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Monitoring Elections

Padraig O'Malley

Padraig O'Malley was a member of international delegations monitoring elections in the Philippines, South Africa, and Mozambique. These delegations were organized by the National Democratic Institute for International Affairs (NDI), Washington, D.C. O'Malley's opinions, observations, and reflections on these elections are entirely his own and in no way reflect the opinions of NDI.

During the past ten years, I have taken part in a number of international observer missions to elections in various parts of the world. This evening I want to talk about these in particular — the Philippine elections in February 1986; the South African election in April 1994; and the Mozambican elections in November 1994 — to see whether there are features common to all and unique to each and whether monitoring practices have evolved in new directions since the end of the Cold War.

The Philippine elections were the first to achieve celebrity status, for a number of reasons, I think. First, they represented the impact of the globalization of the media — the media were the message, and the fact of an election being observed changed the nature and context of the elections themselves. Second, it was a high-profile election, pitting a longtime aging dictator who, let it be said, had achieved legendary status in many parts of his country, against a homely housewife, Cory Aquino — widow of Benigno Aquino, a man murdered in 1983 by agents of Marcos as he stepped off a plane in Manila — returning from a number of years in exile to avenge her dead husband. Third, and perhaps more important in the long run, was that the democracy movement was beginning to take shape in the mid-1980s, and many authoritarian dictatorships were being challenged for the first time by a variety of pro-democracy movements and nongovernmental organizations committed to the development of functioning civil societies.

One-party states were beginning to come under critical scrutiny from within their own countries, and voices calling for multiparty electoral systems were being heard for the first time.

Typically, an election monitor is responsible for assuring that the elections are carried out in accordance with the electoral code or the election laws established by an independent electoral commission (IEC). An IEC has the overall responsibility for administering the election, for ensuring that the elections are violence-free and without intimidation, for convincing the voters that their votes will be cast in secrecy, for carrying out the counting of the votes, and for being the final arbiter in decisions regarding votes or groups of votes whose validity has been challenged. In Mozambique, for example, an X had to be placed beside the symbol of the party or the photograph of the head of the party. Even [check marks] in the appropriate boxes were, under the election laws, invalid, although there was no doubt as to how the voter intended to vote. And in the end, an IEC has the responsibility to judge whether or not the election is fair and

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free, as does the monitor. All in all, daunting tasks, especially in countries such as the Philippines and Mozambique, where the supporting infrastructure is largely absent, administrative capacity sadly lacking, and widespread corruption rampant at both the official and unofficial levels, which is, by the way, largely taken for granted — a way of life rather than an exception.

For the moment, I will distinguish between retail and wholesale fraud.

Retail fraud takes place at the election site. It includes:

1. *Multiple voting*: bringing votes from one district to another.
2. *Multiple voting by the individual*. As a way of addressing this, it has over the years been the practice of election administrators to mark the back of the of the hand or a finger of each voter with an indelible dye. However, often the dyes are tampered with and in many cases can be easily erased.
3. *Helping the old or the illiterate to vote, and in effect voting for them*. I should add that each party usually is entitled to have a number of its own monitors present in the ballot area. They are in a position to monitor the actions of the voting authorities and of individual voters and subsequently to challenge their actions.
4. *The issuance of false ID cards*. Making credible duplicates of voter ID cards has been a common practice over the years, and degrees of misuse vary depending upon whether voters have to preregister to vote or whether any ID card will suffice.
5. *Hampering people's ability to vote by supplying them with incorrect information regarding balloting procedures*. In most countries that are holding democratic elections for the first time, many, and often most, of the voters are illiterate. For some time prior to the elections, nongovernmental organizations, sometimes the country's IECs, which are often, even if unfairly so, regarded as a government rubber stamp, and international organizations that specialize in election monitoring, carry out voter education programs which try to extend the rudiments of the democratic process and educate voters how to vote. In this case, you could say that the monitoring itself on the days of the elections is the last step in a long and arduous process. Making it difficult for voter education programs is easy, especially in one-party states where the state and the party have, for all intents and purposes, become interchangeable.
6. *Often absent, as well, is the presence of an independent medium, especially television and to a lesser extent radio*. Television is invariably state-owned and during state elections is used in a blatantly partisan way. Part of the problem here is that opposition parties do not object since they, too, if they were in power, would behave similarly. Using the machinery of the state to influence elections is routinely regarded as one of the perks of incumbency.

