the election was proclaimed, physical attacks by ANC supporters in the Northern Cape on FW de Klerk's election 'roadshow' indicated that free campaigning would be at a premium.

Monitoring responded with a flurry of activity. But it was plagued by a severe lack of co-ordination. Lines of communication between its departments were not clear, sometimes causing well-laid plans to fail. Nor was it helped by methods which implied that the poll was being held in California. The directorate's executives, beguiled by the charms of technology, assumed that it would be possible, in four months, to establish a computer network linking 42 IEC centres nationally and to staff each one with suitably trained people. They assumed too that monitors would fill out complicated reports and enjoy the facilities to com-

municate them to IEC centres. But these assumptions applied only in the world of the urban elite, from which Monitoring executives were drawn. They were used to pressing buttons and seeing things happen, but seemed unaware that this held only in the formerly 'white' suburbs of the major cities, where most voters did not live. The directorate was often most efficient when it dispensed, to the protests of some executives, with the technology which was supposed to 'streamline' its work: its operations centre was able to gather information only by bypassing the computers and installing a bank of fax machines.

The selection of monitors was also controversial. Officials decided that monitors needed to enjoy 'credibility in the community'. But in a country in which activist groups had turned purporting to speak for 'communities' into an art form, this unwittingly became a rubric for appointing monitors largely from the ANC end of the spectrum. And in parts of the country such as the Eastern Cape, it was difficult to find black monitors who owed allegiance to any other part of the spectrum: two were later fired for shouting 'Viva' at the end of an ANC candidate's speech.[7] Monitoring also soon became seen as a potential source of income by unemployed youth; initially, monitors were overwhelmingly black and young.[8] This prompted alarm within the IEC, which insisted on an older, more politically balanced, corps which reflected the composition of the population. Energetic attempts to achieve this were, given the lateness of the hour, only partially successful.

Nevertheless, while the IEC was portrayed in press cartoons as a rather fat and toothless bulldog, Monitoring did seem to reduce disruptions. Its mediation division was particularly effective at defusing conflicts through that South African speciality, negotiation. And monitors' reports did show that the vast majority of campaign meetings monitored by the IEC were peaceful. But meetings were only part of a turbulent campaign.

All three parties which were to win seats in government used coercion, breaching the letter and spirit of the code. The election was marked by violence in KwaZulu/Natal which spilled over to the PWV; 'homeland' civil service strikes which unseated Bophuthatswana's Mangope administration and affected Qwaqwa and Lebowa; the fall of Ciskei's administration; ANC-PAC conflict in Transkei, and claims that its administration was using public resources to aid the ANC; prison riots in support of demands for the vote; and later, a wave of right-wing bombings.[9]

Complaints alleging improprieties flooded Monitoring's investigators – by 29 April they had processed 3 594, of which one third alleged intimidation or violence. KwaZulu/Natal was the site of most (26 per cent), followed by the PWV (18 per cent) and Western Cape (15 per cent). All parties (including the IFP) complained, and all were accused of infringements. But the machinery was also extensively used by individuals and private groups, indicating that it was not simply a weapon of party rivalry: only 36 per cent of complaints were lodged by parties. Nor were parties always the alleged perpetrators; only 52 per cent of complaints were lodged against them. Among the parties, the ANC was both the most persistent user of the machinery and the most oft-cited alleged perpetrator.[10]

These figures say little conclusive about campaign behaviour. Most cases were closed because complainants would not give evidence or produce witnesses, or because they were found to lack substance; by 29 April, only 52 (one per cent) had been adjudicated by electoral courts, and only 18 cases against parties had been proved. Another 278 (8 per cent) had been mediated, almost two thirds (63 per cent) successfully. The ANC was found guilty of offences in six cases, the NP in four, the DP and IFP in one each, and the other offenders were individuals. Just over 30 per cent of proven contraventions were acts of intimidation or violence, 16 per cent were cases in which parties had been denied access to voters, and in another 11 percent they had failed to restrain members from infringing the code. The low frequency of cases was not a symptom of red tape – the average time from the issue of summons to decision was only 8,3 days.[11] Most complaints were never adjudicated, either because they were without substance or because they were resolved.

But the volume of complaints and the fact that many were lodged by individuals suggests that many voters believed they were under threat. It also implied that citizens and parties were prepared to use legal machinery to defend their rights rather than remaining passive (if they were individuals) or resorting to counterviolence (if they were parties). This was uneven – 38 per cent of all complaints were filed in the three major urban centres – the PWV, Durban and Cape Town: this probably showed that residents were more aware of the machinery, not that there were necessarily more violations. While politics remained rough, the law retained enough respect to temper conflict.

This was shown also by the fact that parties accepted tribunal rulings against them, and that at least in one case – in which the ANC was convicted of breaking up an NP meeting in Venda – the ruling seemed to act as a deterrent.[12] Nor was the legitimacy of the tribunals questioned – a Northern Cape ruling, freeing the ANC of blame for disrupting a meet-

ing on the grounds that it could not be held responsible for supporters' actions, threatened to impair respect for the system but was reversed on appeal.[13]

Perhaps the key feature of the campaign was a pattern in which parties were prevented from gaining access to voters in hostile parts of the country. The NP and DP were prevented from campaigning in townships in the OFS, Western Cape, Northwest and PWV by ANC and PAC activists. NP and DP meetings were also disrupted in the Eastern Transvaal, OFS and Western Cape. These parties also found access to some 'homelands' difficult – it required intervention from IEC mediators to secure for the NP the formal right to campaign in Transkei.[14] The ANC could not campaign in KwaZulu and was denied access to farm workers in the OFS, Northern Transvaal, Northwest and Western Transvaal. Some of its Western Cape meetings were disrupted by NP activists. A few right-wing municipalities attempted to prevent electoral activity in their towns, banning party posters for example. In the Eastern Transvaal, traditional leaders inhibited campaigning and in the OFS, Northern Cape and Northern Transvaal, farmers denied voter education groups access to workers.[15]

This was not simply an election-time trend. 'Liberation' parties had always found it difficult – or impossible – to operate in conservative white towns, on farms and in 'homelands'. And political conflicts from the mid-1980s created a pattern in which parties gained physical control of areas, after which all residents were, merely by virtue of living there, assumed to be supporters of the dominant party. Rivals simply did not operate in the area. An exercise by IEC analysts, using data provided by research institutes,[16] shows how pervasive the trend was. It identified no less than 165 'no-go' areas[17] in which a dominant party excluded rivals. Of these, 62 were classed as hard no-go areas, where rivals were completely denied access: 39 per cent were controlled by the ANC, 27 per cent by the IFP, 15 per cent by tribal authorities, and 12 per cent by the white right. The PAC, NP and Mangope's Christian Democratic Party controlled one each.

