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WORKING GROUP 1

SUB GROUP 2

INTERNAL SUBMISSIONS

JANUARY - FEBRUARY 1992

VOL 1

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AFRICAN NATIONAL CONGRESS
SUBMISSION TO SUB-GROUP 2 OF WORKING GROUP 1
ON "STABILITY" WITHIN THE CONTEXT OF
THE CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION.

1. Introduction

- 1.1. The history of this country is replete with examples of activities which destabilize the community for political ends. As a prerequisite for true reconciliation, these activities as well as their perpetrators must be identified in order to ensure their cessation as well as to guarantee a firm basis for the creation of a climate for free political participation.

- 1.2. As a starting point, it is perhaps necessary to make sure that we are agreed as to the meaning of the concept "free political participation". We understand it to flow directly from the right of every individual to freedom of expression, freedom of assembly and freedom of association. We realize that in this country these concepts may sound strange to some people but they must now start to form part of the culture of the future. Thus we say that in a proper climate, every individual and every organisation must be free to put forward ideas and views about the political situation and the direction which must be followed; no person, party or organisation must be hindered in propagating or suing for support for their ideas and views and no impediments must be placed in the path of those wishing to get together to develop and ventilate their ideas.

- 1.3. Thus the repression unleashed by the government on the democratic movement in the last few years and the suppression of organisations and persons of the last few decades are incompatible with the creation of the requisite climate. We must never get back to that, ever. Political intimidation, harassment and the encouragement of violent actions against political opponents is directly opposed to the creation of the required climate. Covert activities by elements of the security forces as well as partisan intervention by law enforcement agencies in conflict situations effectively militate against the creation of that climate. Failure, refusal or sheer neglect by the authorities to arrest and prosecute assassins, warlords and blatant perpetrators of violence make nonsense of any progress we may hope to make on the road to a political accommodation.

1.4./...

- 1.4. CODESA must therefore put in place structures that will ensure that activities which destabilize are eliminated. We must improve the effectiveness and functioning of those mechanisms that have already been created, such as the National Peace Accord.

2. The National Peace Accord

- 2.1. It must be acknowledged that the National Peace Accord was conceived in a different setting and designed to address specific objectives. Although there is a large measure of overlap, those objectives do not totally coincide with those of CODESA. For CODESA's purposes therefore, it will be necessary to subject the National Peace Accord to critical scrutiny, while using its provisions as a useful basis in the process of establishing stability.
- 2.2. The strength of CODESA lies in the fact that the delegations can participate on a basis of equality. This equality needs to be reflected in practice. Indeed, the major thrust of effort in the business of this Working Group must be to ensure that the structures which are set up to promote and implement CODESA's objectives are effective and enjoy maximum credibility and acceptability. As far as possible, therefore, there must be joint control of those institutions which are critical to the restoration of stability in our community. To that end, certain aspects of the Accord need to be revisited with a view to strengthening them and making them more effective. We mention just a few examples of aspects which will need the attention of CODESA, namely: the appointment of Police Reporting Officers, the Police Board, duties and responsibilities of local functionaries and the role of traditional leaders.
- 2.3. The functions of Police Reporting Officers include the investigation of covert police operations (3.5.3). It is therefore of the utmost importance that they not only be persons of unquestioned integrity, independence and impartiality, but they must also be perceived as such. It would enhance their credibility and effectiveness if they were to be appointed by a neutral body and not the Minister of Law and Order.

2.4. The Police Board is appointed from representatives of the police together with names put forward by the National Peace Committee, in equal numbers. In addition, the Minister is empowered to appoint further persons from members of the public. He also appoints the chairperson from the members representing the public. The Board has important functions, including making recommendations with regard to policy relating to the training and efficient functioning of the police. Again it is suggested that the credibility of this body would be enhanced if the Board elected its own chairperson. It is further not clear why the Minister needs to have powers to appoint additional members to the Board.

