



# INNOVATIONS FOR SUCCESSFUL SOCIETIES

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MAWSON: My name is Amy Mawson and I'm here with Howard Sackstein, and the date is the 17<sup>th</sup> of February, 2010. First of all, thanks very much for agreeing to this interview.

SACKSTEIN: *Pleasure.*

MAWSON: Maybe I could start off just by asking you how you came to be involved with the IEC [Independent Electoral Commission] in '94, when you got started with them, and what your role was.

SACKSTEIN: *It's probably quite an embarrassing story to tell. I'm a lawyer by profession, I have a master's degree in political advocacy and international conflict resolution, and I've always been politically involved and was quite heavily involved in antiapartheid activities throughout the 1980s and early 1990s. It must have been November or December 1993, I saw an advertisement in the Sunday Times newspaper that the Electoral Commission was being formed and they were looking for staff for the Electoral Commission.*

*To be quite honest, there was absolutely nothing I wanted more in life than to be involved in the transition to democracy in the country. So in all my naiveté I sent in a CV [curriculum vitae] through to the Electoral Commission. There was a date, an address where you had to send it in to. I heard nothing within the first week, so I started calling them. I was told, "You'll hear from us next week," and then, "You'll hear from us next week." This went on for a number of weeks. Finally I got hold of someone and said, "You know, for the last three or four weeks you've been telling me that I'll hear from you next week. Can you just tell me what is happening with my application?"*

*The person said, "To be quite honest, we had a million applications; we couldn't process them, so we've thrown them all away."*

*I said, "Well that doesn't really help me much. I really want to be part of this transition to democracy in the country."*

*The person said, "I just don't know what to tell you, because we just can't handle the applications." At that point in time a friend of mine called Maxine Hart, a remarkable individual who is now living in Boston, had been appointed to head staffing at the Electoral Commission. I called her up and I said, "Max, I think I can contribute substantially to the IEC; can I send you a CV?" I sent her a CV. She went to the investigations unit who were employing lawyers at the time, and I believe she handed my CV in. I got a call to come in for an interview.*

*I came in for an interview with someone called [...] who headed the Investigations Unit, and [...] didn't arrive at the interview. Then, after much inquiring, they sent someone called Karen de Beer to interview me. The interview didn't last longer than three minutes. It was, "Yes, who are you? What do you want?" and "We'll let you know."*

*I said, "When will you let me know?"*

*She said, "Call me tomorrow."*

*I called her the next day and left a message, and called the next day after that and left a message, and she never, ever returned the call. About two weeks later I got a letter of rejection from the IEC. So I thought that was it. I'd tried my luck*

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*and hadn't succeeded. The day I got my letter of rejection I got a call from someone called Edwin Lambani, and he said, "Will you come in for an interview?"*

*I thought, this is really strange. I've just received my letter of rejection. I went in for an interview with Edwin Lambani, and he said, "What do you want to do?"*

*My response was, "Quite simply, I will do anything, I will go anywhere, and you don't have to pay me. I really want to be part of this process."*

*He said, "Are you prepared to go and be an investigator in the Mpumalanga area in the Nelspruit office? We're looking for lawyers to go work there."*

*I said, "I'll go anywhere, I'll do anything." This was on a Friday.*

*He said, "Great, you start on Monday."*

*I said, "I can't start on Monday, I've got a job. I'm running a consulting firm."*

*He said, "No, no, you have to start on Monday, or you just can't have the job." So I spent the weekend trying to farm work out to people. I arrived at work Monday morning. It was 1 February 1994, and one of the first people I bumped into was Karen de Beer. Her response was, "What are you doing here?"*

*I said, "What do you mean? I'm working for the IEC, I'm going to Mpumalanga."*

*She said, "I'll see about that."*

*I have absolutely no idea what I did to elicit that response from her, but despite all her hard efforts to prevent me joining the IEC I actually did, and that's how I got into the organization. But it was chaotic. It was February 1994, elections were scheduled for the 27<sup>th</sup> of April, a few months later, and there was no structure. There was no administration. No one knew what to do.*

*So I arrived, and there were probably 50 lawyers sitting in the World Trade Center near the airport in Johannesburg, and they were all sitting around reading the newspaper. No one was giving them instructions in what to do, and there was in fact nothing to do at all because no one knew what was happening. I was bored out of my mind. I read the newspaper for the first day. The second day it didn't take me longer than 10 or 15 minutes to get through the newspaper with all the other lawyers. While they were sitting around drinking coffee I went to try and find some work to do.*

*I went to [...] and I said, "Have you got anything for me to do?" She said, "Thank goodness—there's so much to do, but no one is doing anything. So I started doing whatever she gave me. Some of it was legal-related, some of it was investigations-related, but some of it was—we decided to move offices and I was arranging the packing of boxes. Just trying to do whatever I could. I certainly didn't plan on spending the next few months reading the newspaper.*

*After two or three days [...] said to me, "There's absolutely no way you're going to Mpumalanga. I need you here in the head office. Please, you can't go, you're the only person doing any work."*

*That lasted a few days, and then they established the Gauteng office of the Investigations Unit, and I became coordinator of the Gauteng Investigations Unit. I had 36 lawyers to look after. In practice it may have been slightly different, but*

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*in theory our job was to make sure that there were no breaches of the electoral code of conduct and that people were adhering to the Electoral Act.*

*We would send investigators out into the field, and they would investigate farmers telling their workers that they wouldn't be allowed to vote. We'd investigate cases of bribery against people trying to buy votes for the elections. There was surprisingly little of that, weirdly enough, but nonetheless we sent people out into the field to try and see where we could stamp out people trying to disrupt the elections through any nefarious means at all. We weirdly enough uncovered an arms manufacturing plant, a right-wing arms manufacturing plant in [...] by sheer accident, which is a very interesting story.*

*I had an investigator called Mohammad Judgby, who today is a judge, fantastic individual. We got a complaint about a farmer who was trying to prevent his workers from voting. Judgby, who was absolutely dedicated and committed, wanted to go. I said, "I can't send you by yourself into [...]," into what could be hostile territory, so I teamed him up with a very large, burly Afrikaans prosecutor. The two of them went to [...], to this farmer to try to talk about why he wouldn't let his staff vote in the elections.*

*He came back, and he told the most fascinating story. He said they had arrived—and the friendliest farmer and his wife; they got offered Koeksisters and tea on the front porch of the farmhouse, and the farmer assured them that he would let his workers vote, and it wasn't an issue at all, and they had nothing to worry about. They were enormously happy. They were driving out, and as they were driving out—they had IEC placards on the sides of the vehicle, and one of the farm workers waved them down. The farm worker said, "Are you from the IEC?"*

*They said, "Yes."*

*He said, "Well, I don't know what's happening, but you see that chicken coop over there? There's something weird happening there, because I found this outside. He gave my investigators a lump of lead. Judgby came back with this lump of lead and said, "What do you think they're doing with lead in a chicken coop?"*

*I said, "I presume they're making bullets, I don't know what else lead is used for." We called in National Intelligence and [...] Intelligence, who had an office in the building, and subsequently—shortly after bombs had exploded at the Johannesburg International Airport—they raided the [...] farm and found an arms manufacturing plant hidden in the chicken shed.*

*So sometimes you stumbled across things by sheer accident, and sometimes by design. There were cases where some of the political parties were trying to hand out food parcels in return for votes, and people were threatened with prosecution. Basically, most of the people facing the threat of prosecution were happy to take a step back from what they were doing previously.*

MAWSON: Could I just interrupt you to ask a little bit about the structure of this monitoring directorate within the IEC?

