

CHAPTER 1

Political Background

South Africa's first non-racial elections were the culmination of a long and bitter political struggle for freedom within South Africa, and a sustained campaign against apartheid internationally. This struggle moved into a decisive phase in February 1990 with the release of African National Congress (ANC) leader Nelson Mandela and the lifting of the ban on key political organisations by State President F W de Klerk.

Since then, South Africans across the political spectrum have engaged in intense and protracted negotiations within the country. With very little external involvement, they reached agreement on transitional arrangements leading to these elections for a parliament which will also serve initially as a Constituent Assembly to finalise a new constitution, and for a Government of National Unity which will govern the country for the next five years.

CODESA

A series of agreements and legislative reforms in 1990-91 paved the way for the first multi-party negotiations. These included:

- the Groote Schuur Minute of May 1990, in which the Government and ANC agreed on terms for the release of political prisoners, the return of exiles and the dismantling of security legislation;
- the Pretoria Minute of August 1990, in which the ANC suspended the armed struggle; and
- the repeal of key apartheid legislation, including the Land Acts, Group Areas Act, the Black Communities Act and the Population Registration Act.

Eighteen organisations, including the Government, the National Party (NP), the ANC, the Inkatha Freedom Party (IFP) and the Democratic Party (DP), and ten 'homeland' administrations participated in the historic first CODESA in December 1991. With the exception of Bophuthatswana and the IFP, the groups represented at CODESA I endorsed a 'Declaration of Intent' setting out their commitment to a political settlement and to the broad political principles upon which a new constitution should be based.

A second plenary session of CODESA in May 1992 ended in deadlock over the composition of the proposed constitution-making body. Further negotiations stalled over mounting political violence caused by tensions between the ANC and the IFP, exacerbated by strong suspicions and, in some cases, direct evidence of state complicity in the violence.

The National Peace Accord and Goldstone Commission

In a bid to stem the political violence, 26 parties and concerned groups signed a National Peace Accord in September 1991. A National Peace Secretariat, which has established structures at national, regional and local levels, has seen to the day-to-day functioning of the Accord.

A key institution provided for in the Accord was the Commission of Inquiry into Violence and Intimidation chaired by Mr Justice Richard Goldstone. The 'Goldstone Commission', as it has come to be known, has held a wide variety of hearings, ranging from the thematic – such as taxi wars and train violence – to particular incidents, such as the killing of over 50 people in Johannesburg during an IFP march on 28 March 1994.

Shortly before the elections, the Commission constituted a special international panel to make recommendations on preventing violence during the elections. The Commission has also made a number of investigations into the alleged activities of 'third force' and unreconciled elements within the law enforcement agencies still fomenting political violence.

The Multi-party Negotiating Process

In April 1993, 26 political parties (including the Conservative Party (CP) and the Pan-Africanist Congress (PAC) which did not participate in CODESA) and a few special interest groups gathered at Johannesburg's World Trade Centre at Kempton Park in a fresh bid to break the impasse. In the absence of agreement on a name for these talks, they became known simply as the Multi-party Negotiating Process (MNP).

On 15 June 1993, the Negotiating Council of the MNP, in which the substantive negotiations took place, agreed by 'sufficient consensus' to hold elections on 27 April 1994. In early July 1993, the IFP and the CP withdrew from the talks, protesting against the process agreed on for the transition and the use of the 'sufficient consensus' mechanism to reach agreement on an election date. (The mechanism and the agreement were subsequently upheld in the Supreme Court.)

On 23 and 24 September 1993, legislation for four new institutions of the transition period as agreed in the negotiations – the Transitional Executive Council (TEC), the Independent Electoral Commission (IEC), the Independent Media Commission (IMC) and the Independent Broadcasting Authority (IBA) – was enacted by Parliament.

However, the 'independent homelands' of Ciskei and Bophuthatswana, in association with the IFP and the CP in the then Concerned South Africans Group (COSAG), withdrew from the MNP, which they accused of being dominated by the ANC and the NP. The two 'independent homelands' vowed not to incorporate the TEC legislation into their laws. The Freedom Alliance, launched in early October 1993, cemented the pact among those groups which had decided to boycott the talks. The Alliance included the Afrikaner Volksfront (AVF), at that time the principal umbrella organisation for right-wing groups, among them the CP. While bilateral negotiations continued in an effort to draw the Freedom Alliance back into the talks, the 22 groups remaining continued their negotiations.