2.5. Paragraph 3.3.3. seems to imply that there is no obligation on the Minister to comply with any of the recommendations made by the Board. This is obviously unsatisfactory.

2.6 The provisions or lack of them with regard to the TBVC states and self-governing territories give rise to considerable concern. There seems to be no duty imposed on the functionaries of these areas to accept the jurisdiction of the Police Board or that of the Police Reporting Officers appointed in respect of the South African Police Force. (See Paragraph 3.8.6). We contend that there must be uniformity of structure and operation. The people in the TBVC states as well as in the self-governing territories must never be subjected to different treatment from that enjoyed elsewhere.

2.7 It is of course our contention that, in so far as the police are concerned, there should be an integrated command structure with a common definition of powers. There should be no need for secrecy with regard to the identity of any police structure. It follows that there must be full disclosure with regard to any special forces and they must be dissolved. We emphasize that there should be an integration of all the respective police forces including those of the TBVC states and self-governing territories. It is noteworthy, however, that the Accord's mechanisms to investigate police activities are defective. Suspicion will never be removed and confidence restored where the police are virtually required to investigate themselves. There are sufficient disquieting revelations, some in evidence before the Courts, that the capacity to connive and to cover-up is not unknown in the police force, even among senior officials.

- 2.8 One of the most serious flaws of the National Peace Accord is the fact that no duty is placed on local authorities as well as on traditional leaders. Millions of people live in areas they administer and traditional leaders in particular wield considerable power in the rural areas. Their influence is such that they could easily render the provisions of the Accord nugatory. This flaw of course becomes crucial when individuals, parties and organisations do attempt to exercise their right to participate in political activity.
- 2.9 The National Peace Accord also suffers from an "under-definition" of concepts. A case in point is the treatment of "dangerous weapons" which does very little to clear whatever confusion there has been in the past in dealing with this problem. It is suggested that CODESA should look at this aspect with a view to removing all doubt with regard to what conduct is acceptable in this regard and vice versa. "Private armies" are also not defined in the Accord and this is also an area which can give rise to confusion.
- 2.10 There are no time frames set to guide the implementation of the Accord and to set up structures in terms of its provisions. This of course accentuates the uncertainty and slows down the achievement of the objectives of the Accord.
- 2.11 There is no statutory provision for the enforcement of the Codes of Conduct for Political Parties, the Police and the SADF.
- 2.12 The Commission (Goldstone) can only deal with ex post facto situations. Its role is of critical importance in establishing the causes of the violence with regard to specific incidents but as far as the ending and prevention of violence is concerned, it can only be of limited value as a mechanism. The violence has become endemic and the Commission can never keep pace with the number of incidents that need investigating.

3. Violence-related Crime

- 3.1 We contend that ineffective and partisan policing constitutes one of the most important reasons for the continuing violence. Some police forces, such as the KwaZulu Police, have become so controversial that there is no way they can live down the perceptions that have taken

root. There is a substantial body of evidence to the effect that they are not operating as an impartial law enforcing agency and that rather than being part of the solution to the problem of violence, they have become a serious obstacle to the achievement of peace and to the creation of a climate for free political activity. The perception that the police are ineffective and partisan must have a direct effect on the incidence of violence-related crime.

- 3.2 It is suggested that a restructured and retrained police force is needed in the interim period, if public confidence is to be generated. The solution is not more policemen but rather the development of a new culture of policing. The objectives must throughout be the creation of space for the greater and freer exercise of democracy. The fear of violence, crime and intimidation must never be supplanted by fear of the police. And in dealing with violence-related crime, the objective must also be to expand rather than to stifle the space for free political activity.

WORKING GROUP NO 1

CISKEI GOVERNMENT'S SUBMISSION ON:

1. ASSIGNMENT NO 1: CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION

The Ciskei Government is convinced that crucial to the free political participation of all South Africans in the new dispensation is a climate of peace, stability and tolerance.

As a first step to the creation of such a climate the dissatisfied masses should be exposed to the knowledge that real and sincere negotiations are taking place.