SACKSTEIN: Sure.

MAWSON: I know there was a sort of mediation of that. You were part of this Investigations Unit. Do you know what the other bits of the monitoring directorate were?

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SACKSTEIN: *Now you're testing my memory.*

MAWSON: If you happen to remember.

SACKSTEIN: *There certainly was a mediation division. There was the monitoring—within, there were the observers. So each polling station had both local, and many of them had international observers as well. All of that really fell under the domain of Peter Harris. The monitoring directorate, I think, played a very important role in the entire process, because ultimately—you know, first elections often have a credibility issue. South Africa's credibility issue extended very much locally, because no one trusted anyone in the entire electoral process. The only people with experience were the staff of the Department of Home Affairs. Given the background that they had come out of, no one trusted them. In fact, subsequently, the people I worked closest with and had the greatest respect and trust with—people like Norman du Plessis, who I believe you've met—at the time I had absolutely no faith or trust in him. Misguidedly, because I came out of a very different background to himself, and I inherently had a mistrust of anyone who came out of the government side of the electoral process.*

*It was very interesting, I think, for us all to learn to work together as part of the process. So the idea that everything that would happen would be monitored by external people and by people employed to do monitoring, I think was a very uniquely South African thing, because it wasn't just civil society doing it, and it wasn't just foreigners doing it. There was an actual directorate that was part of the IEC that was employing local people, deploying local people around the place. That I think is quite unique in electoral history.*

MAWSON: So you as the Investigations Unit—were you following up on complaints that you had received from individuals or from groups, and then you would investigate them? Then, would that get forwarded to the mediation or the adjudication office?

SACKSTEIN: *No, often it would be prosecuted, or on occasions it would be prosecuted by the Investigations Unit itself. Or alternatively, it would be referred onto the mediation side if that was absolutely necessary. Can I say, though, there were soon—reality sometimes hits the theory. It sometimes becomes quite different. The elections of 1994 were thrown together in such a short period of time, and although they were—what, a quarter of a million people working on them—there was no proper plan, there was no proper administration. You had to rely so heavily on the goodwill of the South African people in order to make sure that the process worked. That was very different for our second general elections, where we had five years to actually plan the elections from scratch and put the building blocks in place in order to make sure that it was a well run, well administered election.*

*But in 1994, if you think about it, the Electoral Commission only really got running at the end of February, which gave them March and parts of April to try to identify tens of thousands of polling stations, to try to work out how the logistics would work and the delivery would work. To try and get a quarter of a million staff recruited, trained; deployed, transportation, accommodation; each onto 25, 30, 50,000 different locations around the country. All of this was being done from scratch.*

*You have to also understand kind of the rural nature of much of South Africa. Most of the polling stations in rural areas had no electricity and no telecommunications. At that point in time we never had cellular phones yet. Cellular phones, the first licenses were granted in South Africa end of '93,*

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*beginning of '94. So there was no cellular communications, really, to speak of during that election at all. So the logistics of the entire operation were immense and something that you just can't put together within a few months.*

*One of the interesting things that we found, for example—one of the great stories of the '94 elections—was that the people doing the logistics wanted maps of the country and wanted to know where the population lived. But the rural areas had never been mapped. The townships had never been mapped. There hadn't been a census of black people done in the country since the 1950s. So you had absolutely no idea where people lived as part of the thing. So one of the things the Electoral Commission did was, they contacted South African breweries and they said, "Based on your beer distribution sales, can you tell us where the population of this country actually resides?"*

*Sometimes they were accurate, and sometimes they weren't, because people sometimes buy their beer near their home, but many people—particularly people who live in the townships—bought their beer in town and then took it back with them to places like Soweto or Alexander Townships or Katlehong or Daveyton. So sometimes we were grossly, grossly underprepared in areas, and sometimes we were grossly overprepared based on just the sheer lack of information. So for example, in the center of Johannesburg there were polling stations; the main polling station there was run by a lawyer called Dennis Fox. He had set up this massive, massive polling station expecting maybe 50 or 60,000 people in the center of Johannesburg based on this beer distribution to come and vote there, and the polling station was almost empty because no one really resided in that area at all.*

MAWSON: They must have had a lot of ballot supplies and all that.

SACKSTEIN: *Huge—tens of thousands of ballots waiting for people to arrive, but the population didn't actually live there. In a similar instance, the East Rand of Gauteng, of Johannesburg, places like Daveyton, Katlehong, no one knew just how many hundreds of thousands, millions of people lived within those areas, and they soon ran out of ballot papers. In some of the polling stations you had queues 16km long of people waiting to vote, but they couldn't get ballot boxes and ballot papers there in time in order to really satisfy the demand. But no one knew the population was there.*

MAWSON: That was the problem of not having a voters' roll, you didn't have time.

SACKSTEIN: *Exactly. There wasn't a voters' roll; no one knew where people would arrive to vote, or how many people would arrive at each location. It was completely unplanned. So as I say, reality sometimes takes over the issue of planning. I got my lawyers to take off their jackets, and we commandeered a few police Casspirs [armored transport vehicle], and we had lawyers loading ballot papers onto police trucks and sending them off into the East Rand. Not because anyone asked us, purely because we saw a need, we found the equipment and we sent it, because we weren't quite sure if anyone else was doing it.*

*In fact, there was a bizarre story that one of the trucks we loaded up we wanted to send to Katlehong. We probably had a million ballot papers that we were sending in this vehicle to Katlehong, and it never, ever arrived. So part of our Investigations Unit decided it had been hijacked, that someone was deliberately trying to sabotage the elections, they had taken our truck away. We had got these highly qualified truck packers to actually—. So we sent investigators out to try and find out who had hijacked the ballot papers. As it turned out, someone*

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*along the way had decided that although we had sent the truck to Katlehong, the next-door area of Daveyton in fact had a greater demand. The lines for elections at the polls were substantially longer.*