In the earlier part of the campaign about 25 per cent of all disruptions occurred in these areas, but by its end this dropped to 2 per cent. The reason was not greater tolerance – rival parties simply gave up trying to campaign in 'enemy' areas. The NP and DP withdrew from open activity in many Western Cape townships (the NP reportedly resorting to secret meetings)[18] and from some areas in the OFS, PWV and Transkei. The ANC did not campaign widely in KwaZulu and in areas controlled by white conservatives.

The effect on the election result is impossible to gauge, and may have been marginal: in a survey[19] conducted in the last weeks of the campaign, only about 10 per cent of respondents said their vote was influenced by attendance at political meetings. In white farming territory, voters voted in droves for the ANC[20] even though it was usually denied access. In other areas, dominant parties won 96 per cent of the vote or more.[21] But there is no guarantee that, had free campaigning been possible, the result would have been different: in Soweto, where residents did have some access to the DP and NP message, it has been claimed that the ANC won more than 95 per cent of the vote.[22]

Most revealing was the reaction of competing parties. First, they seemed angry and charged that the fairness of the election was under threat. The DP demanded that the IEC intervene to protect it. The NP in the OFS, claiming that IEC monitors were alerting ANC activists to its meetings so that they could break them up, questioned its impartiality and contested the fairness of the election.[23] But parties then seemed to reconcile themselves to exclusion from 'enemy territory'; an NP official in the Northwest later told IEC analysts that the election had been 'free and fair' since 'we couldn't get into the townships and they couldn't get onto the farms', implying that the two exclusions balanced each other out.[24]

After the poll, parties seemed more interested in challenging the vote count than clamps on campaigning. This suggested that, like the NP official, they accepted 'no-go' areas as a hard reality of political life, and thus not worth a challenge. This reflected the spirit of the South African compromise, which was built less on principle than on a willingness to recognise unpalatable realities. If the negotiators tried to build a common society by conceding to rivals their political territory, the election contestants tried to build a legitimate election by conceding each other the geographic equivalent.

The price of peace

While intolerance and violence were a general problem, there was wide agreement that one conflict overshadowed all others – that between the boycotting IFP and the election itself. By March there was graphic evidence that the IFP constituency would not content itself with denouncing the poll. Armed men led by Pat Hlongwane, a former ANC member who alleged that he had been tortured by it while in exile, and who had returned to wage unceasing verbal war on it, occupied a stadium which had been booked for an ANC rally in KwaMashu, a KwaZulu-controlled

township outside Durban. He declared that they would not emerge until after the scheduled end of the meeting. Neither the KwaZulu police nor the SAP – which insisted that it was there only to help the KZP – showed any inclination to remove them. The occupiers announced that they would shoot any IEC monitor who entered the stadium; the unarmed monitors withdrew. News of the occupation reached two IEC commissioners and Monitoring's Harris at midday on Saturday 19 March; the IEC was meeting at an Eastern Transvaal lodge, and most commissioners had just left for a scenic game drive.

For the next 12 hours, those who had stayed behind tried to find ways of releasing the stadium to free political activity. Since all were lawyers, they considered a court interdict (which the SAP insisted it would ignore since it would only do what the KZP told it to do), then repeated telephone appeals to the commissioner of police. By evening, the commissioner agreed to send his men in at midnight if the occupiers had not left. But, as the SAP waited and the lawyers contemplated a flight to Durban to pursue court proceedings, armed men continued to enter the stadium from IFP strongholds – the police were outnumbered and could have freed the stadium only at the cost of many of their own and the occupiers' lives. The lawyers retired exhausted in the small hours of the morning, and the stadium remained occupied.

The incident was only one of several in which the IFP or Zulu traditionalists or both signalled that the election would not be allowed onto KwaZulu territory. But it was something of a watershed: it demonstrated concretely to the IEC in general and Kriegler (who had returned from his son's wedding to play a role in the KwaMashu drama) in particular something they had discussed in abstract only hours before they heard of the KwaMashu events. This was that the IEC was a prisoner of political events and strategies over which it had no control.

A fortnight before, Kriegler had travelled to Mmabatho to try to persuade Mangope to allow the election into his territory. Days later the request became irrelevant – Mangope was overthrown, and the SADF occupied Bophuthatswana. The effect was not to lay the groundwork for free elections: in the days after Mangope's fall, lawlessness and administrative collapse raised doubts about the possibility of any poll there at all. And, while an election of sorts was held in the territory (one estimate suggested that administrative breakdown prevented almost half the population in key districts from voting),[25] Mangope withdrew, alleging 'intimidation'. There was little sympathy in the IEC hierarchy for Mangope's attempt to suppress campaigning. But commissioners felt the IEC had been used – not to secure electioneering but, as one put it, 'to cut Mangope off at the knees'.

The KwaMashu incident strengthened the IEC's belief that it was a 'patsy' for the politicians. It was expected to guarantee a free and fair election in an environment where, in KwaZulu at any rate, political deadlock made this impossible. It had no power to force the police to clear a stadium; its only weapons in a deepening conflict were youthful monitors armed with caps and bibs and a tribunal system the IFP barely recognised[26] – KwaZulu chiefs who were determined to prevent election activity in their areas were entirely beyond its reach. There were imaginative and at times eccentric attempts by IEC officials to devise ways of giving KwaZulu residents a chance to vote even if, as seemed likely, they would spurn it (one proposal suggested mobile polling booths carrying copious quantities both of ballots and armed police, which would travel the Valley of a Thousand Hills, stopping whenever they came across prospective voters). However, it became increasingly clear that the IEC could not guarantee an election in KwaZulu. Only the politicians could.