Which raises an important point: election monitoring has taken on a much broader frame of reference over the past several years, and again I would probably use the Philippine elections as a benchmark. Monitoring is much more concerned now with *all* aspects of the electoral process that contributes to an unequal playing field and with the elimination of barriers which contribute to that inequality. Leveling the playing field is

now the phrase of the day, and that means ensuring the conditions for voter education programs, overseeing voter registration drives, evaluating the media for equal coverage, guaranteeing equal access to the paraphernalia of elections, including consultation in drawing up the ballot itself, and agreements on what demarcation on the ballot will be required, how ballots are regarded as being valid; procedures and verification processes for ballot boxes, ensuring their transportation to the main counting centers, procedures for counting and for dealing with vote challenges, and reconciliation procedures to confirm that the number of votes cast at the ballot boxes is equal to the number of voters verified to have been admitted to the polling station.

Wholesale fraud takes two forms, and many variations fall within the ambit of both. Among the variations: seals on ballot boxes are tampered with, fraudulent ballots are inserted and the real contents dumped; ballot boxes full of fraudulent votes are added to the tally; ballot boxes are lost; ballot boxes materialize out of cyberspace; pirate ballot stations operate. And most serious, perhaps because it can be carried out on a more massive scale and is more sophisticated and difficult to detect, is computer fixing, through which electoral data are altered to produce fraudulent tallies.

In keeping with the advancing technologies of electoral processes, wholesale and retail fraud today are much more difficult to carry out because of the evolution of more sophisticated parallel counts or quick counts, as they are often called.

In the remainder of my talk, I will argue that in the post-Cold War order of things, the function of election monitoring has been altered drastically, that its primary function is not to ensure a free and fair election, as we define that in the classical sense, but to ensure that the results produce a government that is regarded by the parties to the election and the electorate as being *legitimate*, and that the acknowledgment of legitimacy in turn produces political stability. The purpose of elections, especially in countries making the transition from one-party states to a multiparty democracy, is not to produce a free and fair result per se, but to lay the groundwork for developing a *sustainable* democracy, so that a form of government and its institutions will slowly pave the way for party building, capacity building, institution building, and the development of trust among the major actors who facilitate accommodation and compromise among the parties.

Democracy is a learned behavior. In formerly one-party states, undemocratic practices must be unlearned. This does not happen overnight, but is a slow, painstaking process requiring constant attention and a vigorous, vocal civil society to back it up.

Some other useful observations provide a subtext for evaluating the work of international monitoring agencies.

1. There is no "ideal" democratic system.
2. Democracy cannot flourish without the development of trust, tolerance, and a willingness to compromise.
3. Democracy is about behavior, behavior is based on convictions, convictions are rooted in values, convictions and values can be taught, and behaviors can be learned — or, as is necessary in many cases, behavior can be unlearned.
4. Many African countries were handicapped at the outset.

5. The globalization of communications reinforces the trends of democratization. The fax and the cellular phone are the latest instruments of communication technology to shape the way in which elections are conducted, especially in countries lacking electricity.
6. Although a transition is singular to a particular country, transitions, whether from authoritarian or military or communism to democracy, share many features.
7. Democracy is not edible.
8. Expectations must be kept in check.
9. In many cases, democracy is the remedy of last resort.
10. Refugee problems undermine democratization.
11. Questions of ethnicity and tribalism are being more openly acknowledged and do not seem to elicit the suspicion or defensiveness they once engendered.
12. In most underdeveloped countries, there is a very limited understanding of the role of a public broadcasting system in a democratic society.
13. A Code of Conduct, to which all parties agree, proved its efficacy during the 1989 Namibia elections and can be a very useful ancillary tool.
14. International observer groups have come to play a vital role in transitions. Their presence changes the nature of the process being observed. They both confer legitimacy and make it more difficult for a ruling regime to cheat. They inspire confidence in the process, thus encouraging people to participate.
15. Internal monitoring groups play a similar role and have a similar impact. Churches, in particular, possess the organizational structures to facilitate countrywide monitoring networks. To perform this function effectively, however, the churches must be seen to be neutral, which is often a problem since they frequently see themselves as part of the larger liberation movement.
16. In a world in which competition for resources has become more ethnocentric than ever, the self-interest of the more affluent states discourages altruism and foreign aid. There is little acknowledgment that over the past twenty years, authoritarian colonialism, leaving behind administrative structures rather than nation-states, spawned authoritarian, autocratic, single-party states skewed by artificial borders and often antagonistic admixtures of ethnic groups, create in substantial measure the convoluted and artificial politics that have emerged in many parts of the world, particularly in Africa, often with the most heinous consequences.

Let me turn now to specific elections. I will give the least time to the Philippines and the most to South Africa for a variety of reasons that I hope will become apparent. Mozambique provides a further example of where the new center may be drifting.