*So someone had used the very infantile (at that point in time) cellular network. There were very few base stations, reception was terrible, but we had given the truck driver a phone so we could be in contact with him. Someone phoned and said, "Instead of going to Katlehong, go to Daveyton." Given the poor quality of the cellular network at the time, he had heard Devon. So he drove four hours into a place called Devon in Mpumalanga to deliver a million ballot papers to a place which had nowhere close to a million people in total; they probably had a few thousand people, and all of them had already voted. It delayed the entire delivery of ballot papers by a day because he had driven four hours in the wrong direction and finally had to drive four hours back.*

*But it was absolutely remarkable, because people had the best experience of their life. It was the moment where South Africa came together. You see some of those photographs of these snaking lines go right the way through, and people stood literally for days waiting to vote with little violence, with a fantastic atmosphere of joy.*

*There is one story of a little lady who was fairly close to the front of the queue and she had waited an entire day to vote and she was in her 90s. The presiding officer went to her and said, "Please, go home. We will call you when the ballot papers actually arrive."*

*She said, "I've waiting 90 years to vote, I can wait a little bit longer." That I think really summarizes the entire electoral process. That people were so excited, there was so much jubilation. This was the realization of so many decades of people fighting for freedom. People I think were quite amazed. If you went into traditional white areas, you had domestic workers and their employers standing together in line. People who had never really spoken or done anything together, this was the experience where they were going to do something together, and they were going to nation-build together.*

*To this day—I mean we're now sixteen years after the event; people still talk about that day and what it was like in the queue. The actual casting of the vote may have been exciting, but people remember the experiences they had in the queue. Of course, lots of industrious people decided to make money, and there were vendors selling cold drinks and hot dogs, all sorts of things in the queue, making money out of everyone. But just the sheer sense of jubilation was absolutely incredible.*

MAWSON: Can I go back to asking you a bit more specifically about the Investigations Unit that you were working for? You were working during the campaign period to see whether parties were abiding by the code of conduct and by the Electoral Act. The code of conduct—I was speaking to Charles Nupen yesterday, and he made quite a good point that that code of conduct was one of the few—often codes of conduct don't have teeth to them, they're just sort of gentlemen's agreements, but this one actually had sanctions attached to it.

SACKSTEIN: Yes.

MAWSON: Could you tell me a little bit more about that? Were you able to sort of apply any of these sanctions directly, or you had to prosecute people first?

**SACKSTEIN:** *We had to prosecute people first. There was no doubt; as part of the rule of law, you have to get people into a court, and you have to give them a proper hearing, and you need an independent judiciary in order to make decisions based on it. So you know, while it had sanctions, there is a legal process that had to be adhered to. That of course makes it very difficult, because elections and events in elections often happen very, very fast. You're dealing with a very fluid situation. So I think it was fantastic that we had teeth; but in reality, there were very, very few occasions that we actually used the teeth. It was more the threat of the sanction than the sanction itself that made the real difference.*

**MAWSON:** Did you find that sometimes you were able to catch people out and say, "No, stop that; otherwise we'll be able to take you to court"?

**SACKSTEIN:** *That was absolutely key. You would come in with a bunch of very threatening lawyers and prosecutors, saying to them, "Do you understand the consequences of your action?" Often people didn't understand the consequences of their action, and the mere fact that you would explain to them what the penalty was meant they would desist immediately.*

**MAWSON:** So this was when you were dealing with individuals or party level as well, sort of party executives?

**SACKSTEIN:** *Interestingly, it was usually party executives who were laying the complaints. You found within these things, it wasn't parties that were really breaching. There were party representatives, there were well-meaning individuals trying to support their own parties. They certainly didn't have the sanction of the party in some of the stuff that they were doing. But you know, you also can't get away from [the fact] that in an election where nearly 20 million people voted, there was actually surprisingly very little intimidation. There were surprisingly very few breaches of the electoral code of conduct. There was such a big event happening.*

*While you can talk about the individual cases, in perspective, it was really minuscule. I think it was well communicated to people across the board that this was going to be a free election, and that your vote really was going to be secret, and whatever happened behind the electoral booth, the voting booth, when you get in, no one would actually know. I think that message really got out and was very, very effective. I think one of the lessons that we can teach the world is an issue of communication on what has to be communicated out there. It's not just about the vote, it is about the secrecy of the vote; it is about the confidentiality. Not even your spouse will know how you vote. No political party will know how you vote. That's really, I think, important to people.*

**MAWSON:** So your Investigations Unit was really key in dispute resolution mechanism of that election. What were the other parts of the dispute resolution mechanism of that election?

**SACKSTEIN:** *There were certainly mediators who would go into communities that were having conflicts and would go and try and settle the conflicts within those areas. Within the Gauteng region there was probably relatively little, but in places like KwaZulu-Natal, where there was a lot of conflict between the IFP [Inkatha Freedom Party] and the ANC [African National Congress], that was very, very important to do. Within some of the areas where borders were being disputed, very important for people to do. This is part of a political process—sometimes voters and the electorate just need someone to listen to them. The mere fact that professional mediators were going into communities where there was conflict, allowing and facilitating dialogue between people, explaining that the dispute*

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*resolution mechanisms were not violence, but were really about talking, about people expressing their will, about having elected, and credible leaders negotiating in the election on their behalf, I think made a huge, huge difference.*

MAWSON: So these mediators were coming from the—

SACKSTEIN: *Mediation Division of the IEC.*

MAWSON: OK—you mentioned something just now about disputes over borders. Was that provincial borders?

SACKSTEIN: *Provincial borders, yes. Still to this day there are a few disputes over exactly where new provincial borders should go. It has quieted down a little bit, but certainly within those communities, and over a period of time, people were very unhappy, whether they were incorporated for example into Gauteng or Mpumalanga. It is perceived to be a resource allocation issue. But it has certainly taken time for the country to resolve and come to terms with exactly where some of those provincial boundaries should be. They're not massive areas in dispute, but there certainly have been three or four areas that have festered for quite a while.*

MAWSON: So in '94, who was in charge of putting together those initial boundaries?

SACKSTEIN: *That was part of the negotiation process at CODESA [Convention for a Democratic South Africa].*

MAWSON: So the IEC was not involved?

SACKSTEIN: *Not involved in it at all.*

MAWSON: But in subsequent elections they were?

SACKSTEIN: *They have never been involved in the drawing of provincial boundaries. But of course, they have been heavily involved in running elections in areas where those provincial boundaries have been disputed.*

MAWSON: And what about the local elections since '94?

SACKSTEIN: *Subsequent to 1994, we decided that when it would come to electoral planning, it would be based on a building-block concept. The smallest building block that would be used would be the census enumerator area. The concept would then be that you would join census enumerator areas together to create a voting district. Then you would join voting districts together to give you a ward. You would join wards together to give you a municipality. You would join municipalities together to give you a province.*

MAWSON: Right.