Kriegler and the IEC determined to return the ball to its appropriate court, informing the TEC that they could not guarantee an election and that it should take whatever action it thought fit. For a time it seemed again that the IEC would be used to pursue an agenda which had little to do with free political competition. The TEC, whose political imagination seemed not to extend beyond the standard methods of the past – which most of its members knew well, some as perpetrators, others as victims – declared a state of emergency in KwaZulu/Natal, in the hope that armed men could succeed where the IEC had failed.

They could not. Either because even the TEC's old and new securocrats recognised that detaining IFP leaders would be unlikely to win the election great credibility, or because they harboured reasonable doubts that the men in uniform would agree to lock up leaders of a party many saw as an ally, the emergency concentrated on limiting violence, not on securing an election.

Ultimately, the politicians heeded the message which the IEC (or part of it)[27] had tried to convey – they cut the deal which brought the IFP into the election. But if that removed a large political headache for the IEC and the country, it replaced it with an equally large administrative one. The South African transition had produced yet another innovation – the entry of a major party into an election a week before polling day. The IEC, which had insisted repeatedly that it was physically impossible to accommodate the IFP once printing of ballot papers had begun, was now

forced to find a way of implementing the 'impossible'. Its solution was a printed sticker bearing the IFP's details, which would be stuck onto ballot papers by officials at voting stations.

Printing and distributing the stickers – and instructing officials in their use – would clearly strain an already stretched IEC. But this was not its only task. Polling booths in KwaZulu, which until then were likely to be thin on the ground and concerned more with repelling invaders than welcoming voters, had to be procured, requisitioned and staffed. The KwaZulu hierarchy, which had until then obstructed the election, now demanded to run it (see below). Alarmed IEC analysts suggested that KwaZulu officials were unlikely to be entirely neutral but were told by commissioners – with some justification – that an imperfect election was better than none at all.[28] An imperfect election was precisely what KwaZulu – and the country – received.

Triumphing over the technocrats: polling days

On the morning of 26 April 1994, as special voters became the first South Africans to cast votes in a universal franchise election, some IEC commissioners were closeted in a routine meeting in a committee room next door to Kriegler's eighth floor office. They were called out by a commissioner who, apologising for the interruption, explained that there was 'something you have to know'. They returned a while later to announce that ballot papers had arrived in KwaZulu/Natal without IFP stickers. 'What are we to do?' asked one of the assembled. 'I', replied a senior commissioner, 'am going to jump out of the window.' The celebrated administration catastrophe, and the IEC's often panic-stricken reactions to it, had begun.

For the next four days the country was treated to a spectacle which would make the IEC the butt of dinner table banter and washroom jokes for months. At scores of polling stations, ballot papers or IFP stickers or the invisible ink and ultraviolet lights which were used to prevent double voting[29] – or all of the above – failed to arrive, and long queues of voters settled in for a wait which lasted hours or days. At some stations material only arrived on 28 April, the last day of polling; at others it did not arrive on the scheduled polling days at all. Around 35 per cent of districts experienced ballot paper problems – the Eastern Cape, Natal, PWV and Northern Transvaal were particularly affected. Shortages of ultraviolet lights, invisible ink and other equipment occurred in about 25 per cent. Potential for conflict was heightened by the fact that the failures occurred overwhelmingly in black areas.

The problem was worsened by the reaction of IEC officials – from presiding officers at polling stations to the head of Administration. Violence during the campaign had created an alarmist atmosphere in which polling days were expected to bring cataclysm. Presumably assuming that a delay would trigger Armageddon, Administration's Colyn told presiding officers that if they had no IFP stickers they should write the party's name on the ballot: illiterate voters should be told where it appeared.[30] In some cases, presiding officers decided that invisible ink and ultraviolet light were not worth waiting for and invited voters to vote without them. The effect was to call into question the validity of tens of thousands of votes. And although they could not have known it at the time, the officials' fear was unfounded.

The cause of the breakdown remains a matter for debate. Because voters had to vote twice, in provincial and national ballots, and because, in an attempt to accommodate first-time voters, those who realised that they had spoiled their ballots could ask for another, 80 million papers were printed for an estimated electorate of 22,7 million. There were more than enough to go around – a point confirmed when tens of thousands of unused ballots were found in East Rand warehouses. There were dark hints of sabotage, but Administration deputy director Yunus Mohamed insisted that 'tampering, if any, by officials opposed to the elections, was minimal and did not contribute materially to the shortages'.[31]

General reasons included the compromise agreed at Kempton Park that independent directorates would be responsible to one commission: there was inevitable rivalry between Monitoring and Administration. The former believed it was its duty to identify problems which might impair election management – this was a prime function of its specialist monitoring division. But many in Administration saw this as interference; requests for information were a nuisance which distracted them from their task, a view expressed later by Mohamed: 'The monitors (pursued) time-consuming lines of inquiry which, given the time constraints, constituted unnecessary attempts to second-guess the work of Administration and were in my view unrelated to their primary function of monitoring a free and fair election.'[32] Where Monitoring made suggestions aimed at increasing efficiency, these were ignored for much the same reason. Commissioners responsible for Monitoring and Administration respectively sometimes reacted by championing their directorate at the expense of the other.

Other factors for the chaos included the effect of shortened deadlines on internal administration, and the mix of new and old officials and

styles. Staff had to wait for days and sometimes weeks for desks, chairs or telephones: some simply had to work on the floor. Personnel rules were either better suited to an organisation with a long life span or a response to crises – some staff were not paid agreed salaries, others not paid at all. The result was an attitude of cynicism verging on despair among IEC staff.

More specifically, one theory pointed to the fact that Administration had based its estimates of the number of voters each station would serve on population statistics provided by Central Statistical Services, based on the 1992 census. Since the census had undercounted the population, it was argued, so had Administration. This argument was never settled – the national voter turnout percentage was 87, a very high figure which might imply population undercount. But very high polls are usual in founding elections. Another possibility was that population numbers in particular areas were severe underestimates – in parts of KwaZulu/Natal and Transkei, voter numbers vastly exceeded CSS estimates. There were suspicions that this was the result of 'ballot stuffing' (see below), but the fact that the percentage poll in the province was as a whole *lower* than the national average suggested that the government statisticians may have miscalculated voter numbers in some areas.