Education of supporters at grass roots level is often very difficult and Ciskei Government proposes that each organisation should arrange for its leaders, on a national and regional basis, to address joint rallies simultaneously.

Responsible and co-operative statements will demonstrate that whatever political differences may exist, the community at large should come to accept these differences, peacefully.

This way political understanding and education will grow and peace stability and of course prosperity will follow.

In the same manner spokespersons should be called upon to desist from the urge to vilify leaders of other organisations. An orchestrated campaign and itinerary should be settled so that affirmative action can be taken to achieve the above proposals as soon as possible.

A. COMPLETING THE RECONCILIATION PROCESS

Noting that the process of reconciliation is still to be completed Ciskei Government urges that the question of the return of exiles and the release of political prisoners resolved in the shortest possible time. The following observations appear to be pertinent.

- 1 A clear definition of the term political prisoners should be agreed and in the same way political offences should be defined.

2. Common criminals should not be permitted to go free under the ruse of being political prisoners.
3. It should be noted that TBVC laws should be observed notwithstanding indemnities by RSA.
4. Returning exiles should not be disadvantaged because of their exile but likewise should not receive preferential treatment upon their return.

B. CONTINUING THE SECURITY AND SOCIO-ECONOMIC PROCESS

Noting the need for stability and improved socio-economic standards the Ciskei Government submits:

1. That a single defence force be established, trained to cope with national and regional security matters.
2. The Defence Force should consist of a Rapid Deployment Force to defend the country against external military threat. In the wider sense this force could act as a stabilising influence in the greater African Region if called upon by UN etc.
3. A second arm of the Defence Force would be its territorial force based on existing territorial commands with responsibility for rural and urban counter insurgency operations and operations in support of the police.
4. The successful implementation of the National Peace Accord will facilitate a stable and secure community. This particular issue is the key to many of the major problems and should enjoy priority over all matters. Full briefings to delegations to Peace meetings should be carried out so that Regional and Local Dispute Committees will be used in the spirit of the Accord and not as forums for political positioning.

The above proposals would contain the ability of separate organisations to threaten or intimidate the public. Combined with the proposals of joint public campaigns to educate support groups the tolerance factor should increase and internal stability should improve. Any destabilising influence severely affects the following.

5. The socio-economic upliftment of the people which is fundamental and should be accelerated with the utmost determination. In this regard:
6. Fair community participation is needed. It is important that all communities should be educated to appreciate fully their own responsibilities and contributions to social upliftment.
7. Education must be de-politicised and available to the whole population.

8. Urbanisation and housing must be improved with the assistance and consent of the people who should be under no misapprehension as to economic constraints.
9. Sanctions should be uplifted forthwith.
10. Investment and industry should be encouraged with real safeguards and incentives.
11. Stable labour relations should be nurtured. Training and education to improve employment levels should be promoted.
12. National and regional commitment to sound stable and acceptable economic policies is required.

These proposals will inevitably lead to greater prosperity, satisfaction of the people, stability of the work force and the continuation of the security and socio-economic process.

3. **CREATING THE CLIMATE AND OPPORTUNITY FOR FREE
POLITICAL PARTICIPATION**

It is essential that the climate should urgently be normalised to retain credibility in CODESA. If CODESA does not deliver a rapid solution it will be seen to be yet another "talkshop" and the grass roots will lose confidence yet again.

1. Negative perceptions about the media will have to be addressed.
2. Regional leadership should be encouraged to plan common strategies towards the process of broadening the concept of democracy and the free political participation of all organisations.

INTANDO YESIZWE PARTY

GENERAL RESPONSE ON THE TERMS OF REFERENCE AND ASSIGNMENTS OF WORKING
GROUP I OF CODESA

1. INTRODUCTION.
2. LEVELLING THE PLAYING FIELD.
3. SECURITY.
4. SOCIO-ECONOMIC CONDITIONS.

1. INTRODUCTION.

The people of South Africa, through our political parties, organisations and movements and through our governments, actuated by a burning desire and need to bring about change in the politics and socio-economic lot of the people of this land and rid the country of the miseries of the past, have committed and bound ourselves to CODESA.