SACKSTEIN: *Therefore, when we started proper electoral planning in 1995, subsequent to the first general election, the first place we went was to the census bureau, Statistics South Africa. We said, "You've just conducted the census. Give us all your census enumeration areas and let us start using those as the building blocks for elections for the '99 elections."*

*Of course we went to the census guys, and we asked for them to hand over their maps and what were called the O2 forms, the actual descriptions of the census*

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*enumerator area—and there were no maps. So you would get a description of where the voting district was, and it would say, start on this corner and walk left for three blocks until you come to Smith Street and turn right. You can do that more or less within an urban area. But you go to rural areas and it says, walk down the footpath until you come to the river. Turn left until the house with the green door and then go right.*

*We took the press on a bit of a junket at some point in time to actually go see people, because we employed people to now map all of these census enumerator areas, because it would be so crucial for us to attach population information to census enumeration districts and then join those together with the right numbers of people within a voting district. So we took the press on a little journey. They each got their O2 form to try and map it, and they walked down the path to the river, turned right, looking for the house with the green door, and they can't find it.*

MAWSON: Because it has been knocked down.

SACKSTEIN: *Because someone has painted the door. Subsequent to them doing the description. I mean there was one fantastic description that says, you walk to the main road to the place where the red car had the accident. You know, you think that's absolutely crazy, but in that little rural area, the fact that a car had an accident there has been the biggest news for the last 10 or 20 years. Everyone in the village knows where the red car had the accident.*

MAWSON: It worked.

SACKSTEIN: *So it worked, it really did work. Of course what we tried to do in '95, '96, '97, was make sure we could put all of these descriptions on the map. So we weren't dependent on the oral history of someone in the village to tell us where the red car had the accident. We had literally hundreds of people walking every day with GPS systems clicking as they went so we could map these areas. It's difficult maybe 15 years later to describe because GPSs have become ubiquitous; you have one in your car, but a few years ago you didn't. This was bleeding-edge technology, the fact that we were mapping—.*

*I remember so clearly the first time I saw something which showed me on which side of the road we were driving. Fifteen years ago it was revolutionary. No one knew you could have it. Settle [...] deliberately, geoposition, to make sure they couldn't give you an accurate position, for military purposes. So it was quite amazing. When we started actually doing it, it was bleeding-edge technology to do it. We had hundreds of people doing it every single day.*

*Then we'd set up a GIS, a geographic information systems division, under someone called Melanie du Plessis. We had people working 24 hours a day, three shifts of eight hours each, people actually trying to digitize the entire country. For the first time as a result of this process, we drew a map of the country that was detailed. That's also quite difficult 15 years later to think of the fact where things like Google maps, you can basically get a map of anything; but we went to buy satellite imagery and flight imagery which wasn't available to put it on maps. Depending on how new they were, a squatter camp could have been small or could have had an extra 100, 200,000 people in it, depending on how new the photographs were. But those things had never been mapped before.*

*So you sat with a photograph and a digital line trying to count how many shacks there were in an area to try and work out what the population would be. But for*

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*the first time kind of subsequent to '94, we actually could link people in South Africa onto a map of exactly where they resided.*

MAWSON: So earlier on you were saying that the sort of elections in '94 were quite disorganized just because you didn't have time. Nobody had enough time to do anything. So subsequent to that, you continued working with the IEC, as you're saying, to sort of put together the '99 elections. So what were the lessons you were taking from '94 that you were able to say, "OK, this is what we need to do now?"

SACKSTEIN: *I think the key came down to planning. When we sat down after '94, the first idea was the issue of building blocks. It was conceptually that we would need a voters' roll because you can only really effectively manage an election if you have a proper voters' roll. That gives you the level of transparency; it gives the political parties the opportunity to in fact go and dispute whether you should be on the roll or not. But you could develop an entire process for legitimacy of the election.*

*So the first thing would be have a map, understand where people reside, create voting districts, and most importantly have one location in every voting district for people to vote at. The idea would be, you would go register at one voting district at the registration point, which would subsequently be the voting—you would go back to the exact same place where you registered to vote again. Your name could only appear on one segment of the voters' roll, and each voting station, of the 20-odd thousand in South Africa, would have a segment of the voters' roll, and your name would only appear on one segment of the voters' roll.*

*It gave the political parties the opportunity to in fact dispute whether people resided within that area. Gave them the opportunity to actually see people coming to register to vote. Gave them the opportunity to look at ID documents as they were being given to registration offices to make sure that they were legitimate, and also gave them the opportunity subsequently to be able to themselves verify that your name only appeared on one segment of the voters' roll, that you couldn't vote in multiple locations after that.*

MAWSON: Now compare that to '94, when there was no voters' roll and even the rules of who could vote changed all the way up until the election day, practically—right?

SACKSTEIN: *Sure. The way you ensure that people didn't vote more than once was the fact that we used indelible ink. So people's fingers were marked with indelible ink, fluorescent. There was some dispute amongst the right wing of whether this was the mark of the devil, and therefore you couldn't actually mark people's fingers so it became a fluorescent invisible ink. You couldn't see it, and there were lamps at every polling station, and you put your hand under the lamp to see if the fluorescent ink would come out.*

*One of the funny stories of my division—we got the lawyers, when they had taken their suit jackets off, to pack police vehicles full of indelible ink and send it out to areas. I think it was [...], who today is an advocate in Johannesburg, he was carrying an entire box of twelve bottles of indelible ink, and the bottom fell out and he basically got covered, entirely, in indelible ink, and he hadn't voted yet.*

MAWSON: Oh no.

SACKSTEIN: *So not only did his finger have indelible ink, his head had it, his shoulders, his feet, his legs. I had to personally take him out of the building. I mentioned the late*

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*Dennis Fox earlier, who was running the City Hall polling station, and I had to take him myself to Dennis Fox and say, [...] hasn't voted yet, but you are going to find fluorescent stuff. Dennis said, "Absolutely not—he's got fluorescent ink, there's no way I'm going to let him vote."*

*I said, "Well, do me a favor. Can you maybe put his elbow under the thing?" He put his elbow, and his elbow was covered in indelible ink.*

*"Can you put his leg under?" They took the fluorescent ink, and they realized he was just covered everywhere. Based on that Dennis allowed him to actually cast his ballot. But there's no doubt, in subsequent elections people have moved from an invisible fluorescent indelible ink into one where your nail is marked. To this day you still see people, a year later, with slow-growing nails, and they still have some indelible ink on it. It is a system that really, really does work.*

*Not that you necessarily need it, but there have subsequently been some changes to the legislation that say, if you're not in your voting district on election day, you can vote and your vote is then put in an envelope. So it just gives people a second level of comfort, despite the voters' roll. But it gives people a second level of comfort by having your finger marked. That in fact there is some security.*

*Probably in 1997 or '98, there was a high school student who did his project on the local government elections of 1995, saying that people had dipped their finger in ink and it was a breeding ground for bacteria, and had done the high school project, which he won an award for, to say that you could get bacterial infections by dipping your fingers into bowls of ink at the time. I think they were using some form of cloth or cotton wool to dip your finger in. So subsequently people have made sure that there was antibacterial, antiviral agents inside the stuff and that you got marked with something rather than dipping in.*

*I got dispatched to the little science fair in Pretoria to go see this kid and his high school project that could wreck the indelible distribution of the country.*

MAWSON: So going back to '94, if you don't mind; I know we're sort of jumping around in time a little bit. There were many things about the way the election was set up in '94, despite all the lack of time, there were specific things that were put in place to sort of allay the suspicions of the parties who did not—as you said, nobody trusted anybody at that time. A lot of those things were not kept up for subsequent elections because the level of suspicion had dropped or what was the sort of story there? Why did the structure of things change?