In accordance with an earlier agreement that none of the legislation would become operational until the entire package had been agreed, negotiators returned to the table to find common ground on an interim constitution, an Electoral Act, and the removal of remaining apartheid laws. These agreements were finally endorsed at a plenary session of party leaders on 18 November 1993 and enacted by Parliament soon after.

Stages of the Transition

The agreements provided for two stages in South Africa's political evolution:

- a transitional period in which the TEC would supervise key arms of Government which had a bearing on facilitating free and fair elections.
- elections to a Constituent Assembly which would both finalise the constitution during its first two years, and serve as the country's parliament, until elections in 1999.

It was further agreed that the new constitution would have to be approved by a two-thirds majority of a joint sitting of parliament, comprising a 400-member National Assembly and 90-member Senate. Should a two-thirds majority fail to agree on the final constitution, the deadlock-breaking mechanism provides for a referendum in which 60 per cent of the voters would have to approve the constitution in order for it to be passed. The constitution so approved would have to be examined by a Constitutional Court to ensure that it is in keeping with the constitutional principles agreed by the MNP.

The Freedom Alliance

The principal reason cited by Freedom Alliance members for withdrawing from the MNP negotiations was that the negotiations had failed to yield an interim constitution sufficiently federal in character.

One Freedom Alliance member – the 'independent homeland' of Ciskei – broke ranks, joined the TEC early in 1994 and registered a political party, the African Democratic Movement (ADM). But the remaining partners in the Alliance (the IFP, the AVF and Bophuthatswana) did not register parties by the

12 February 1994 deadline. The AVF persisted with its claims for an Afrikaner homeland (*volkstaat*), while the IFP backed calls by Zulu King Goodwill Zwelithini for the restoration of the Zulu kingdom as constituted prior to the arrival of white settlers in South Africa, and sought greater guarantees for provincial autonomy.

In an effort to persuade the remaining Freedom Alliance members to contest the elections, the MNP's Negotiating Council – at the urging of the Government and the ANC – reconvened on 21 February 1994 to approve a series of amendments to the Interim Constitution and Electoral Act which were subsequently adopted by a special sitting of Parliament.

The measures included:

- strengthening the ability of the nine provinces to make their own laws; provisions in provincial constitutions to decide on legislative and executive structures (which would have permitted special arrangements for the Zulu monarchy);
- provision that the above should not be altered in final negotiations on the constitution after the elections;
- changing the name of the province of Natal to KwaZulu/Natal and adding a constitutional principle on self-determination which would pave the way for future negotiations on a *volkstaat*; and
- amendments to the Electoral Act to provide for a simultaneous double ballot, one for the National Assembly and the other for the provincial legislatures.

The deadline for party registration was extended to 4 March 1994. Parties had until 9 March 1994 to support their registrations with party candidate lists. This was later amended to a requirement for the submission of provisional lists, allowing parties until 16 March 1994 to submit supplementary and amended lists.

The IFP initially reacted negatively to the proposed constitutional amendments, saying they offered no real change. However, at the close of a meeting with Mr Mandela in Durban on 1 March 1994, IFP leader Chief Mangosuthu Buthelezi announced that he would consider provisionally registering the IFP and contesting the elections, pending the outcome of international mediation to overcome constitutional differences. The IFP proceeded to register, but allowed the registration to lapse by not submitting party candidate lists. Party spokespersons said that the IFP would not contest the elections until international mediation had run its course and the country had a 'proper constitution'. The IFP suggested that this could be achieved by postponing the elections.

The Freedom Front

Like the IFP, the AVF initially took a firm stance against participation.

However, following the IFP decision to register provisionally, AVF leader General Constand Viljoen – in a dramatic gesture just before the midnight deadline for party registration on 4 March 1994 – registered a party called the Freedom Front (FF). Following opposition to this move within the AVF, General Viljoen decided to go his own way, putting forward a list of candidates for the Freedom Front, and subsequently resigning from the Freedom Alliance.