A key reason for shortages seems to have been Administration's failure to keep adequate records of stocks, storage, locations and movement of ballot papers. The absence of a voters' roll also left officials uncertain of how many voters to expect at their stations. When queues started forming, stations with a surplus of ballots would not part with them. Another obstacle was the addition of hundreds of new voting stations in Transkei, where military ruler Bantu Holomisa seemed to see the number of stations as a matter of regional prestige and was allowed to have his way, and – in the last week of the campaign – in KwaZulu: in the end, there were 12 343 stations, not the 9 000 planned. Nor was it a coincidence that problems were worst in the 'homelands', where turmoil in already weak administrations had been threatening for weeks to hobble election management.[33] Those who believed an election could be run without a state were forced to explain why it was most chaotic where the state was weakest.

Ultimately, the IEC was forced to use the state's machinery. The SADF, whose offer to make available its radio networks and transport systems had been declined on the grounds that this would compromise IEC independence, was called in to help transport ballot papers and equipment.

By midday on 28 April, the last scheduled voting day, it was clear that if polls closed as planned, hundreds of thousands of voters, particularly in 'homeland' areas, would not vote – their supplies had just arrived or had not yet appeared. The TEC met and announced that an extra polling day would be allowed in Venda, Gazankulu, Lebowa, KwaZulu, Transkei and Ciskei – 'homeland' areas in which administration failures were most notable. The IEC had an extra nine million ballot papers printed locally, raising questions about a controversial earlier decision to print them abroad.

But one area in which many had been denied the chance to vote – Bophuthatswana – was not given an extra voting day. For a time, participants in the TEC meeting retained a dogged silence on why Bophuthatswana voters had been singled out, by default, for disenfranchisement. It later emerged that, again in the spirit of Kempton Park, a deal had been done. The ANC had pressed for all 'homeland' areas in which people had not yet voted to enjoy extended polling: most voters in these areas were likely to vote for it. The NP knew this too, and resisted; the compromise was Bophuthatswana's exclusion. Logistical failures had ensured that even the right to vote had become the subject of deal-making.

Voters in Bophuthatswana and on the East Rand, where some areas were also denied the vote by the snarl-ups, did not accept this passively. On the extra voting day, unofficial polling stations sprang up in both areas – in Bophuthatswana, IEC staff spent part of the day airlifting pamphlets, exhorting the 'pirate' stations to close. While IEC officials insisted that this show of enterprise had not compromised the poll, since the ballots cast at these stations would not be counted, it did show that the enthusiasm of voters to make their choice exceeded the capacity of the administrators to offer it to them.

Logistical failure may also have prompted less benign initiative – it contributed to a litany of alleged irregularities which was to give the parties another chance for creative bargaining.

Breaking the mould

The election's administration exceeded the fears of many; the behaviour of voters exceeded the hopes of most. Polling day arrived amid mounting apprehension on both sides of the divide. The white right, which had been more subdued than anticipated, was expected to unleash its full destructive might on the poll. Rumours of impending action ranged from a strike or sabotage which would close down electricity supply, through to a claim by intelligence sources that right-wingers had devised a cap-

sule which, when inserted into a ballot box, would spontaneously combust and ensure that the first non-racial poll literally went up in flames. And in the affluent white suburbs it was widely assumed that new voters would celebrate their enfranchisement by engulfing the country in a paroxysm of violence. Nervous suburbanites stockpiled groceries, boosting the food processing industry if not the national morale.

Fears of right-wing action proved justified; but it was restricted to bomb blasts directed at people and at voting stations which, while damaging, did not derail the elections. New voters, however, confounded the pessimists. Elites who believed that they placed a value on democracy which the population did not, found that the citizenry did not have to be cajoled into voting – they were prepared to endure great inconvenience to do so. Millions who knew that they had become citizens for the first time were determined that not even the IEC and the negotiators would deny them their vote. The mood in the queues was patient, determined and cheerful – even as the wait grew ever longer.

The patience had little do to with indifference. Many white voters confessed afterwards that they had never realised how important the vote was to their black compatriots. Some new voters cried when they voted; pensioners, factory workers – precisely the sorts of people whom the politicians and negotiation technicians assumed would have to be broken into the voting habit – queued, walked or both for hours in order to vote. The patience, and the widely reported good humour in the queues, which seemed to make a deep impression on many mainstream white voters, were products of a deep desire to vote.

This perhaps also explained the little miracle of the voting days and the sharp drop in violence which persisted in the days after the ballot. Most South Africans had been dreaming of this day for years, and this was reason enough to put aside grievances and enmities for a while. But there were times in the queues when the wait became too much. On the East Rand and in the Eastern Cape, voters did direct anger at presiding officers, locking them in their offices. But even this symptom of frustration rarely boiled over into violence. In most cases, the officers were released and sent to IEC offices with an instruction to secure voting supplies.

There was also some violence, notably in KwaZulu/Natal, and to a lesser extent in the PWV. This was not a random lurch into anarchy: it was a symptom of political strategy, aimed to prevent some from voting or to force them to vote for a particular party. Some of the habits of the old order had been carried into the first moment of the new, but even this was highly localised. An analysis of IEC monitors' reports showed

37 incidents of violence at 8 468 voting stations on special voting day; only 1,7 per cent were subject to some disruption, and this proportion remained roughly constant for the 'full' voting days.

Not only were voters more eager to exercise their rights than the elites assumed; they were far more capable of doing so. Only 0,97 per cent of ballots were spoiled, little more than the 0,47 per cent in the white election of 1989.[34] Nor, as ANC strategists feared, did many voters favour the PAC on the second ballot – its share of the provincial vote was only 0,2 percentage points greater than its national vote, and the ANC's only 0,4 points lower.[35] Whether voters who split their ballots did so from choice or ignorance could never be established; but if it was the latter, it was not widespread.

Voter education specialists, whose stock in trade was an insistence that most voters would be unable to cast a ballot unless they were 'educated', saw this as a triumph: the IEC's voter education unit claimed that the efforts of the 108 voter education programmes which it and non-governmental organisations ran had reached 85 per cent of the electorate.[36] But an analysis of the unit's figures suggested that at most 20 per cent had received direct voter education (as opposed to that which used the mass media). And a survey found both low confidence in voter education,[37] and that only 9 per cent of respondents saw voter education organisations as their most important source of voting information. Voter education programmes may have done less to tell voters how to vote than to instruct them on who to vote for – most of the 115 complaints about voter education lodged with the IEC alleged bias. Research by two University of South Africa academics[38] during polling days in the Pretoria area indicated that most voters did require help. But this suggests that they did not receive or benefit from voter education – and the fact that most voted competently, implies that the help of officials at polling stations was enough to overcome this problem.