SACKSTEIN: *It's not that they changed that much. Many of the security mechanisms that were in place, for example the indelible ink, has carried forward. The security of the ballot papers has been carried forward. The thing that has been dropped is the massive monitoring mechanism. Civil society now monitors, and the political parties monitor as they should. But the level of suspicion that existed for our first democratic elections, I think, has very much dissipated. People have more or less sensed that they know exactly how the elections are going to work.*

*I think key to all of this is the concept that after you vote your ballot paper is counted at the polling station where the election took place, and the results are publicly announced at the polling station and pasted to the door of the polling station.*

MAWSON: And that didn't happen in '94.

**SACKSTEIN:** *That didn't happen in '94, as you know, partly because there was no counting in the polling stations. If you're counting in a location that has no electricity, you can't count at night. In '94, many of the polling stations were tents out in the field. We were trying to get to as many places as possible. There was no infrastructure.*

*Subsequent to that we had the time to identify proper polling stations. So schools primarily are used, church halls, synagogue halls are all used now as places with the infrastructure. Over time, the IEC has managed to get infrastructure to those places. I had a division that did nothing but telecommunications logistics. Over a period of years, we got Telkom to install lines at schools that had no telecommunications. Schools were fantastic and delighted to have it. But we did it because we needed it for electoral purposes.*

*So the process that we followed subsequent to that was that when voting finishes, you close the polling station. The presiding officer or the counting officer calls in all the party agents as well and says, we're now going to open the ballot boxes, you have to be here for the process. We're going to count in your presence. We're going to announce the results in front of everyone here, so everyone knows what the result is. We're going to stick a copy to the door, and then we're going to call the results in to a central location, and they're going to be consolidated in a central location.*

*Probably my greatest innovation in the electoral process is, I was twice invited by the Australian government to come watch the elections in Australia. In Canberra they have a results center which is really a media center. When the results come in they've got TV cameras in a central location. I saw this and realized that in a country where there is suspicion, you could take what the Australians had done as a media center and you could really create it into a proper operational electoral center, and you could give levels of transparency to all the political parties. So that they could see exactly what was happening.*

*So what I built for the 1999 elections was what we call the results center, or the elections center. You had all the administrators in that location. You also had all the political parties headquartered in that location, or their representatives headquartered in that location. You had all the media there.*

*Because it was operational, you could actually watch the results coming in. So, for example, the political parties had the exact same access to the computer systems that the IEC did. They had read rights rather than write rights into it. So they could see, for example, faxed copies of the results coming in, and they could compare it to the phoned copies of the results coming in on their screens. They had complete transparency. [...] things were data captured from the provincial offices as well. They had complete access to see: in voting station A, what all the results were, did they consolidate, did they come. Also they of course had electoral officials on the ground who were phoning in to say to them, these are the results from the voting district, and they could compare to what they had on the computer system. So that level of transparency that was really given, has really taken so much of the suspicion away from what we have. Because you have the media there in the central location as well, the political parties can comment on what's happening.*

*The media can actually view, because the media also have the exact same access to the information that the political parties have. And the IEC will say to you, this is verified, this is unverified, but you have access to everything. The*

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*more transparency that you can give in an election, the better in fact it is. One of the things that allowed the MDC [Movement for Democratic Change] in Zimbabwe to really not allow [...] to steal yet another election, was the fact that when Thabo Mbeki helped negotiate the electoral process, he had in fact insisted that the exact same process as we have in South Africa, in terms of results being announced and posted at the polling station, be in fact implemented in Zimbabwe.*

MAWSON: I know in Lesotho in 2002, they started the same thing, exactly the same thing, having a national results center, and the same sort of idea.

SACKSTEIN: *Yes, and I went to Namibia, helped Namibia set up a results center as well. That's one of the things that the Swiss in fact asked us, if we would potentially help them as well in doing something very similar. But this key element, the transparency at the polling station and the ability in fact to check afterwards.*

*So in Zimbabwe the MDC not only were present, but using cell phones took photographs of the actual results posted onto the walls, and they could then verify it against what the Electoral Commission was announcing in the end. This of course created chaos in a country where electoral fraud is rife. Because for the first time independent society can in fact go and verify whether those results are accurate or not. I think the process that we had here and the effect that it had on some of our neighboring states has been quite profound.*

MAWSON: But then in '94 you did not have that. In '94 when the results were declared, there were rumors, in fact, that there had been negotiated results between the parties because there had been such sort of chaos over the counting process; they couldn't reconcile the ballot boxes and the polling stations. So what were you doing when all of that process was going on?

SACKSTEIN: *The 27<sup>th</sup> of April Selma Brody—Dr. Selma Brody who was responsible for elections in the Johannesburg area—came to me and said, "They just told me today I'm responsible for results; no one told me this before."*

MAWSON: Sorry, what day was that?

SACKSTEIN: *This was the 27<sup>th</sup> of April, this was election day. She said, "Can you help me? They told me I have to set up a national counting station in Nazarik." That is halfway between Johannesburg and Soweto. She said, "I don't know what to do."*

MAWSON: This was the day of the elections?

SACKSTEIN: *The day of the elections. She said, "Can you help me? I said, "Well, most of my investigators are out in the field, but I'm going to help." Selma called up her grandchildren, and her grandchildren went and started making posters—"This way to drop off your ballot boxes"—and started sticking them up over the Nazarik area. So at the end of the 27<sup>th</sup> and 28<sup>th</sup>, as elections were winding down and people were delivering their ballot boxes in, there were literally queues, kilometers long, of cars trying to get into Nazarik to come drop off their ballot papers. Some people got frustrated, and they dumped their stuff everywhere and they left.*

*It comes down from the fact, once again, of terrible lack of management at the time in order to do it. So I used my investigators to try and help sort out what was coming from where. In fact, when you went in people would say: these, you can actually work out exactly where they came from; these: you're not quite sure*

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*which polling station they came from. We focused on things that looked specifically like fraud.*

*I tell you some of these stories and you will laugh at them, but in reality...*

MAWSON: Shocking.

