

Introduction

At their last meeting in Cyprus in October 1993, Commonwealth Heads of Government recognised the historic significance of these National and Provincial Elections in South Africa, and agreed that a 'sizeable international observer presence would be indispensable if confidence in the process was to be assured and the people of South Africa enabled to cast a valid ballot'. They saw a Commonwealth election observer mission as an important component of this wider international presence. The Commonwealth Observer Group to South Africa (COGSA) was consequently established by the Commonwealth Secretary-General, Chief Emeka Anyaoku, following an invitation from the Transitional Executive Council (TEC) of South Africa.

The Commonwealth has been deeply involved in the process leading to these elections. When Heads of Government met in Harare in October 1991, they recognised the significance of dramatic developments which had taken place in South Africa since 1990, including the release of Nelson Mandela and other political prisoners, and the unbanning of political organisations opposed to apartheid. Heads of Government decided to embark upon a phased removal of sanctions in response to the achievement of specific objectives in the negotiating process and resolved that the Commonwealth as an association would do all it could to assist the transition to a non-racial democracy. A ground-breaking visit to South Africa in November 1991 by the Secretary-General to explore with the principal parties ways in which the Commonwealth could assist in lending momentum to the negotiating process prepared the way for the presence of the Commonwealth Group of Distinguished Observers at the opening of the Convention for a Democratic South Africa (CODESA) in December 1991. CODESA marked the start of multi-party negotiations.

Subsequently, in July 1992, during a further visit to South Africa, the Secretary-General proposed to the principal parties the concept of a multi-disciplinary team of Commonwealth experts, with skills in such areas as conflict resolution, law enforcement, criminology and community relations, to help address the problem of the ongoing violence which then threatened to overwhelm the negotiating process. This idea was taken further and embodied in Resolution 772 of the United Nations Security Council, which was adopted on 17 August 1992. This Resolution invited the Commonwealth and other international organisations to co-ordinate with the United Nations in assisting



The Commonwealth Observer Group ... Front row (from left): David Zamchiya (Zimbabwe), Susanne Wood (New Zealand), Elizabeth Renner (The Gambia), Philip Ruddock (Australia), Paul Tovua (Solomon Islands), G P Tiwari (India), Margaret Neckles (Grenada), Rt Rev Sir Paul Reeves (New Zealand), Michael Manley (Jamaica), Tan Sri Ghazali Shafie (Malaysia), Ambika Soni (India), Janine Haines (Australia), Asma Jahangir (Pakistan), Loren Wells (Canada), Grace Githu (Kenya), Martin Kenyon (Britain), Ng Kah Ting (Singapore). Second row (from left): Anand Sharma (India), Eustace Seignoret (Trinidad & Tobago), Judith Todd (Zimbabwe), Janet Willaerit (Canada), Mr Justice André Sauzier (Seychelles), Headley Cunningham (Jamaica), John Cain (Australia), M K Tsekoo (Lesotho), Niaz A Naik (Pakistan), Sir Ebia Olewale (Papua New Guinea), Lesedi Mothibamele (Botswana), Obetra Menke (Nauru), Alderman O A Gara (Zimbabwe), Dudley Thompson (Jamaica), Brian Cox (Australia), Michael Tshipinare (Botswana), Cecil Pilgrim (Guyana), Peter Lyon (Britain), P E M Mauindu (Kenya), Dr Kamal Hossain (Bangladesh), David Vetch (British High Commission), C V Gooneratne (Sri Lanka), James Allan (Britain), Philip Smith (Bahamas), Lord Ennals (Britain), Dato' K Pathmanaban (Malaysia), Henry Jensen (Canada), Oki Ooko-Ombaka (Kenya), Duncan Chuppell (Australia), Lavu Mulimba (Zambia), M M Jacob (India), Robert Morris (Barbados), Mr Justice Josiah Ofori-Boateng (Ghana). Back row (from left): Zeel Peerun (Mauritius), Russell Marshall (New Zealand), Myron Kuziak (Canada), Tan Sri Zain Azraai (Malaysia), S K Singh (India), Hugh Templeton (New Zealand), Rev Walter McLean (Canada). [Not in picture: Lord Weatherill (Britain), P M Abraham (India), Victoria Chitepo (Zimbabwe), Peter Daniel (Canada).]

the structures of South Africa's National Peace Accord which had been signed by the Government, political parties and organisations in September 1991 to address the problem of violence and foster reconciliation.

Accordingly, the Secretary-General constituted the Commonwealth Observer Mission to South Africa (COMSA) and deployed the mission to operate in two particularly troubled areas, the Pretoria/Witwatersrand/Vereeniging (PWV) triangle, centred on Johannesburg, and KwaZulu/Natal. Since then, COMSA observers, in co-operation with their colleagues from the UN, European Union (EU) and the Organisation of African Unity (OAU), have been active in providing constructive advice and assistance in support of the national peace structures, and generally in assisting the transition process. COMSA has published three Reports on its activities – the last in December 1993 – and these formed an important part of our preliminary briefing on the background to and preparations for the elections.