On 23 April 1994, just before the elections, General Viljoen signed an Accord with the Government and the ANC providing for negotiations on an Afrikaner *volkstaat* to continue after the elections, a move successfully aimed at encouraging right-wing elements to participate in the elections and to pursue their objectives through negotiations.

Bophuthatswana

The ‘independent homeland’ of Bophuthatswana initially refused to register a party for the elections and decided not to incorporate transitional legislation into its statutes (contrary to what had happened in Transkei and Venda, and later Ciskei – the other three ‘independent homelands’). Free political activity within the area continued to be suppressed, and the IEC had no access to the territory, raising the spectre of voting stations having to be sited on the borders of the territory. This attitude by the authorities, coupled with concerns among civil servants regarding their future, sparked a series of strikes and a popular uprising, which eventually included the ‘homeland’ police and army.

A plea by the Bophuthatswana authorities to General Viljoen for help further fuelled popular anger as approximately 4,000 white right-wingers, clad in khaki uniforms and heavily armed, poured into Mmabatho, the capital of Bophuthatswana, on 11 March 1994. Contrary to instructions to guard vital installations, the far right-wing Afrikaner Weerstandsbeweging (AWB) contingent (estimated to have numbered about 500) paraded through the town, firing shots at random and killing several black South Africans. The AWB ignored an order from General Viljoen to withdraw, intensifying the emerging split between him and the far right.

On the afternoon of 11 March 1994, the Bophuthatswana Defence Force drove the AWB out of the city, killing three AWB members. In all, at least 60 people were killed, the majority ordinary citizens caught in the crossfire. By nightfall – following an urgent Cabinet meeting and TEC meeting in Pretoria – the South African Defence Force (SADF) had been asked to restore order. With the civil service, army and police remaining opposed to the ‘homeland’ leader Lucas Mangope, the TEC impressed on the South African Government that he could not remain in control of the territory. Two co-administrators were appointed to run the territory until after the elections. The IEC immediately established an office in Mmabatho and launched a massive voter education campaign. Mr Mangope did not contest the elections.

Ciskei

Ciskei opted to join the TEC and had allowed free political activity even before transitional arrangements came into effect. The territory's military ruler, Brigadier Oupa Gqozo, registered his ADM to contest both national and regional elections. In the face of demands by police and civil servants – worried about their future after reincorporation – that their pensions be paid out immediately, Brigadier Gqozo resigned weeks before the elections and asked the TEC to take over the administration of the territory until after the elections.

The Inkatha Freedom Party

Until the last few days before the elections, mounting tensions between the ANC and the IFP appeared set to result in massive strife during the elections, especially in KwaZulu/Natal.

On 18 March 1994, the Goldstone Commission issued a report alleging a conspiracy involving the training of IFP members – many of whom subsequently joined the KwaZulu police – in unconventional warfare, and a gun running network which supplied arms from Namibia and Mozambique to IFP-supporting hostel dwellers and train killers. The South African Government and TEC ordered a further investigation, involving local and international experts, into this matter.

On 25 March 1994, the ANC organised a march through Durban aimed at proving support in the province for the elections. The IFP responded with a march through Johannesburg on 28 March 1994 in support of King Zwelithini, and against the elections. The march ended with 51 dead and 250 injured, in a series of shootings that included shots fired by unidentified snipers, and others fired by ANC security guards after the marchers departed from their original route to march in front of the ANC's national headquarters. The incident is being investigated by the Goldstone Commission.

On 31 March 1994, with the support of the TEC, President de Klerk declared a State of Emergency in KwaZulu/Natal, which led to a postponement of a four-way summit between Chief Buthelezi, King Zwelithini, Mr de Klerk and Mr Mandela. This summit, subsequently held on 8 April 1994, failed to achieve a breakthrough. An attempt to break the deadlock by a team of seven international mediators was unsuccessful. The composition of the team is at *Annex IX*.

Following a further intense round of consultations – and in an about turn that took most people by surprise – the IFP announced on 19 April 1994 (one week before voting was due to commence) that it had decided to contest the elections. An agreement reached by the IFP, the ANC and the Government provided for:

- participation by the IFP in both national and provincial elections without changing the election dates;

- provision and safeguards for the Zulu monarchy in the provincial constitution of KwaZulu/Natal; and
- outstanding issues in respect of the King and regional powers to be addressed by international mediation after the elections.