The Philippine elections in 1986, pitting the poignant Cory Aquino against the malevolent tyrant Ferdinand Marcos, had all the ingredients of a soap opera. This was not an election about issues but about some mythical bout between Good and Evil, as personified by the two candidates. Cory, the darling of the West, a newfound celebrity as

she returned to the Philippines to oust the man who many believed to be her husband's murderer. There were no issues, as such, beyond the corruption of Marcos's twenty-one years in office. Indeed, perhaps the one issue that was and remains the issue in the Philippines is land reform, and since both the Marcos and Aquinos families come from large land-holding baronies, their positions on the issue were at best perfunctorily different, questions of nuance rather than substance. What made the Philippine elections unique was the fact that its outcome, in large measure, was determined by the media — namely the international media.

My own situation at the time will suffice to illustrate the point. I was monitoring in an area in the far south — Nindanamo — supposedly a stronghold of the Communists. My three colleagues and I monitored a dozen balloting stations, took frequent soundings from the quick-count people, watched the counting at each of the stations, saw the parties put their imprints on the waxed seals of the boxes in which ballots were to be transported to the provincial capital. We followed the boxes and saw them safely to their destination. All appeared to be in order and, to tell the truth, we were a little disappointed since it is the unstated dream of every election monitor to find massive, large-scale fraud that will bring matters to a screeching halt. Back in Manila, where we and the rest of the delegation spent a full day debriefing, few of the forty or so in the delegation had found anything more than retail fraud here and there and at some stations the military stood inside the allowed limits and appeared to pose a rather intimidating presence.

Meanwhile, however, state television, which had been covering the elections, had various reports coming in from all over the country. The television link was severed abruptly when results from several areas suggested Aquino was doing better than expected.

Immediately, panic ensued as delegations began to ring their homes, offices, and friends to find out what ABC, CBS, and NBC were reporting, and their reports of vote rigging became the basis for the conclusion of many delegations, including ours, that the election was not free and fair. Simply put, we could not reach a conclusion that might allow for the bad guy's winning. We could not be out of line with what the conventional opinion makers had predicted before the elections: that should Marcos win, he would have stolen it.

It wasn't until about 2:00 A.M. Sunday morning (January 1986) that conclusive proof of rigging came in. The computers were cooking the books, which had been preprogrammed to manipulate the data when it was fed in. No television crew came upon this, no sleuthing monitor was on the ball. Just a computer operator who blew the whistle when certain weird results that were counterintuitive began to emerge.

Marcos was greedy. He decided to steal big, thus focusing attention on election data that otherwise would have been overlooked. Had he stolen small, he probably would have gotten away with it. One thing for sure: he would not have had to flee the country in the manner in which he did.

The South African elections had also a lot to do with being on the right side. Any attempt at overt stealing would have been easily detected since the country was literally crawling with election monitors, from God knows where, with fleets of television cameras in their wake. In one sense, the results were a foregone conclusion: It was a given that at the national level Nelson Mandela would easily prevail, the only question being whether he would get more than the magic two-thirds of the vote that would give him, in effect, a free hand to draw up the country's final constitution.

There were, in fact, delays and irregularities; in some places, ballot papers were hours late in showing up; in others, ballot stations took it upon themselves to stay open past the 7:00 P.M. closing time. Because of inefficiency in administration, some people stood in line for hours before getting the opportunity to vote. ID cards were easily forged. Nevertheless, at the end of the voting monitors could only say that the elections had been violence-free (true), that intimidation appeared to have been negligible (not so true), and despite some irregularities, the voting, they concluded, was fair and free. That, too, was the message of the international media and their respective commentators. Despite the fact that the counting of votes had barely started, the African National Congress (ANC) declared victory and a triumphant Nelson Mandela was hailed internationally as president-elect. After three centuries of oppression and almost fifty of the inhumanity of apartheid, justice was not just done but was seen to be done.

The vote count, however, became a nightmare. Hundreds of ballot boxes were unaccounted for, millions of votes lost. The ANC accused the Inkatha Freedom Party (IFP) of vote-rigging in KwaZulu-Natal and the IFP counterattacked with allegations that the ANC had been involved in voter sabotage. The National Party weighed in with a variety of complaints about both ANC and IFP practices. The neatly constructed fiction of the previous days began to unravel. Ominous predictions threatened from the sidelines. And a desperate independent electoral commission simply stopped counting and gave the results.

And what miraculous results they were. Everyone was a winner. Buthelezi and the IFP won KwaZulu Natal with 50.3 percent of the vote. The National Party (NP) won the Western Cape, the ANC won majorities in the other seven provincial parliaments, and a very solid, if not two-thirds majority in the National Government — enough to ensure that the ANC would completely dominate the proposed government of national unity. Thus the “miracle.” But let us look at it in a little more detail.