We were also briefed on the extensive programme of multilateral and bilateral Commonwealth technical assistance to support the transition process. This included: a group of 57 Commonwealth electoral experts assisting the Independent Electoral Commission (IEC) with the training of electoral officials and monitors; assistance to the National Peace Secretariat with the training of peace monitors, party marshals for political rallies, and by providing a trainer in conflict resolution; a Commonwealth Peacekeeping Assistance Group (CPAG) of 33 senior Commonwealth military and police officers to assist with the training and evaluation of the National Peace-Keeping Force (NPKF); the secondment of senior police officers to the Goldstone Commission to investigate electoral irregularities; and Commonwealth experts to assist the Independent Media Commission (IMC). In fulfilling our tasks we were fortunate to have the benefit of advice and assistance from these fellow Commonwealth citizens.

Composition and Terms of Reference

Ours has been the largest electoral observer mission ever mounted by the Commonwealth, with 60 core group members appointed directly by the Secretary-General, and an additional 44 Assistants to Observers drawn from Commonwealth Secretariat support staff, Commonwealth technical experts assisting with the transition process, and persons from or nominated by a number of Commonwealth countries represented in South Africa.

As Commonwealth Observers, we served in our personal capacities and not as the representatives of any government or organisation to which we might otherwise owe allegiance. We were able to bring to bear our collective experience in international affairs, in democratic politics and parliamentary government, in the law, military and security affairs, and in electoral management and organisation. The composition of our Group and support staff is at *Annex I*.

Our Terms of Reference from the Secretary-General were as follows:

The Group is established by the Commonwealth Secretary-General at the invitation of the Transitional Executive Council (TEC) of South Africa. It is to observe relevant aspects of the organisation and conduct of the election in accordance with the electoral laws of South Africa established by the Independent Electoral Commission (IEC) which is the transitional authority entrusted with administering, monitoring and adjudicating all matters pertaining to the election. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgment whether the conditions exist for a free expression of will by the electors and if the result of the election reflects the wishes of the people.

The Group is to act impartially. It has no executive role; its function is to observe the process as a whole and to form a judgment accordingly. In the discharge of its tasks and responsibilities, the Group will work closely with the other international observers, under the overall co-ordination of the United Nations.

The Group will submit its report to the Commonwealth Secretary-General, who will forward it to the Government of South Africa, to the leadership of the political parties taking part in the elections, and thereafter to Commonwealth Governments.

Co-operation with other Inter-Governmental Organisations (IGOs)

As Commonwealth Observers, we co-operated closely with the United Nations under the authority of UN Security Council Resolution (UNSCR) 894 of 14 January 1994, which was mandated to co-ordinate the activities of observers from the four IGOs and foreign governments to ensure their effective and co-ordinated deployment. The UN Secretary-General's Report of 10 January 1994, on which UNSCR 894 was based, detailed the structures to be put in place for effective co-ordination. These were as follows:

- a Co-ordinating Committee of Heads of Mission of the four IGOs (UN, Commonwealth, EU and OAU) chaired by the Special Representative of the UN Secretary-General. The Committee met weekly or more frequently as required, to discuss issues of concern affecting the preparations for the elections and the work of the four IGO missions;
- a Technical Task Force (TTF) consisting of the electoral experts of the four missions, chaired by the Head of the Electoral Division of the United Nations Observer Mission to South Africa (UNOMSA). It closely monitored the IEC preparations for the elections and offered advice on problems emerging from the field; and
- a Joint Operations Unit (JOU) headed by the Secretary of the TTF. The JOU was responsible for making all the practical arrangements for the deployment of IGO observers during the period of the elections. It established a joint operations room which monitored all reports from observers during the voting days.

Method of Work

We were in South Africa as a group for over three weeks, most of us arriving in Johannesburg by 9 April 1994 and departing after 4 May 1994. The Chairman arrived on 13 April 1994 and issued the Arrival Statement at *Annex II*. We spent the first week in Johannesburg for a series of briefings and meetings. This began on 10 April 1994 with a briefing by the Commonwealth Secretary-General on our role and responsibilities. Thereafter, we launched into a series of meetings with the main political parties, the IEC, the IMC, the South African Police (SAP), the Human Rights Commission, churches and other interested groups. The Chairman made contact with the leaders of the major political parties. A schedule of engagements is at *Annex III*.

On 16 April 1994, we divided into 51 teams and deployed to all nine provinces. Our deployment plan is at *Annex IV*. We spent the first three days in provincial centres for meetings and activities at the provincial level, before being further deployed throughout South Africa to observe the final stages of the campaign, preparations for the elections, and voting and counting days. We covered major cities, large townships, rural communities, and the so-called 'homelands'. We met with local electoral officials, candidates and activists from the political parties, peace monitors, local community leaders, representatives of the security forces and UN co-ordinators. We attended party rallies and meetings, observed voter education efforts, and monitored the preparations for the elections. In all we covered 120 districts before voting day and visited over 700 voting stations during the poll, many of them more than once. We submitted daily reports through our team co-ordinators to COGSA headquarters in Johannesburg. We used as guidelines our Observation Notes and the Voting and Counting Observation forms prepared by the four IGO missions (see *Annex V*).

An eve-of-poll joint IGO statement was issued on 25 April 1994 (see *Annex VI*) and this was followed by an interim statement issued on 30 April 1994 after the closing of the poll (*Annex VII*). Our Chairman issued a Departure Statement on 3 May 1994 (*Annex VIII*).