And, whereas we have, through our parties, organisations, movements and governments given ourselves, committed and signed the National Peace Accord, set on course in an irreversible way, the hopes, expectations and desires of the people of this country in particular and the international community in general, to the attainment of a new political dispensation for South Africa.

Be that as it may we are faced with great obstacles and hurdles that must be removed and will demands from all participants of CODESA realism, practicality, honesty and determination.

2. LEVELLING THE PLAYING FIELD.

In setting the stage ready for an honest and genuine attempt by all at CODESA to make a breakthrough, a positive and concerted effort will have to be made to persuade all role players to come into CODESA and also broaden the points of departure as far as possible. This could be achieved by placing on the agenda those items which parties on both left and right feel strongly about like for an example the creation of a Boerestaat. This will deny those parties and excuse to resort to violent means or ways other than negotiation.

Of extreme importance will be the creation of a climate of trust among all participants right through the history of our country a relationship of trust never existed particularly between the ruler and the ruled. This trust could be created and enhanced if all parties show honesty and conviction in their commitment to finding a solution.

In this regard the following should be seriously and positively considered:

- The release of all political prisoners and abandoning of political trials.
- The return of exiles and their families.
- The amendment and/or repeal of any remaining laws militating against free political activity including the elimination of all discriminatory legislation.

3. SECURITY.

The issue of security is of vital importance if CODESA must attain its goals. With the scourge of political violence that has afflicted our country for the past years it is almost unimaginable how CODESA could possibly hope to find a peaceful political settlement through negotiations.

With almost all participants at CODESA having committed and bound themselves to the National Peace Accord, this elaborate document thus forms a basis on which the issue of security should unavoidably be founded. Burning security issues such as the following can be tackled by CODESA through and with the National Peace Secretariat:

- Political intimidation
- Termination of the use of Military/Police/Private armies or any violent means or threat for promoting the objectives or views of a political party, organisation or movement.
- Prevention of violence-related crime and matters giving rise thereto.
- Role of the security forces in South Africa and the TBVC states.
- Spirit of tolerance amongst political formations.

To make the National Peace Accord and its structures more effective in attaining social stability and security it must not be left in the hands of the Government. It must be made more neutral and placed in the hands of CODESA for responsibility and accountability and must oversee the security forces.

For CODESA and the National Peace Accord to be of any effect in this regard, statutory provision will have to be made in order to make possible the setting up of time frames and the implementation of the mechanisms agreed upon if the aims and objectives of CODESA and the National Peace Accord must be realised.

4. SOCIO-ECONOMIC CONDITIONS.

The root cause of all the miseries in South Africa emanated from the subtly planned economic system that entrenched an imbalance in the distribution of wealth amongst the peoples of this land. The results of course are far reaching and did the greatest damage as we witness today.

Sanctions became the sole effective and non-violent option to bring this system to an end but the price of sanctions is poverty and starvation that results in an escalating violent crime rate. The obvious solution to this undoubted guaranty that the system of apartheid is completely wiped off. CODESA must create mechanisms that will act as a check and balance against the "Traditional" preferential treatment of whites, but also against an undue affirmation action by the parties aspiring for power.

INTANDO YESIZWE PARTY

SUBMISSION TO SUB-GROUP II OF WORKING GROUP I ON THE CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION.

1. POLITICAL INTIMIDATION.

- a. The police should be empowered to deal very harshly with individuals involved in intimidation irrespective of the intimidator's political affiliation.
- b. Aspirations of minority parties should be placed on the CODESA agenda so that no one has the excuse of resorting to criminal measures on the grounds that his group's rights are not being addressed by CODESA.
- c. The law should be strictly and rigidly enforced against intimidators.