- First, the Record of Understanding signed between the African National Congress and the National Party in September 1993 signaled that the transfer of power had begun. From that point on, the ANC and NP brokered the process — the other parties were left to follow or to marginalize themselves.
- The Inkatha Freedom Party, until the last minute, said it would not participate in the elections. In KwaZulu-Natal this was of particular significance, since the political rivalry between the ANC and the IFP in the region was ferocious, violent, and to a large extent uncontrollable. In the weeks leading up to the election, as efforts to entice the IFP to become part of the process increased, violence escalated at exponential rates in Natal. Were the IFP not to participate in Natal, thus giving the province to the ANC by default, civil war would occur in Natal, which would spread along the Eastern Reef. But equally as troubling was the fact that if the IFP *did* contest the election and lose in KwaZulu-Natal, Buthelezi would not accept the results and once again, the specter of civil war would loom. It was apparent to the leadership of the ANC that should the IFP fail to win in Natal and scream “fraud,” Buthelezi would reject the legitimacy of the results with all the tumult that would follow. Indeed, the ANC in the region threatened to go to court to have the results invalidated, but the national leadership made a decision:

better have Buthelezi in the tent — not to finish Lyndon Johnson's famous adage. The alternative: civil war in Natal, an Angola/Mozambique scenario that would ensure that little — very little — foreign investment would come the way of South Africa. It would only prove that, as many had predicted, South Africa would go the way of the rest of Africa. Hence *stability* became the overriding consideration.

A similar logic applied to the Western Cape, although it is clear enough that the colored vote there swung behind the NP, one of the striking ironies of history: you side with your oppressor because, as bad as he has been, you fear that his successor, the multitude of the oppressed, might be even more oppressive . . .

The “we-all-win” result conveyed legitimacy to the process.

Hence, South Africa could put forward the new South Africa as the model of a state making a successful political transition, from the Old Order to the New.

Since April 1994, when the elections took place, I have spoken to the most senior people in the African National Congress, the former National Party government, and the IFP. To a person, they deny that a formal deal was struck in a smoke-filled or, probably these days, a smoke-free room. But, then, on the other hand, no one will deny that informal understandings emerged, particularly that one set of results would plunge South Africa into an Angola/Mozambique situation with all the horrible consequences that would entail. Thus, sharing, allowing all sides a stake in winning and a vindication of their own positions as pronounced in the past, would give the new governments, both regional and national, legitimacy. In this sense, a result that produced a stable government accepted by the people, that is, a government whose legitimacy was accepted, was far more important than one which was free and fair.

This trend toward legitimacy and stability, at the expense of other considerations, began to emerge in the late 1980s when international monitoring teams would often find themselves at the short end of the stick when the rival political parties that had fought the elections refused to accept their adjudications and took to boycotting Parliament or engaging in armed resistance or in other forms of instability.

For the past thirty years, the United Nations was heavily engaged in electoral verification and the provision of technical electoral assistance in the context of decolonization. During the past five years, however, the UN has found itself, somewhat to its own surprise, continuously involved in the business of free and fair elections. The Namibia experience, followed by the UN's success in electoral verification in Haiti and Nicaragua, created a catalytic effect. The democratic ideal had received a new vitality from world events, and the UN has been recognized as a viable operational mechanism for the development and support of that idea.

In late 1991, a major debate began about the standards that the UN should uphold, and the kind of circumstances in which it should become involved, so as to strengthen national integrity, self-determination, and independence rather than to undermine them.

The General Assembly adopted an important resolution — Resolution 46/137 of December 17, 1992 — which deals with the various types of UN assistance with regard to the holding of free and fair elections. It emphasizes that all states enjoy a sovereign equality and that each state, in accordance with the support of its people, has the right to truly choose and develop its political, social, economic, and cultural systems. It also recognizes that no single political system or electoral method is equally suited to all nations and their peoples. It recognizes that the efforts of the international community

to enhance the effectiveness of the principles of periodic and genuine elections should not call into question each nation's sovereign rights, in accordance with the will of its people, freely to choose and develop its political, social, and cultural systems, whether or not they conform to the preferences of other states.

The assembly also declared that determining the will of the people requires an electoral process that provides all citizens with an equal opportunity to become candidates and to present their political views.

In more recent years, the UN has advanced criteria under which it will undertake to engage in electoral verification in an independent state.

1. The situation should have a clear international dimension.
2. The monitoring of an election or referendum should cover the entire electoral process in order to secure the conditions of freeness and fairness, and impartiality.
3. A UN presence in the electoral process at a critical point in a state's political life should be sought by the state in question.
4. There should be approval by the component organ of the UN.