The MNP's Negotiating Council met to approve the agreement and thereafter adopted a resolution committing all parties to accept the election results. Parliament reconvened on 25 April 1994 to consider the required amendments to the Interim Constitution necessitated by the agreement. Since 80 million ballot papers had already been printed for the national and provincial elections, the parties agreed that a special IFP sticker could be added by the IEC at the bottom of each ballot paper.

The IFP entry led to an immediate and dramatic reduction in political violence in the last few days before the elections and during the poll itself, particularly in the PWV and in KwaZulu/Natal. South Africans therefore went to vote in a climate of relative peace and calm, marred only by a spate of brutal bombings which failed to deter them from exercising their right to vote.

The Political Parties

Nineteen political parties contested the election to the National Assembly. Twenty-seven parties contested all or some of the elections to the nine provincial legislatures. The most prominent parties included:

African National Congress (ANC) – led by Nelson Mandela. Founded in January 1912 by a group of black nationalists, the ANC has dominated black political activity for decades and developed into a liberation movement with mass support. A new generation of more radical Youth League leaders – Mr Mandela, Oliver Tambo, Walter Sisulu and Anton Lembede – galvanised the party in the early 1950s into a more militant movement. The ANC successfully launched a programme of protest action involving boycotts, strikes and civil disobedience. The ANC has an electoral alliance with the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU). The party has always had and practised a strong non-racial philosophy. The ANC's armed wing, Umkhonto we Sizwe (MK), was founded in December 1961 but had difficulty operating as a guerilla force, as neighbouring countries were fearful of providing external bases. The ANC suspended the armed struggle in August 1990, in order to further political negotiations.

Democratic Party (DP) – led by Zach de Beer. The party was founded in April 1989 when the Progressive Federal Party (PFP), the Independent Party and the National Democratic Movement joined forces. Of these, only the PFP had a history of resisting apartheid, with Helen Suzman flying the party banner as its lone representative in Parliament for many years. The DP espouses liberal values and a multiracial philosophy.

Freedom Front (FF) – led by a former Commander of the SADF, General Constand Viljoen. In March 1994 it broke away from the AVF, the umbrella organisation which united several right-wing groups in their demand for an independent *volkstaat*. The AVF was seen as the new driving force of the right, but disintegrated following the misadventure in Bophuthatswana. General Viljoen broke away to form the Freedom Front, taking with him several CP Members of Parliament who believe the way forward to an Afrikaner homeland is through negotiations and the ballot box.

Inkatha Freedom Party (IFP) – led by Chief Mangosuthu Buthelezi. Founded as a cultural movement in 1975, the IFP has been the ruling party of the ‘homeland’ of KwaZulu. It has its strongest following in KwaZulu/Natal and parts of PWV. The party is strongly in favour of federalism.

National Party (NP) – led by F W de Klerk. Founded in 1912 and the architect of apartheid, the NP has dominated South African politics for over four decades. At the outset, the party’s aim was to achieve a more prominent role for Afrikaners in society and in government, and to keep the races socially and politically apart. The party has undergone a radical transformation since 1990 when President de Klerk began dismantling the structures of apartheid.

Pan-Africanist Congress (PAC) – led by Clarence Makwetu. It was formed in 1959 by a faction of the ANC suspicious of growing white, Indian and communist influence within the ANC. As with the ANC, the PAC was banned in 1960. It waged an armed struggle against the South African state through its armed wing, the Azanian People’s Liberation Army (APLA). It recently suspended the armed struggle.

A full list of parties which contested the elections is at *Annex X*. Among the organisations which boycotted the elections were:

Afrikaner Weerstandsbeweging (AWB) – led by Eugene Terre’Blanche. Founded in 1976, it is the most prominent of paramilitary right-wing movements. It is a neo-Nazi political organisation, dedicated to white supremacy.

Conservative Party (CP) – led by Ferdi Hartzenberg. The party was founded in 1982 when a group of 17 MPs led by two Cabinet Ministers broke away from the NP, accusing the then President P W Botha of betraying the true ideals of apartheid. It soon became the white right-wing’s most important representative body. The party remains wedded to the philosophy of apartheid, but realising that it cannot achieve it in a democratic multiracial South Africa, is now fighting for a *volkstaat*.