2. ATTAINMENT OF OBJECTIVE BY (MILITARY) VIOLENT MEANS.

- a. No party should have access to private armies. However this could be achieved only if the country's defence is controlled or rather placed under the control of a neutral body. The National Peace Accord could be placed under a monitoring body formed by CODESA but restructured in such a way that it becomes neutral in all respects.

3. SUCCESSFUL IMPLEMENTATION OF THE N.P.A.

The implementation of the accord cannot overemphasized.

4. PREVENTION OF CRIME.

It must be stressed that the commitment of crime is related to the

economic activity in the country. All parties to CODESA must call for the lifting of sanctions. It is clear that some parties within CODESA still feel very strongly about this. However, crime cannot be addressed effectively, without at the same time addressing the sanctions issue.

5. THE ROLE OF THE SECURITY FORCES IN SOUTH AFRICA AND TBVC.

The role of these forces is to protect the citizens. So these forces must be placed under the control of a neutral body. The temptation is very great for governments to use security forces to suppress genuine opposition parties, or institutions genuinely acting as watchdogs for society.

6. IMPROVEMENT OF ECONOMIC CONDITIONS.

Most parties if not all have come to accept the free market system as the most effective system known to man. However, in South Africa it would be naive to say there is such system. Keys to financial institutions, to economic improvement is absolutely in the hands of the privileged, both in the private and public sectors. A mechanism must be developed that will allow FREE and unlimited access to resources. A mechanism that will check against prejudices for or against any group must be developed.

7. POLITICAL TOLERANCE.

For as long as security forces are controlled by parties involved in the struggle for power to the exclusion of others also involved in that struggle political tolerance would be minimal. The people of South Africa have live in fear of each other. All groups vying for power

tend to instil fear into the community and in that way control it. This culture can be brought to an end if the security force undergo a strenous education programme aimed at freeing them from believing that they are a particular groups force, founded to protect that group's interest only.

8. EDUCATIVE CAMPAIGN

For as long as resources such as Radio and TV are state controlled than no real campaign can be launched. This country needs to shed the Iron Curtain type of grip over such media. In this way people would come to trust what they see and hear. The people would be able to question what is transmitted over the waves and thus be part of the ongoing debate.



INYANDZA NATIONAL MOVEMENT

SUBMISSION TO CODESA WORKING GROUP 1 SUB-GROUP 2

TASK : CONTINUING THE SECURITY AND SOCIO-ECONOMIC PROCESS

1. The Inyandza National Movement recognises the task given by the Steering Committee of Working Group One concerning the topic : CONTINUING THE SECURITY AND SOCIA-ECONOMIC PROCESS

2. The Inyandza National Movement accepts the proposal of the participants in sub-group 2 to deal with the topic under the following concepts :
 - 2.1 Stability
 - 2.2 Security Forces
 - 2.3 Development
 - 2.4 Co-operation

Therefore, Inyandza National Movement wishes to elaborate briefly on each concept for the sake of completeness.

2.1 STABILITY

2.1.1 NATIONAL PEACE ACCORD

Pertaining to the National Peace Accord, the Inyandza National Movement has got the following to say :

- . To accord legal status to the contents of the NPA.
- . To implement the NPA as a whole.
- . To spread its ideals by making use of the structures formed by the Accord.
- . To persuade those who are not signatories to sign.
- . To educate members and supporters of

political organisations/movements at the grassroots level about the implications and significance of signing the NPA.

To establish Local and Regional Dispute Resolution Committees at various areas. These have only been established in a few areas. These structures seem to be too dependent on the whims of political actors. Such structures need not to be used as forums to make political mileage. So far they seem to be "too politicised".