As has become increasingly clear over the last several years, however, the UN has more than a lack of abundant resources. Member-states, now that the Cold War is over, use the UN to advance policies that benefit their own narrow interests, and while all give lip service to the principles for UN participation in elections in member or about-to-be-member countries, few will follow up with the resources required to make the UN presence little more than a gesture of impotence.

Problems are compounded when the ruling party takes exception to a UN presence or only agrees to it under a great deal of international pressure. The political parties that are not in power want an *effective* monitoring presence. They are profoundly suspicious of the intention of their governments.

This almost always weakens the position not only of the UN but of all international monitors. Monitoring, not surprisingly, works best when all parties give their fulsome support to it. It works far less well when a dominant government refuses to empower it, and it works worst when one party or another does not accept the electoral results or the rulings of internal and external monitoring agencies.

Some Illustrations

Under international pressure, President Daniel Arap Moi, leader of the Kenyan African National Union (KANU), scheduled multiparty elections for December 1992. They were the country's first freely contested elections since independence from Britain in 1963. Many observers, however, were of the opinion that resistance to the process of democratization made free and fair elections impossible. The Electoral Commission, the body mandated to register voters and to administer the election process, consisted solely of members nominated by Moi without the advice or counsel of, or even consultation with, the opposition. The government also refused to involve opposition parties in formulating rules governing the transitional process. Instead, the KANU-dominated Parliament passed an amendment which provided that the president had to be elected by majority vote and by at least 25 percent of the vote in at least five of the country's eight provinces, an arrangement that gave Moi a decided edge. In the elections held on

December 29, 1992, Moi was returned to office and won a comfortable margin in Parliament. Although fifteen of his twenty-one cabinet members were defeated, with the opposition split among three parties, Moi won reelection with only 36.7 percent of the votes (another legacy of the British majoritarian system).

Immediately, citing what they called across-the-board cheating and vote-rigging, leaders of Kenya's three strongest opposition parties announced that they would not accept the outcome of the elections. But theirs was a hollow opposition, distinctly lacking people power, and Moi, it could be clearly seen, had absolutely no intention of stepping down or of holding new elections. Moreover, the specter of civil war prior to the elections' well-armed and organized members of the minority Kalenzins, President Moi's ethnic group, which during his tenure had become the country's dominant elite, mounted a series of attacks against largely defenseless members of larger ethnic groups, the Kikuyu, Luo, and Luyha. Traditionally in Kenya, ethnic divisions overlap and polarize divisions. The international interest was clear. Internal unrest in Kenya would undoubtedly escalate into further destabilization in a region already badly fragmented and divided. Hence, as *The Economist* reported on February 6, 1993, "International observers, after some hemming and hawing, decided that the polls were tilted towards Mr. Moi and KANU, but that the results, nevertheless, roughly represented people's will."

Many Africans were disillusioned with the performance of electoral observers in the Kenyan elections. In an acerbic commentary, *Africa Week* said:

Despite allegations of poor administration, incidence of rigging and malpractice and electoral irregularity, the international monitoring teams seem unanimously prepared to accept the election results, despite the fact that they were never free and fair. What is most remarkable is that the positions of the observers have been varied and often contrary. What the whole process of monitoring has shown is the double standard that some of the observers are prepared to uphold. They seem to abandon the very principles they are supposed to use as yardsticks for determining whether elections are fair and free. The particular positions taken by some observers now raise crucial questions over the involvement of external observers and whether they have been or can be seen to be impartial.

What in fact was happening was that the rules of the game were changing, and they were to find their most finely honed moment during the elections in Mozambique when the government party FRELIMO, led by President Joaquin Chissamo, squared off against the Mozambique National Resistance (RENAMO), led by Afonso Dhlakama. Despite the fact that RENAMO pulled out of the election on the first day of balloting, a third day was added to make up for the lost first day when logistical problems in terms of getting ballots to polling stations were overwhelming, when different parts of the country continued to vote into the night on the second day, but only in areas where there was electricity, when counting took almost three weeks to complete. The results indicated that Chissamo had beaten Dhlakama, but that the margin of victory for FRELIMO was less in the National Assembly. Chissamo was prepared to offer a power-sharing government of sorts to bring about national reconciliation. Dhlakama declined this offer, but more important, he said he would accept the results, ensuring the legitimacy of the government and stability. Only then did international observers declare the election to be free and fair.