If the election had not been a testimony to the foresight and managerial ability of the nation's elites, it had borne moving witness to the maturity, tenacity and civility of the vast majority of its citizens.

The negotiated election: the vote count and result

The parties had borne the administrative weaknesses of voting days with relative fortitude. They were less forbearing as the pattern continued, or increased, into the vote count.

In theory, there was nothing complex about this exercise. While the formula for allocating seats to parties was complex enough to be ex-

pressed in a formula which most commissioners freely professed not to understand, the count was straightforward – in theory. The IEC had planned one counting station for about 30 voting stations: each was expected to count around 60 000 ballots. They would begin on the morning of 29 April by reconciling the total number of ballots with the number of votes reported by voting station presiding officers – a standard protection against fraud, since it ensures that ballots have not been added or subtracted from the pile by vote-riggers. They would then count the ballots, after which the counting officer was to convey the results to the IEC media centre. SABC Radio confidently promised listeners first results early on the morning of 29 April. Commissioners felt this was wildly optimistic and that the media should not expect results until after lunch. Results were indeed announced after lunch – several days later.

The first delay was the extension of voting in some areas. Then the volume of ballots at the larger counting stations in Durban, Pretoria, Johannesburg and Cape Town proved to be overwhelming. 'In all these centres, control over the inventory of ballot boxes and reconciliation of these with the accompanying documentation became impossible.'[39] Some presiding officers had apparently not kept records which would allow ballots to be reconciled; this, arrangements for transporting ballots, and the fact that no attempt had been made to print the extra nine million ballots in a way which would have made reconciliation possible made this test an unusual challenge. Kriegler reacted by instructing stations not to reconcile ballots – the election, he declared, was 'about national reconciliation, not ballot reconciliation'. He did not say why the former ruled out the latter;[40] as he spoke, parties were beginning to react in ways which implied that the one might be impossible without the other.

Parties were reluctant to forgo reconciliation because one factor obstructing it was a breakdown in ballot box security of equal magnitude to the voting day collapse. Administration's arrangements for transporting boxes from voting to counting stations were particularly cavalier – some decisions about where boxes were to be counted seemed inexplicable, particularly to those who were supposed to get them there. Scores of boxes arrived from uncertain origins with little explanation of what had happened to them on the way. And in some cases, the explanation was all too clear: at the PWV's Nasrec station, one arrived (from an IFP hostel area) stuffed with grass, another with the ballots neatly stacked – a physical impossibility unless someone had opened the boxes to stack them. In KwaZulu/Natal, 140 boxes were queried – according to an IEC

document, 165 boxes containing 202 187 ballots were in dispute, the bulk in KwaZulu/Natal.[41]

As charges of impropriety grew, the count dragged on, obstructed by a failure in some cases to train officials until counting was due to begin,[42] party challenges,[43] labour disputes,[44] and allegedly some creative income generation by counting officials who were paid by the hour. Problems at the counting stations were, however, dwarfed by those at the Results Control Centre on the fifth floor of IEC headquarters which was meant to receive and verify the vote tallies.

At first, incompetence seemed the only difficulty. Despite a battery of computers staffed by people who tapped away at them, radiating an aura of businesslike efficiency, the centre was less adept at processing results than the counting officials were at producing them. Its architects had devoted much attention to installing state-of-the-art technology, but far less had been spared for basics such as explaining the difference between a batch tally (a set of 3 000 votes) and a final result. The former was repeatedly entered as the latter, forcing the machines into puzzled queries when the final tally came along.

A few days after counting began, Kriegler began to suspect that the centre might itself require control. An IEC computer specialist, and then a task force, was deputed to assess the operation; they concluded that it was irredeemable and should be closed. This judgment was strengthened by their discovery that incompetence was not the only problem. A 'hacker' (whose identity was never established) had gained access to the system and was inflating the tallies of the three main right-of-centre parties.

On the strength of this report, the commission sealed off the fifth floor, scrubbed the results verified by the centre and called in auditors to finalise the count. Part of the task was also deputed to Monitoring, in particular its operations centre.

Run by former trade unionist Phiroshaw Camay, one of the few IEC executives with managerial talent, including an ability to remain calm and affable in crises, and assisted by two equally calm and able seconded Belgian police officers, the centre had played a key role in the run-up to the poll. It was designed as an information clearing house; but already its senior staff had been sent to crisis areas to help sort out problems. Now it was inspanned to check and verify results, which it seemed to do more effectively than the high-technology RCC. Two days after the control centre was closed, announcement of the results was finally imminent.

Free and fair?

By now, logistics were perhaps the least of the IEC's concerns. It faced hundreds of party complaints alleging fraud ranging from bias by presiding officers to claims of multiple voting (even where ultraviolet lights were delivered, they sometimes failed to work). There were also alleged irregularities in the issue of temporary voter cards: according to one Home Affairs document, 2,3 million were issued by 29 April, but the IEC temporary voter card (TVC) task force put the figure at 3,37 million by 28 April.[45] A small minority of voters could not vote because they had no temporary voter cards,[46] while IEC specialist monitors discovered that some had been issued to under-age voters illegally. There were also problems concerning the security of ballot boxes, and complaints about 'election stealing' were reported in 62 per cent of KwaZulu/Natal districts and 63 per cent of those in the PWV.[47]

Suspicions were not allayed by returns showing that in at least 65 of 382 magisterial districts, turnout exceeded the estimated voting age population, sometimes by 500 per cent or more; the problem was most marked in KwaZulu/Natal, where 'percentage polls' of up to 800 per cent were recorded and, to a lesser extent, in Transkei. These percentages may have been less suspicious than they looked – in KwaZulu/Natal, where they were assumed to prove IFP malfeasance, four districts with inflated polls were won by the ANC.[48] The figures were probably a result of population undercount, or a failure to match voting to counting stations. But they added to an atmosphere in which challenges to the validity of the poll seemed increasingly likely.