2.1.2

POLITICAL INTIMIDATION

- . The Inyandza National Movement condemns the making use of political intimidation as a means to achieve political objectives.
- . The Inyandza National Movement accepts the definition of "Political Intimidation" as proposed by NIC/TIC.
- . The Inyandza National Movement feels it is within Codesa's power to bring about a stop to the escalating elimination process being carried out in our community.
- . The Inyandza National Movement feels there is a third force operation in our townships.
- . Complaint offices operating independently to be established to deal with these political complaints.
- . Neighbourhood Watchgroups to be formed to help in the curbing of violence.
- . More independent patrol units to be formed and deployed at various areas to supplement the function of the police and to be funded by the S.A. Government.
- . Punishment to be meted for political intimidation to be severe and harsh.
- . No indemnity must be offered to those sentenced for political intimidation after Codesa was formed.

2.1.3

PREVENTION OF VIOLENCE RELATED CRIMES

- . The Inyandza National Movement feels it is within the powers of the government of day to prevent violence related crimes.

- . Violence related crimes are caused by amongst other things, the following :
 - retrenchments
 - lack of job opportunities and
 - discriminatory laws.
- . The Inyandza National Movement does not believe in prevention of violence related crimes by having many policemen and assistant constables.
- . The Inyandza National Movement ventures to say that violence related crimes will remain unsolved as long as the socio-economic crisis prevails.
- . In order to improve the socio-economic situation of our country, the present government must give way for the interim government so that sanctions can be uplifted completely.

2.2 SECURITY FORCES

Under security forces, the Inyandza National Movement deems the following factors to be of utmost importance :

- 2.2.1 Police resistance to change
- 2.2.2 The integration of security forces
- 2.2.3 Affirmative action
- 2.2.4 Joint Control of security forces

The Inyandza National Movement wishes to highlight each factor separately.

2.2.1 POLICE RESISTANCE TO CHANGE

Police resistance to change is clear and cannot be disputed. Since the unbanning of the political organisations, police are accused of being biased and partial. Hence, police have lost credibility and are mistrusted by many people including political organisations. The Inyandza National Movement sees it fit that those factors conducive to police resistance to change must be attended to by Codesa in order to reduce their impact on the current

change process. Some of these factors are:

- Opposition to change.
- Opposition to change objective.
- Opposition because of tradition.
- Mistrust of change agents.
- Dissatisfaction with community
- Defective communication.
- Impartiality challenged.
- Status quo versus innovation.
- Ignoring police institutions.
- Unawareness of change responsibilities.

2.2.2 THE INTEGRATION OF SECURITY FORCES

The Inyandza National Movement feels that the time is ripe to re-incorporate the "Homelands" and TBVC police forces to the S.A. Police force though the implications of this for policing are complex, because of the varied nature of the police forces.

However, it must be noted that, the reincorporation of the homelands and TBVC Police forces may have the following effects in different regions :

- (i) Effectively bring the police forces under more accountable leadership.
- (ii) Set back police-community relations in some areas.
- (iii) De-emphasise the policing of rural areas, where few of the country's political elites reside.
- (iv) Re-assert the dominance of White Afrikaner male leadership in policing in areas, where more locally based police managers were beginning to assert themselves.

2.2.3 THE AFFIRMATIVE ACTION

The Inyandza National Movement sees affirmative action as a mechanism for the creation of a representative police leadership. Such affirmative action must be effected in all the levels of police management, namely :

- Top police management,

- Middle police management,
- Lower police management.
- . Affirmative action will help eliminate the discrimination in general.
- . Affirmative action is intended to put right the wrongs of past discriminatory measures with immediate effect.

2.2.4 JOINT CONTROL OF SECURITY FORCES

- . The Inyandza National Movement is clearly convinced that joint control of security forces has become a necessity.
- . The Inyandza Movement suggests the following aspects to be used to effect joint control of security forces :

2.2.4.1 CABINET LEVEL

- . A multiparty ministry determined by the elections for the interim government, with a figurehead minister of Law and Order as a chairman of such a group.
- . To be responsible for funding, training and the determining of national standards according to which policing is conducted.