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To wind up, there were presidential elections in fifteen sub-Saharan Africa countries between 1990 and 1992. In seven of them, elections were seen as being free and fair. In six countries, the exception being Angola, the incumbent was ousted and the opposition accepted the results. In four other countries, elections were not seen as free and fair, incumbents clung to power, and the opposition parties did not accept the legitimacy of the results. In short, in only one state, Angola, was the incumbent seen by international monitors to have been freely and fairly elected while the opposition vociferously and violently rejected the results, and every attempt since then to end the civil war has run into one roadblock or another.

In six countries the incumbent was ousted, and in eight countries the incumbent was returned to power under either dubious or fraudulent electoral circumstances. Moreover, opposition parties accepted the legitimacy of the results only in the six states that ousted the incumbents, providing an unsettling precedent of sorts: it would appear that in newly formed multiparty democracies, opposition parties will accept the legitimacy of the electoral results only if the incumbent is defeated. Elections in themselves are, therefore, not barometers of the prospects for a smooth transition to democracy.

One final thought, from the African writer Makua wa Mutua: “[In post-colonial countries], due to centuries of abuse and deprivation, it has been difficult and in some cases impossible to develop and sustain practices that enhance and internalize concepts of a functioning democracy.” ❁

This speech was originally delivered at the Distinguished Lecture Series, University of Massachusetts Boston, December 12, 1994.

Addendum — January 1999

Paradigm Shifts?

In a recent column, “No Repeat of Our Glorious 1994,” one of South Africa’s most prominent political commentators, Kaiser Nyatumba wrote,

Many will take memories of those special days to their graves. There they were, on April 27 and 28, 1994, maids standing with their madams, labourers standing with their masters, all eager to cast a vote in our democratic national elections.

Those were probably the most cathartic days in the history of this country.

South Africa is again facing an election in a matter of months.

Although we will not be a typically “normal” country for a few more years, our politics have nevertheless begun to lose their “special” image. There may well be many in politics today who believe they are there to serve the nation, but by and large many others are there to make a living. To them, politics is an occupation like any other, and some will lie and cheat to remain in office to reap the benefits of being in parliaments or government.

A second observation came from Albie Sachs, one-time activist and presently a member of the country’s Constitutional Court. “We were able to achieve a miracle, but we can’t achieve the achievable.”

When the Truth and Reconciliation Commission (TRC), which was supposed to open the floodgates to the horrors of apartheid past and by some mysterious alchemy achieve reconciliation in South Africa, released its final report at the end of October 1998, it was damned by all political parties. Its full repercussions are only beginning to sink in. Truth, it did reveal; but it is an incomplete truth. Justice remains very much in the balance. Reconciliation is a far cry.

Ironically, the attempt of the African National Congress (ANC) to block publication of the report diverted attention from its more serious findings concerning the modus operandi of apartheid itself, and the commission’s unequivocal emphasis on the culpability of successive National Party governments and its all-too-willing surrogates in every sector of South African society.

For President Mandela, the responses the report elicited, especially from the ANC, must have been especially disappointing. He devoted the better part of his presidency to trying to bring about reconciliation between blacks and whites, often to the point where he was criticized by some blacks for paying more attention to ameliorating the fears of whites than with ameliorating the inequities blacks had suffered.

But President Mandela wanted to put in place the foundation stones for a nation, not to settle scores or seek retribution. The TRC has not brought about reconciliation in the here and now. Reconciliation is a process, not an instantaneous epiphany. It is not a once-over, an ending to something, a closing of the books. Rather, it is the beginning of something new, the opening of a new book that can only grow out of a process that begins with catharsis, engenders anger, invites recrimination, leads to reflection, genuflects to the need for acknowledgment, provides the road map for the way to healing, again a painful exploration, and reconciliation, again not a final closing of the wounds, but a mutual tending to each other’s wounds.

When he retires from office sometime next year, Mandela will leave a South Africa

full of contradictions, with enormous social and political challenges to overcome, a South Africa still in the process of transformation, a South Africa not yet out of the woods, not yet one in which democracy has fully taken root, although the vine is ripening.

If one were to finger the greatest failure of the Mandela years, it would perhaps come down to something very simple: the ANC simply underestimated the task it faced. Indeed, the nature and dimensions of the task itself, requiring that it transform itself almost overnight from liberation movement to government were overwhelming, and the ANC, not surprisingly, was unable to deliver on the promises it had made to the people. And it learned, too, that the learning curve is steep. As a result many blacks became disappointed with the government, and in time that disappointment has turned to some disillusionment.

According to recent surveys, this is not going to result in African voters voting for another party in the 1999 elections.. There is in effect no other party. Voters, if they wish to register their disapproval, will express their disillusionment by staying at home, resulting in a lower voter turnout. The drop in voter turnout will be the significant indicator of blacks' dissatisfaction with government, not the percentage of the vote the ANC receives.