While irregularities were claimed in many parts of the country, those in KwaZulu/Natal attracted most controversy both because they seemed more concerted and more provable, and because they seemed most likely to have affected the result. The alleged malpractices originated in demands by *amakhosi* (chiefs) that they appoint the presiding officers at voting stations if the election was to proceed; their nominees were generally school principals who were alleged to be 'active IFP members'.[49] It was also claimed that the KwaZulu administration had instructed principals to host elections on school property only if they were appointed as presiding officers. The stations were guarded by KwaZulu police, and the presiding officers were responsible to KwaZulu magistrates: both were assumed to be partial to the IFP. 'The implication is that most (additional) KwaZulu voting stations will be manned by (the) IFP (itself).'[50]

Polling day allegations claimed that the interlocking of *amakhosi*, IFP officials, KZP and KwaZulu civil servants achieved just that. IEC monitors were allegedly driven from polling booths,[51] allowing *amakhosi* and KwaZulu officials free rein. The ANC claimed that 35 'pirate' stations[52] run by *amakhosi* or others who were not IEC officials were operating. The number may have been inflated – some 'pirates' were set up by Administration officers who, because of the IFP's late entry, were unable to gazette their stations. Adjudication also reported inconsistent claims about 'pirate' stations which 'throw doubts on the veracity of the information'.[53] But that there were some is clear. Known members of rival parties were allegedly chased from polling stations, ballot papers were reportedly scrutinised by *amakhosi* before being placed in boxes, and, lest there be a margin for error, boxes were in one case allegedly transported to a KZP station, where they were left open overnight.[54]

The point of these allegations was not that they showed that only one party benefited from irregularities – there were claims, for example, of PAC votes being rejected by ANC-supporting election officials in the OFS,[55] of presiding officers who filled in illiterate voters' ballots in favour of the NP (despite a stated preference to vote for another party),[56] and of vote tampering in favour of the ANC in the Eastern Cape.[57] But they did show the consequences of holding an election in the absence of a modern, formally neutral state. In KwaZulu, it seemed, the IFP and the chiefs *were* the state, and the way in which the election was run reflected this. To add to the IEC's embarrassment, heads of department in its Empangeni office issued a statement declaring that the election was neither free nor fair.

Finally, the commission still needed to resolve the fate of ballots on which no IFP sticker appeared – it had earlier decided not to discard them automatically, but to classify them as 'irregular votes' and then debate whether to count them.

Having lurched from disaster to catastrophe, the IEC seemed to confront a prospect which would cancel out the goodwill of the polling days – an election which would either have to be nullified or would be rejected by major parties, all of which had submitted complaints challenging their rivals' share of the vote. But again the scripted disaster failed to occur, and for the same reason that it had been constantly averted since negotiations began: the parties, faced with a choice between a 'second-best' election result and potential disaster, chose the former. On Friday 6 May, three days before the deadline prescribed by law,[58] Kriegler announced the results and proclaimed them 'free and fair'; no one objected.

This may have had something to do with the fact that the result had met the minimum requirements of all major parties. The ANC won its expected majority – 62,7 per cent of the vote – but failed to win the two thirds which would have allowed it to control the constituent assembly. The NP's 20,4 per cent was just enough to win a deputy presidency; the IFP's 10,5 per cent won it three cabinet posts. The NP (Western Cape) and IFP (KwaZulu/Natal) each won a province, so securing a power base.

For some time after the election, it was proclaimed knowingly across dinner tables and in the press that a deal had been done. The result, it was argued, was too convenient and must have been a product not of counting but of bargaining. Kriegler hotly denied that the outcome was anything but a reflection of the will of the electorate. There is no evidence that the IEC changed the results to accommodate a deal. But by Wednesday 4 May it seemed to have lost any interest it might have had in agonising about whether the election was 'free and fair'. By then, it was suggested by some close to it that it planned to bestow its approval without even bothering to hear the analysis department report which was supposed to help it decide. The reports were either alarmist, or it changed its mind: the next day it did request the report. But it gave the analysts only a few hours to prepare it. On the evening of Thursday 5 May, it listened politely to the report, gratefully dismissed the reporters – and declared the election 'free and fair'.

Part of the reason was that it was impossible, without weeks of investigation and analysis, to determine whether the result had been affected by irregularities. By Thursday evening, it was not even clear how many of the claims were accurate. Even if it had been, the IEC records were in a chaotic state. During the campaign, it was usually impossible to persuade departments to reach agreement on basic figures such as how many monitors had been trained; by 4 May, votes counted could not be linked with the areas where they had been cast. This, coupled to the vagueness of many party complaints, ensured that no one could establish how many votes had been affected by any of the claimed felonies. This was reported to the commission by its analysts – amid an almost audible sigh of collective relief. Some potentially difficult choices also proved fairly easy. The irregular ballots – some 202 000 on the national ballot according to IEC calculations on 4 May, equivalent to more than four seats in parliament[59] – were allowed since, by a happy chance, the IFP, the only party which could have been disadvantaged by them, won a substantially bigger share of the irregular votes than the regular ones.[60]

But by then the IEC probably knew a deal had been done – not necessarily by politicians huddling with commissioners, but by the simple fact that parties had withdrawn all complaints. This was not the result of spontaneous self-renunciation – one IFP leader has described privately in detail the meeting between it and the ANC where the two agreed to drop complaints against each other.

And earlier in the week, it had become clear that the country had already declared the result and its fairness without waiting for the IEC. The commission struggled to revive its counting systems, and its analysis team battled fatigue in an attempt to make sense of mounds of data. But by Tuesday 3 May, as the IEC was deciding to bash down its results centre and start all over again, De Klerk was conceding defeat, Mandela celebrating victory, and callers to radio talk-shows congratulating Buthelezi on his 'victory in Natal'. Serendipitously, perhaps, the results, with some notable exceptions such as the IFP showing in KwaZulu/Natal,[61] had been what the polls said they would be. The country seemed to have decided that it knew what the results were, and would live with them. The parties had taken a similar decision, leaving the IEC to choose between certifying the poll 'free and fair' and declaring a rerun which no major party and few voters wanted. Understandably, it chose the former. The elaborate exercise of setting up databases and crafting principles which would decide whether the poll was free and fair was revealed as the farce it always had been. The parties had settled this issue as they had all others – by negotiating a compromise.