SACKSTEIN: *Not so much shocking, because there was just so much good will. For example, at every polling station, one of the key security mechanisms was, you had a secret stamp for that polling station, and the back of every ballot paper was stamped with the presiding officer's secret stamp, and you knew it was a legitimate ballot paper. So you could basically take out of circulation anything that didn't look legitimate, it was a great security mechanism.*

*So they open up one box of ballot papers, and instead of the secret stamp, there is a stamp of a kangaroo and it says, "Good day, mate." So now I send my team of investigators to try to find the presiding officer supposedly responsible for that to understand, obviously, [are they] legitimate ballot papers or not; the secret stamp is a kangaroo that says "Good day, mate." They find the presiding officer, and he says, well, actually his pack arrived and there was no stamp in it. So he sent one of his staff out to the local CNO, the local stationers, and said, find me a stamp and buy up all of them so no one else can have the stamp, and they found a stamp of a kangaroo that said—so they bought up the entire stock so no one else could have it, and he stamped his ballot papers with the kangaroo.*

MAWSON: It's amazing, though, so it really sort of shows the level of flexibility in people trying to find solutions in very difficult circumstances.

SACKSTEIN: *Human ingenuity. There was one which had a smudgy star-looking thing. We found the presiding officer, and he told the same story. He said, "My secret stamp didn't arrive. There was nowhere else I could buy a stamp, and I remember, from when I was in nursery school, we would make stamps out of potatoes." So he said, "I've got a potato, I cut it in half, I drew a design in that only I would know, and I used that as my stamp."*

MAWSON: But you as the sort of investigations unit, I mean, you were sort of willing to go and try and find where these had come from.

SACKSTEIN: *Absolutely. That was key. We needed to know whether those ballot papers were legitimate or not. If they didn't have the stamp on, therefore we sent people out; we found the presiding officers and we tracked down, and we had to go back and say, count these votes, they're fine; it is administrative difficulties, it's not actually—*

MAWSON: But how did you find those presiding officers?

SACKSTEIN: *There was a list of who was responsible for which voting station. In another one—and this happened actually in a number of different locations—they open up the ballot box, and rather than the ballots being randomly distributed in it, as you would expect, they were neatly packed to the top. Clear case of fraud, it looks like. We went and found the presiding officers, and the presiding officer said, "I never had enough ballot boxes. So together with all the political parties we agreed to open the ballot boxes; we opened all of them, packed them neatly together so we could empty out all the other ballot boxes and have enough space. I got all the people, the political parties to sign: this is what we've done, so there's no dispute on it."*

*So often many of the things that looked prima facie, the fact that it couldn't conceivably be correct, were in fact completely, completely legitimate, and it was just like people under very difficult circumstances trying to make do with what they had.*

*One of the logistic difficulties that we investigated that subsequently—it is also one of those things which may not be unique to South Africa—but I mentioned in the East Rand of Johannesburg there was great difficulty with ballot papers not arriving, or insufficient ballot papers, or sometimes things missing from the ballot papers. We wanted to know, for example, was it deliberate sabotage, did someone prevent stuff from getting to the polling stations. Some of the staff investigated. So we did a very extensive investigation into what in fact had happened in the East Rand of Johannesburg.*

*We discovered that in fact a team of people had been sent to work in the warehouses to make up packs, boxes that would have your ballot papers and your secret stamp, all the equipment you would need. But some of the white staff had never taken supervision from a black manager before and refused to listen and just walked out. The management team did whatever they could with remaining staff to do—but many of their staff who didn't realize they would be having a black manager were unwilling to work for them, left, and didn't make sufficient boxes in time.*

*So you would have presiding officers arriving at the stores—the boxes weren't ready. They'd go, grab whatever they could in order to get them out to their polling station, but ultimately they left out things. That's why you have the fact that you had a missing stamp here, insufficient ballot boxes in some locations.*

MAWSON: With all of these problems happening, the parties, they were quite willing to take a sort of soft line and be accommodating to all of these problems?

SACKSTEIN: *You know, I have absolutely no doubt that the results actually reflect what the people voted for. You may dispute a hundred votes, you may dispute a thousand votes. But ultimately—and I think subsequent elections have proved it—in really well-managed elections we get almost identical results. So yes, absolutely. If you want to point fingers, yes. There are many things that went wrong in 1994. Given the timeframe that the elections were set up in, it is probably remarkable that so much went right. But I think it is truly a testament to the South African population and people and the political party and the process that ultimately 99.999% of people bought into the process, wanted it to work, and made sure that absolutely everything worked.*

MAWSON: So there was a lot of political will there. This is what has really struck me with everything I've been reading about, this and every time I've interviewed people—what made the difference, at least with parties accepting the result, was that there was a political will that this process was going to work and the transition would be successful, right?

SACKSTEIN: *Can I say, one of the things—people feared Judge [Johann] Kreigler. You know very few people actually got to meet the man, but they saw a very acerbic, difficult man on television, fighting with journalists, under enormous, enormous pressure and enormous strain. I have never in my life a man with greater integrity. He is the most remarkable individual. Ultimately, when Kreigler said, "This is right" and "This is wrong," people knew he wasn't compromising. I think much is a testament to Johann Kreigler as a remarkable jurist, a remarkable*

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*individual and just someone who delivered under the most difficult trying circumstances, someone who delivered democracy to South Africa. The mere fact that he had someone like [...], who I don't know if you've interviewed yet.*

MAWSON: No, I haven't. He's very busy because the constitutional court is in session at the moment, so I haven't had the chance to interview him.

SACKSTEIN: *But yes, someone like [...] as his deputy—and the relationship amongst the commissioners was fantastic. It was a great, in some ways—if I can just touch on the commissioners themselves, it was remarkable that we had international commissioners here, but ultimately it was unnecessary. From an international perspective it added additional credibility; from a practical perspective, it wasn't genuinely necessary as part of the process. Some of the commissioners tried to use this as grandstanding platforms for international careers. But ultimately it was a South African election run by South Africans, monitored by South Africans, resolved by South Africans, and subsequent to that I think our elections have become almost non-events.*

*From the election management perspective, you actually want an election—you want everyone to go out and vote. You want some level of interest, but in essence it has become almost mundane. That is a fantastic thing. People don't dispute the results, people know the results are going to be accurate. Now we've gone through a number of iterations, and each time we get better and better as a country in the actual administration, and there is less to report about.*

*So we're probably a little grateful that we have some very colorful political personalities, because they add the flavor and the color to the election rather than the election itself.*

MAWSON: Maybe I could just ask you about specific areas. I know you were focused on Gauteng, so whatever you can tell me about this will be probably just as an observer, but as somebody who was there at the time, were you aware of what was going on in KwaZulu-Natal and—because in the run-up to the elections they had massive amounts of violence. I mean, I keep finding [...] a week before, and violence apparently sort of drops off and the election happens, but with quite a few problems. From your perspective, could you give me any observations about what was going on there?