Even though it has enjoyed an overwhelming majority in Parliament, the ANC is supersensitive to criticism, seeing it as racially motivated, and a thinly veiled insinuation that blacks simply aren't up to the task of governing. This hypersensitivity in turn has bred hubris — a propensity to dismiss all criticism, justified or not, an axiomatic response that everything that has gone wrong is somehow linked to the “legacy of apartheid,” and that whites who draw attention to such things are apartheid fellow-travelers in drag.

Indeed, so convincing did this morally unanswerable response become for every failure that the government succumbed to its own propaganda. In such circumstances there was no need for accountability. The ANC merely trots out the apartheid mantra, and tells the opposition to go stuff it.

Because Parliament is so firmly under the thumb of the ANC, government is immune from criticism from ANC MPs. There are, of course, free-spirited and open debate, and ongoing clash of personalities; some of the most policy-directed exchanges come from ANC portfolio committees whose ANC members frequently cross swords with other ANC members and express whatever opinions they want to. But there is no faulting of the ANC. Never hand ammunition to the apartheid opposition. The fact that all members of the opposition have abandoned any form of apartheid or ceased to be advocates on its behalf is irrelevant.

If ANC members find fault with government actions, they must channel their criticisms through party structures — behind closed doors. Public criticism is equated with “behavior bringing the party into disrepute” and the critic is subject to “disciplinary measures.”

Although not by any measure a one-party state, South Africa is, and will remain for the foreseeable future, a one-party dominant democracy. Nor is this necessarily a bad thing during a period of transition when the government is called on to engineer fundamental and radical reform at all levels of society in order to undo the apartheid arrangements, attitudes, structures, and social/public/cultural hierarchies that permeated the country's fabric.

But whatever disillusionment blacks may feel, it never extends to Mandela himself.

He is above reproach. Even in matters that properly fall within his domain, if things don't work out the way blacks expect them to, they criticize the government, but never Mandela. Blacks make a very clear distinction between Mandela and the government. Whites do not. Indeed, it often seems they go to the opposite extreme: everything that is found wanting in government — and among whites the litany is almost endless — they put at the doorstep of Mandela.

Though he is revered abroad, whites — perhaps more accurately, older whites — have never warmed to Mandela. They may respect him, have a grudging admiration for the way in which he has destigmatized South Africa in the international arena; they may take pride, perhaps, in the acclaim with which he is received in other countries to the degree that the acclaim reflects favorably on South Africa; they may even have grown fond of him as he edges toward retirement, but there is nothing about him that would impel them to refer to him as *Madiba*, or even affectionately as the “old man.”

And for all his efforts to assuage their fears, to assure them that their remaining in South Africa is crucial to the country's future, that they too are as African as their black country brethren, they have responded to his courting with wariness. The day he querulously disparaged the increasing number of whites emigrating as not being real South Africans willing to stand their ground, as being “on the chicken run,” and echoed Thabo Mbeki's “good riddance,” “they felt that he had dropped the facade, and that for once, he was revealing his true feelings — and by extension the true feelings of blacks — toward whites. Which, if one considers that their most consuming fear a few years earlier had been that once blacks “took over” they would turn on whites and treat them in the same way whites had treated blacks for decades, might be regarded as a giant leap forward.

The Mandela Legacy (1)

Mandela is the country's founding icon, the embodiment of all that is noble in the human spirit, a leader who never forgot where he came from — a prison. He gives black people a profound sense of pride, something they had never experienced; he imbues them with a dignity that allows them to rise above the often miserable conditions under which they live; he freed them from the oppression they had imposed upon themselves — the oppression of self-imposed victimhood, the excuse for refusing to empower oneself. Every nation that emerges out of the vicissitudes of historical forces, often impersonal and accompanied by conflict and carnage, needs some one person to embody what that struggle for an elusiveness called freedom was about; people need a personal embodiment of what the sacrifices were for, especially when the benefits of freedom are themselves both elusive and often illusory.

One must, therefore, make a distinction between the performance of Mandela as president of South Africa and the performance of the ANC-led government.

The Mandela Legacy (2)

Mbeki, the deputy president, must step into the shoes of a man whose shoes are too big to fill. Mbeki himself would be among the first to admit this. Greatness is an intangible: impossible to define, impossible not to recognize.

Four questions arise.

- What is the Mandela legacy?