Conclusion: the messy miracle

As those whose lot it was to run the election staggered through the last few days at the epicentre of the disaster, their fatigue mingled with a growing sense that, when it was all over, they could look forward to years of ridicule and contempt. But by the time they emerged from the warren, they found a society both forgiving and forgetting. While the IEC remained a target for ribaldry, relief at the smooth transition cancelled out all other misgivings – the election was now widely seen as, if not a success, a miraculous failure.

And with good reason. The stockpiles ran down and goods returned to the shelves. More importantly, the death tolls plummeted, at least for a while. As this occurred, there was a growing realisation that, whether by accident or design, the craft which had begun its perilous journey on 2 February 1990 had reached its first safe haven. Whether this landing

was a product of accident or the design of negotiators and election administrators was unclear to most. But, as the fear and irritation of the election campaign gave way to the sentimental warmth of the presidential inauguration, no one seemed to care.

Nevertheless, even if no one was inclined to ponder them at the time, the election did hold lessons. The first was a warning against the presumption of elites that they possessed a wisdom and rationality beyond that of a citizenry which they would graciously entice into democracy and compromise. It was by no means only the old establishment which took this view. It was the ANC's negotiators at Kempton Park who argued against a double ballot on the grounds that the citizenry was too ignorant or fearful to use it. And it was voter educators from all sides of the spectrum who drummed up business by portraying a populace too ignorant to cast a ballot, and too intolerant to be trusted with democracy. But it was the elites at Kempton Park who created an electoral commission which was bound to fail – and those at the IEC who compounded the problem by assuming that an election in a country in which most people did not have electricity, and many lacked running water, could be run by computer and organogram.

The habit remained alive after the election. In parts of the elite, for example, it became fashionable to assume that the IEC had fallen short because it had sacrificed efficiency for 'political correctness'. This latter term had become a useful code word for those who harboured the prejudices of the past, but realised that it was no longer wise to express them: in this case, it probably meant that too many people who had not had the advantages of a suburban upbringing were allowed to manage an election which was best left to their betters.

This ignored the reality that many of the IEC's errors were committed by persons of precisely that upbringing. It was the scions of the professional classes who misplanned and mismanaged the election – and then took the hasty decisions which compounded the problems they created. To be sure, people were able to gain IEC employment in the mistaken belief that political partiality equalled community credibility or competence. It is equally true that there was ineptitude among voting and counting station officials who did not hail from suburbia. And it was certainly true that some other members of the middle classes might have done a great deal better – one of the IEC's prime weaknesses was the scarcity of executives who had ever run a large organisation. But it was not employees drawn from 'the masses' who displayed so shallow an understanding of grassroots politics that they took any claim to credibility at face value; nor was it they who neglected to train presiding

officers and counting officials; nor was it they who decided that a training in the professions automatically bestowed administrative competence.

But while the negotiators and the commission they appointed could have contrived a more efficient election, the outcome would have been little better if they had. Many of the flaws flowed from difficult realities to which the elites had to adapt: the absence of a legitimate state was the most important, followed by the IFP's late entry. And some IEC critics seemed to assume that an election run by business executives and bank clerks alone would have enjoyed credibility among an electorate which was overwhelmingly black and poor. If the elites were not expert at adapting in ways which turned adversity into triumph, they were at least skilled in doing so in ways which averted disaster.

Some of the systems which they negotiated may have helped minimise conflict. Proportional representation proved not to hold some of the magic for which some had hoped. All manner of claims were made on its behalf before the election – it was meant to deny any party a majority, ensure representation of all minorities and the like. Voters largely voted in blocs rather than as individuals: a tiny minority of whites voted for the ANC, an equally tiny minority of blacks for the NP; in KwaZulu/Natal, voting was largely determined by where one lived. The ANC still won its clear majority, and only six of the 19 parties gained a seat in parliament. But the system did deny the ANC a two thirds majority, so persuading some minority parties to accept the outcome.[62] The deal on regional government may have had much the same effect, since it gave the NP and IFP a power base each.[63]

And it was perhaps fitting that South Africa should produce the only election whose outcome was agreed by 'sufficient consensus'. Its first democratic experience may have been more an expression of the spirit of the smoke-filled room than of idealism. But it was this ability to find messy ways of avoiding the abyss which had brought the country to May 1994 – and which might yet prove a greater source of security than idealism in the years ahead.

Notes

1. Electoral Act, No 202 of 1993, Section 47.
2. Besides Kriegler, local members were Dikgang Moseneke (deputy chair), lawyer and former PAC deputy president; Frank Chikane, general secretary of the SA Council of Churches, who had appeared on the ANC's election list; Oscar Dhlomo, chair of the Institute for Multi-Party Democracy; Johan Heyns,

former NP MP; Rosil Jager, former NP executive member in the OFS; Dawn Mokhobo, an Eskom executive, who had appeared on the ANC's election list; Charles Nupen, director of the Independent Mediation Service of SA; Helen Suzman, former DP MP; Ben van der Ross, Independent Development Trust executive; and Zac Yacoob, advocate and former UDF activist. International commissioners were Ronald Gould (Canada); Walter Kamba (Zimbabwe); Gay McDougall (US); Amare Teckle (Eritrea); and Jorgen Elklit (Denmark).