SACKSTEIN: *It is difficult for me to give you KwaZulu-Natal, just because I wasn't on the ground. I can maybe tell you stories, there was an Inkatha Freedom Party march—*

MAWSON: Right.

SACKSTEIN: *Which marched on our building and marched on the City Hall in Johannesburg. Maybe I can describe for you that day. Our offices at the time were in the center of Johannesburg. They were in something called the Colosseum Building, just opposite the Carlton Center. I think I arrived at work probably 6 o'clock in the morning. I parked in the sky rink just underneath, an ice-skating rink in the Carlton Center, and I was going to catch the elevators down to walk the two blocks to the building.*

*One of the Australians who was here from the Australian Electoral Commission helping us in the election came running up to me and he said, "I've been sitting here for an hour, and I'm too frightened to go out." I said, "What do you mean?"*

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*He said, "I parked my car, and I heard gunshots."*

*I said, "Don't worry, what we're going to do is, we're going to go down these elevators, we won't get out on street level, we'll walk through the Carlton shopping center, we'll go out the side door and we'll just cross the road into our building." So I took him down, we walked through the shopping mall. We went out directly opposite the entrance of our building, and there were dead bodies lying outside the front door of the IEC, having been shot that morning.*

*So we quickly rushed into the building. It was a very, very tense day. Tens of thousands of IFP supporters were busy coming in by train into town. People were being murdered on the trains coming into Johannesburg. The march started, and they converged on our building. The doors of our building had had a [...] glass and a high atrium. The doors of our building were closed, and there were probably 40 police standing with guns on the inside of our building, 20 kneeling with guns facing the glass and 20 on top of them standing with guns, 40 guns facing out the building at these marchers as they surrounded the building, singing, dancing, toi toi-ing, [...], big machete knives, [...], big wooden sticks with round balls on top outside, surrounding the building, demanding that the elections not take place.*

*After a while with this massive police presence, they finally moved on, and they went to the City Hall. I wanted to know what was happening. I clearly couldn't leave the building. I went up onto the roof of the building and I looked down. The center of Johannesburg was silent. There wasn't a car on the road. There were trucks, I remember trucks abandoned in the road, doors open as the drivers had fled their trucks. There wasn't a single car on the road. There were just—all you could hear were helicopters circling, police helicopters circling over the center of Johannesburg. There wasn't a pedestrian on the street. The next thing you heard gunshots coming from the City Hall.*

*No one knows who, but it was believed to be a third force, opened fire on the Inkatha demonstrators at the City Hall. People were killed at the City Hall, and then chaos broke loose. The Inkatha moved onto the ANC's headquarters in Shell House, and Shell House guards opened fire on the supporters. It was a day of complete and utter chaos. It's hard to describe. I decided I needed to get out of the place while it was still light. I think I left the IEC at about 4 o'clock in the afternoon. I was driving through these deserted streets of Johannesburg, and each road you came to, you just saw a mob of tens of thousands of people running towards you. I had to zigzag my way out of the center of Johannesburg in order to get out. I wasn't sure I was going to live to see the next day. It was a terrifying, terrifying experience.*

MAWSON: *So nobody knew that that was coming? I mean nobody in the IEC, the security forces didn't know that these people were going to descend on Johannesburg?*

SACKSTEIN: *No, no, people knew that there was [to be] a big demonstration. But no one knew what to expect, and no one knew the level of violence that was going to take place in the day. To be quite honest, no one trusted the police, and no one trusted the security forces, and you had no idea what was going to happen. Those were so hard; looking back 16 years after democracy it's a different world. You spend 10 days in Johannesburg, I'm sure there's great difficulty for you to comprehend what it was like 16 years ago. It was a different universe.*

*I remember a Sunday morning. I hadn't gone—you worked every day and you worked every night. That was just part of the job. But one Sunday morning I*

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*decided to sleep a little late, and I heard these explosions. That's when the ANC offices in the center of Johannesburg were blown up just before the elections. I called my staff. No one was answering. I finally got hold of the switchboard, and they said "We've evacuated the building, there are bombs going off in Johannesburg." There were bombs that went off at Johannesburg Airport, now Tambo Airport. It was a chaotic situation.*

MAWSON: But all of you were just working.

SACKSTEIN: *We were working. The elections are going to happen come hell or high water. It is truly a tribute to those people who in fact got the Inkatha Freedom Party into those elections. [Henry] Kissinger came up, and his mission didn't succeed. There was a Zimbabwean professor came up—his name escapes me—who did a lot of the negotiations. But personally I give credit to someone called Colin Coleman—I don't know if you met Colin—Colin runs the Goldman Sachs offices now in Johannesburg. He was heavily, heavily involved—I think personally, single-handedly actually, brought the Inkatha Freedom Party into the elections in 1994.*

MAWSON: What was his role in '94?

SACKSTEIN: *He wasn't with the IEC at all. There were a group of activists who had joined the group that PG Wood and PG Glass had formed to try and help the transition to democracy, and he was involved in it. He is certainly someone that I recommend you talk to, because I think he is one of the great unsung heroes of South African politics just because of his efforts to bring the IFP into the process. Once the IFP were brought into the process came the issue of: there were ballot papers printed in the United Kingdom and shipped to South Africa that didn't have the Inkatha Freedom Party on. But there was space at the bottom of the ballot.*

MAWSON: For a sticker.

SACKSTEIN: *For a sticker to come on. No one knows if that was Judge Kreigler's enormous insight, that he would ultimately be able to bring the Inkatha Freedom Party in and whether he deliberately added a space at the bottom of the ballot paper to allow for a sticker to come on, or whether in fact it was just fortuitous that the space was there. Maybe you can ask him that question. But certainly a lot of people gave him credit for this amazing insight, that he had the ability to change the ballot paper at really the last moment by allowing a strip of sticker to go onto the bottom of the ballot paper and allow an additional party to participate.*

MAWSON: So you're saying Colin Coleman did what, exactly? He was in discussions with Buthelezi, or...?

SACKSTEIN: *He in fact facilitated this group that had come, this international eminent persons' group to come to South Africa. But the group was basically falling to pieces. Kissinger had already left to go back to the United States, and Colin kept at it. I think Colin was personally determined that this was something that no one could give up on. So please, go talk to him, I'll give him your details.*

MAWSON: Yes, that would be great. I think we're sort of coming to the end of our time; I've already taken an hour and a half of your morning.