- What is the state of the nation Mbeki will inherit?
- What state is the psyche of the country in?
- What must Mbeki do to address the manifold problems the country faces, not all of which are of its own making, and not all of which can be dealt with by the actions of a sovereign nation when globalization has curtailed freedom of unilateral action on the part of sovereign nations, and more important its efficacy; when sovereign nations, especially the smaller and less powerful ones, are, in many respects, spectators at rather than participants in the global chess game?

And finally, what context must be used to evaluate South Africa's successes or failures in the future?

This addendum is hardly the place to examine these questions in detail, but they present the broad parameters of the kinds of questions that would engage us as we get a better understanding of the kinds of travails that societies emerging into the sunlight of democracy have to put to themselves.

In the Philippines, Cory Aquino's "people's revolution" spluttered and collapsed amid the institutional corruption that characterizes much of Filipino society. The land barons tenaciously opposed agrarian reform. Aquino, under the benevolent custody of General Ramos, the army chief of staff, spent much of her time dodging coup attempts; Ramos succeeded Aquino as president, and in 1998, Joseph Erap Estrada took over from Ramos. The elections attracted little attention. The Filipinos had had their fifteen minutes on the world stage, and had the good grace to bow out gracefully. The late Ferdinand Marcos and his wife Imelda, she of the two thousand pairs of shoes, continue to fascinate the populace, and after nearly ten years it seems the \$850 million recovered from Marcos's kleptocracy will be split, with 75 percent going to the government and 25 percent to the Marcos family, who still maintain a powerful and entrenched position in Filipino society and politics. In short, little has changed, and democracy is often more honored in campaign promises to "clean up the mess," promises of "pro-poor" policies rather than in parliamentary process. But the economy, although battered by the Asian financial crisis, weathered the financial storms to a far more successful degree than many of its more highly touted neighbors, which perhaps illustrates the maxim that when you have little to lose, you are in a far better position to be resilient in the face of adversity.

Closer still to ground zero are the Mozambicans, who share the distinction with Bangladesh of being number one in terms of the World Misery Index. Yet Mozambique plods on, stoicism born of ineffable suffering. You can still buy off a customs guard with a copy of *Playboy* magazine, though one often wonders who is getting the better of the deal.

In local elections in June 1998, the two major opposition parties, RENAMO and the United Democratic Movement, called a boycott. Only 15 percent of the eligible voters cast ballots. The most notable result was the emergence of informal civil society groups that successfully contested these elections supporting independent candidates. In some parts of the country, including Maputo, they amassed over 30 percent of the vote.

FRELIMO, which has been in power for more than twenty-three years, nineteen of which were spent ruling in a one-party state, is seen by the other parties as the "ruling party" and the state, since all organs of authority at all branches of government — legislative, executive, and judicial — remain firmly within its jurisdiction.. There is little

confidence in the political system on the part of the opposition parties.

Elections for president and the National Assembly will be held in 1999. No one is holding his or her breath, least of all the opposition parties.

Elections are also due to take place in South Africa in 1999. The bad news for the ANC is that it appears to be losing support, hardly surprising given the levels of unemployment and crime and the spillover effects of the Asian crisis on the economy. The good news for the ANC is that fast as it is losing support, all opposition parties are losing support at an even more alarming rate. For the ANC it is a win-win situation. To consolidate its African base, old enemies, the ANC and the IFP, are talking a voluntary coalition with a deputy presidency or a like honor for Chief Mangosutho Buthelezi, head of the IFP and for years during the struggle the ANC's personification of collaboration with the apartheid regime. When the TRC found that Chief Buthelezi was indeed a state collaborator and behind hit squads that targeted the ANC in the 1980s and 1990s, the ANC pooh-poohed the commission's findings and went ahead with its plans for a grand alliance. De Klerk, of course, is gone, pilloried in the end by his own people for having sold them out. The National Party, now renamed the New National Party, has imploded, and the diminishing white vote has nowhere to go, except perhaps, like much else in white South Africa, to the oblivion of political irrelevance.

As we go to press, the New National Party and the Democratic Party, a party of white liberals, have gone to court, charging that the government's requirement that voters cannot vote unless they are in possession of a bar-coded ID card, which they claim millions of blacks do not possess and are thus being disenfranchised. Unless resolved, the matter could delay the elections.

There are many ways of looking at the changes taking place in the three countries under discussion. Each way will yield a different set of conclusions, because each begins from a different set of starting points.

What is perceived as a learning curve by some is labeled mismanagement by others. The constant emphasis on consultation is dismissed as indecision by some, as a necessary component of nation building by others. What is harshly condemned as corruption by some is excused as an almost obligatory sense of duty by others.

Traditions clash; values differ; notions of civil society vary; deference to authority is rejected by some and overemphasized by others.

In short, none of the countries lend themselves to easy definition. ❁