3. IEC Analysis Department, weekly reports 3-6.
4. Merit Party (Eastern Cape), and Right Party (Eastern Transvaal).
5. The SA Women's Party paid its deposit after the closing date, but since registration was extended this problem fell away. There were also changes to its leadership and that of the Islamic Party, and a leadership conflict in Ximoko.
6. The Workers' International to Rebuild the Fourth International, and the African Moderates Congress Party. As evidence of support, the former cited a survey showing that most respondents believed workers needed their own party.
7. IEC Analysis Department, fifth Eastern Cape report.
8. IEC Education and Training Department, weekly report, 18 March 1994.
9. IEC Analysis Department, weekly reports 1-6.
10. Kgomotso Moroka, 'Evaluation Report, Investigations and Prosecutions Division', 3/5/94.
11. Inthiran Moodley, 'Report on Cases Referred to the Adjudication Secretariat', 5/5/94. This gives a total of 65 cases adjudicated, but seems to include appeals and reviews.
12. It was followed by a DP meeting in an area in which a previous meeting had been broken up – the meeting was incident-free. IEC Analysis Department, third Northern Transvaal report.
13. Moodley, 'Report on Cases Referred to the Adjudication Secretariat'.
14. IEC Mediation Division, summary of activities.
15. IEC Analysis Department, weekly reports.
16. HSRC Centre for Conflict Analysis; Goldstone Institute; CPS.
17. Of these, 79 were in KwaZulu/Natal, 32 in the PWV, 26 in the OFS, 11 in Northwest, nine in the Western Cape, five in Northern Transvaal, two in Eastern Cape and one in Eastern Transvaal.
18. IEC Analysis Department, fourth Western Cape report.
19. Markinor/SABC/IEC, *End of Campaign*, April 1994.
20. In the right-wing strongholds of Potgietersrus and Ellisras in the Northern Transvaal, it won 90 per cent and 78 per cent of the national vote. Electoral Administration Department, IEC, *Republic of South Africa 1994 General Election: National and Provincial Results by Province/District*, 26/5/94.
21. In the KwaZulu districts of Mhlabatini and Nongoma, the IFP polled 99 per cent and 97 per cent respectively of the national vote. In districts in Transkei and Ciskei the ANC routinely drew 96-97 per cent, and in Sekhukhuneland in the Northern Transvaal it also polled 97 per cent. Electoral Administration Department, IEC, *Republic of South Africa 1994 General Election.*
22. Tony Leon, DP leader, *The Star*, 2/7/94.
23. IEC Analysis Department, OFS reports 3-5.
24. IEC Analysis Department, Northwest Party perceptions report, 29/4/94.
25. IEC Analysis Department, Northwest Province report.

26. Despite its antipathy to the IEC, the IFP did appear at tribunals when summonsed. But the only attempt to convict it of disrupting a meeting failed when witnesses did not appear, and there is no evidence that the tribunal system had any deterrent effect on conflict in KwaZulu.
27. The IEC decided not to recommend any course of action to the TEC because it felt this was beyond its brief. This was perhaps just as well, because there were some commissioners who felt that locking up IFP leaders was a legitimate route to democracy.
28. Personal communication, IEC Analysis Department, Durban.
29. Voters would dip their hands in ink which, although not visible to the eye, was in theory detectable under the light.
30. Circular, Colyn to presiding officers, 26/4/94. A joint memorandum by Colyn and Harris on 27/4/94 also told presiding officers and monitors to empty ballot boxes into post office bags if boxes ran out – the bags were then to be sealed. Although this caused some disquiet among parties, it does not seem to have compromised the ballot.
31. Y Mahomed, 'The IEC: Inexperienced, yes. Inept, no', *The Weekly Mail* and *Guardian*, 10-16/6/94.
32. Mahomed, 'The IEC: Inexperienced, yes. Inept, no'.
33. Analysis Department, IEC, fifth Weekly report.
34. *Government Gazette*, Vol 292 no 12137, 13/10/89.
35. Own calculations from Electoral Administration Department. IEC *Republic of South Africa 1994 General Election.*
36. IEC Voter Education Unit, *Report on Voter Education for Commission Meeting of 5 May 1994.*
37. While 82 per cent said they had been exposed to education, mostly through the media, only 70 per cent felt they knew how to vote. Markinor, *End of Campaign.*
38. Veronica MacKay and Kallie Erasmus.
39. Mahomed, 'The IEC: Inexperienced, yes. Inept, no'.
40. In Northwest province, officials ignored the instruction and reconciled ballot boxes with counting stations, but failed to account for every ballot. Personal Communication, IEC Northwest.
41. 'Summary of Disputed Ballot Boxes', document submitted to IEC meeting, 5/5/94.
42. Report from Welkom subregion, IEC Monitoring Directorate, 'Monitoring of "the count"'. Status report as at 17h00 30/4/94. The Klerksdorp subregion reported that counting officers had to ask monitors to explain the procedure.
43. Complaints about boxes which were not properly sealed were unresolved in Northwest by 1 May. Status report, 10h00, 1/5/94.
44. In KwaZulu/Natal and at some East Rand stations, counting officials refused to begin until they were paid. Status report, 17h00, 30/4/94.
45. IEC TVC Task Force, 'Election TVCs Issuing: Status report 2', 28/4/94.
46. IEC Analysis Department, final report.
47. IEC Analysis Department.
48. Camperdown (357 per cent), Kliprivier (226 per cent), Lions River (237 per cent) and Mount Currie (231 per cent). Own calculations from Electoral

Administration Department, IEC *Republic of South Africa 1994 General Election*; and Central Statistical Services, *Estimated Population and Number of Voters By Province and District as on 27 April 1994*, 8/2/94. (Estimates produced at IEC's request.)

49. IEC (unsigned), Report on Electoral Administration. Progress as at 22/4/94.
50. IEC, Report on Electoral Administration.
51. IEC Analysis Department, Empangeni polling days reports.
52. ANC complaints.
53. Mojanku Gumbi, 'Pirate Voting Stations: Report to the IEC', 5/5/94.
54. IEC Analysis Department, Empangeni polling days reports.
55. Complaint submitted to IEC.
56. Complaint submitted to IEC.
57. IEC Analysis Department, polling days reports.
58. The Electoral Act gave the IEC ten days after close of polls to declare a result.
59. 'Irregular Ballots by Party', 4/5/95, document submitted to IEC meeting, 5/5/94.
60. It won some 25 per cent of the 'irregulars', more than double its national share of the vote. See 'Irregular Ballots by Party', 4/5/95
61. The DP and PAC did worse than expected, winning 1,7 per cent and 1,2 per cent of the national vote. But both seemed to accept that this was a result of poorly run campaigns.
62. Had each magisterial district been a constituency, the ANC would have won 72 per cent of the seats, the NP 19 per cent and the IFP 9 per cent. No other parties would have won seats. Own calculations from Electoral Administration Department, IEC *Republic of South Africa 1994 General Election*.
63. PR may have cost the NP control of one region – it won 17 Northern Cape magisterial districts, the ANC ten. Own calculations from Electoral Administration Department, IEC *Republic of South Africa 1994 General Election*.