SACKSTEIN: *I'm sorry, I probably talked too much.*

MAWSON: No, no, I think the main problem was the technology problems at the beginning with the batteries and my not knowing how to work the equipment. But maybe I could just sort of ask you two last questions. For the penultimate question, is there anything that you think I haven't touched on that you think was very important, particularly regarding how the parties overcame their suspicions or how the IEC dealt with the parties?

SACKSTEIN: *Let me reflect back maybe with an issue of hindsight, and let's talk about what we did post 1994.*

MAWSON: Right.

SACKSTEIN: *We knew one of the biggest contentious areas was going to be the delimitation of voting districts, the delimitation of wards, etc. So what we did is, we set up political party liaison committees in every single municipality around the place and often even on a lower level, on a municipal level. When we did delimitation, which was done purely statistically, we sent it through to the political parties, who met as a political party liaison committee, and they vetted the results. Because we have a proportional representation system, it actually doesn't really affect that much where the boundaries actually lie, but nonetheless, we've involved politicians in the process so they could together meet and say—*

*Often people with local knowledge and local information said, "You know, this doesn't make sense. This community doesn't get on with this community, let's redraw the boundary in this location." The IEC has always listened to the political parties and accommodated the communal joint world of the political parties. But the mere fact that you had so many political party liaison committees set up—a national one, provincial ones, municipal ones—meant that you could involve them as part of the process.*

MAWSON: That was in '99?

SACKSTEIN: *And subsequent to that. In 1994 there was a lot of consultation with the political parties, but there was a lot more distrust. So I think we [...] over a period of time whereby they consulted on absolutely everything. They consulted on the voters' roll, they consulted on where the polling stations will be. There's so much interaction, and it reached the stage where everyone now trusts the IEC. They may fight with each other, but they understand the IEC's job is to deliver an independent election. So that level of trust exists. I think the level of transparency that the IEC acts at has contributed substantially even to the political parties gaining trust amongst themselves.*

*If you have any environment in which the political parties are fighting each other to the death, you're probably going to have greater difficulties. But in an environment where the political parties have truly bought into a process of democracy, that's probably a pretty good way to go about it.*

MAWSON: In '94 there was a national level party liaison committee, but you didn't have the provincial—

SACKSTEIN: *Didn't have the provincial and didn't have the local.*

MAWSON: But that's interesting that the model of having the national-level political liaison committee in '94 was able to give you an idea of what you could do at all different levels.

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**SACKSTEIN:** *I think an important thing as well is to allow the Electoral Commission to train the political parties as well. You often have inexperienced people sitting at a polling station, but they don't know what the rules are. They don't—and it is an important educational process. This is not acceptable. You can't expect everyone to be an electoral expert or know the Electoral Act or know the Electoral Regulations. You should really start that process of education so much before the elections that people get trained up and they see this almost as—it is a little bit of career growth and education.*

*But also, I think the important thing from an IEC perspective is, the first election everyone was new. There were no presiding officers who had ever been a presiding officer before. There were no staff who had ever been electoral staff before, with very few exceptions. The mere fact that it's the same staff now coming back election after election, the schoolteachers that have their own school—running the election now for the umpteenth time has just contributed to the experience and the credibility that it comes with. People now are beginning to understand the rules, and that creates trust, also amongst the political parties. It may be your third, fourth time that you're an electoral observer. So you understand the rules now. You actually have often a personal relationship with your opponents from alternative political parties in the polling station, because you see them every local election, you see them every national election, and you probably live in the same community as well.*

**MAWSON:** My very last question would be—earlier on, you mentioned that at the end of the '94 election you were a group of four; you mentioned sort of closing up the work of the IEC. Maybe you could tell me about that briefly.

**SACKSTEIN:** *Subsequent to the '94 election, Judge Kreigler had asked me to take over the Monitoring Directorate in Gauteng, close it down, take up the IEC in Gauteng, take it down. Then to subsequently set up a legal department, set up a forensics investigation department. There had been financial fraud people, had stolen money; we recovered cars, we recovered assets. People who had defrauded us we had arrested, some of them were sent to jail. Then really started the process of building. A process whereby we said, OK, we've been through this major transition. We've got a government in place, but we need a new Electoral Act. We need a constitution.*

*There was going to be a new constitution that would be drafted that dealt with an electoral system. So we needed to put the building blocks in place, especially after the '95 local government elections. Judge Kreigler, myself, Norman du Plessis, and then we started [...] from the Department of Home Affairs. Then we involved [...] and [...], who were very instrumental, and ran the '95 local government elections. We formed an electoral task group that would meet very regularly and would talk about what should the bits of the constitution look like that would deal with elections.*

*We had drafted the current Electoral Act to put in place the mechanisms. We started the mapping of the country into its [...], attaching the population census information. We started the process of identification of polling stations. We started doing a proper planning process in the lead-up to the '99 elections. I can't say the '99 elections were almost like a clockwork election. If you have enough goodwill, if you have enough planning, if you have enough insight and vision, you really can—even in Africa, and maybe South Africa doesn't quite look like the rest of Africa—but even in Africa you can have a showcase election.*

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*I think the level of transparency, with the results center and the election center, that we were able to bring to the people—the mere fact we had about 1,200 journalists in 1999, a credit to the Election Center reporting from one facility. We had all the national radio stations live from the center. We had the television stations broadcasting from there. We had the international television stations broadcasting from one location. They had access to information. It ultimately meant that the credibility of elections was so good.*

*So I think part of the process that we really have to give the rest of the world is, you have to get your building blocks in place. You have to have well funded, independent electoral commissions in order to create and engender trust among the political parties and the individuals. People often just don't trust government institutions to run it.*

*It was a history of South African politics, but I think as well, even if you look at US politics and what happened with the disputed election around Florida, there was so much mistrust. Here we've developed a system whereby we can take that mistrust out of the process at all. So I think you have to put those building blocks into place. You have to make sure that your legislation is credible and accessible. You have to make sure that the political parties are involved in the process, but most important of all, you really have to get the buy-in of the population. Ultimately we've moved from a situation of apartheid in this country, of degradation, of poverty, of violence, of state oppression, to a situation where so many of the issues around democracy itself are no longer in dispute.*

*As an electoral administrator, you love landslide elections because then nothing gets disputed. But you know in a proportional representation system, every vote actually does make a difference. It can mean an extra seat in parliament, it can mean a two-thirds majority or non-two-thirds. It is important to people, and ultimately you have a responsibility to the population to make sure that the will of the people is genuinely reflected in those results.*

*For much of our neighboring states within Africa and many of the people in the developing world, I think our lesson is a lesson of transparency. If you're committed to nation-building in every nation, then ultimately you have to have trust in the people, have trust in the process, and sufficient mechanisms put in to make sure that no one can in fact [...] the elections at all.*

MAWSON: OK, I think we will leave it there. Thank you very much.

SACKSTEIN: Thank you.