2.2.4.1 CIVILIAN REVIEW BOARDS

- Such boards to be appointed to oversee the work of the regional police force.
- A secretariat office to be established to undergo research and monitoring police work.
- Special independent investigation team to be established to deal with investigations of police misconduct.
- Such special independent investigation team to be appointed by the Review Boards.

2.2.4.3 MONITORING AGENCY

- Codesa must make provision for the training of a Monitoring Corps, who are entrusted with monitoring of all aspects of the "Transitional Period".
- Such Monitoring Corps must be from all parties.
- The monitoring Corps must be trained in accepted procedures.

2.3 DEVELOPMENT

2.3.1 The Inyandza National Movement has taken cognizance of the following with regard to development:

- Political stability is all too essential for the socio-economic development of our country.
- Development requires a balanced and viable economy.
- Economic empowerment for all is vital for development purposes.
- Funds and lands to be made available for agricultural purposes.
- Loans for housing to be provided by both the public and private sectors to the appressed.
- A violence riddled country cannot develop instead it regresses in its developmental progress.
- The bottom line is that the present Government has to speedily step down thereby allowing an interim governing structure to take its place and sanctions will therefore be completely called off.

2.4 CO-OPERATION

2.4.1 Co-operation between all the various political groupings cannot be over-emphasized for the success of the negotiation process, the interim government and the future structure.

2.4.2 It is therefore imperative at local level that:

- All political parties and organisations should participate at CODESA.
- Those political parties not participating be convinced to do so thereby ensuring the broad representation of all South Africans.
- Those parties and organisations which form CODESA to be totally dedicated to the success of the negotiation process and to the establishment of a multi-party democratic, free, united and non-racial South Africa.
- A culture of political tolerance and coexistence be cultivated right from CODESA down to the grassroots level.

2.4.3 At international level, it is mandatory that an interim government takes over to enable South Africa to be able to experience and enjoy a high degree of co-operation with outside countries at all levels to the betterment of its economy and all other related spheres.

3. CONCLUSION

- 3.1 The abovementioned submission is presented by Inyandza National Movement to CODESA working group 1 sub-group 2 for further consideration.
- 3.2 The Inyandza National Movement would like to state that this submission may not be the last one. Submissions may be presented on a time to time basis if it is so necessary.

TO: Working Group one Steering Committee
From: NIC/TIC proposal on definition of political
intimidation as requested from Working group
one - Subgroup Two.
date: 19 - 02 - 1992.

Political Intimidation.

1. Political intimidation is defined as any action or set of actions committed by either an individual, an organisation, a political party, the state or any agency of the state, that is designed by the use or the threat of force or violence to disrupt or interfere with the following basic democratic rights of an individual:

- 1.1. the right to freedom of expression of opinion.
- 1.2. the right to freedom of association.
- 1.3. the right to freedom of movement.

2. In particular the following shall be considered as forms of political intimidation:

- * kill, injure, apply violence to, intimidate or threaten any other person in connection with that persons's political beliefs, words, writing or actions;

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- * remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
- * interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
- * seek to compel, by force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or
- * obstruct or interfere with any official or representative of any other political party or organisation's message to contact or address any group of people.
- * possessing, carrying or displaying weapons or fire-arms when attending any political gathering, procession or meeting.

* the use of public office by public authorities

organisation at the expense of another by means of any acts, or by means of disinformation.

organisation at the expense of another by means of
any acts, or by means of disinformation.

NP-SUBMISSION WORKING GROUP I
SUB-GROUP 2

PRIVATE ARMIES

The National Party is of the opinion that political parties should not have the right to have private armies which, for example, could be activated when things do not go their way at the negotiation table.

The National Party is therefore of the opinion that the "Boerebevrydingsleër van die "Boerestaatparty" that the "Wenkommandos" of the AWB, that the Azanian Peoples Liberation Army of the PAC, that the planned "Volksleër of the CP and that the Zoeloe-Impis in the Townships should all be dismantled.

1. INTERNATIONAL CONSTITUTIONAL LAW

When voicing the aforesaid opinion, the NP stands on firm ground as far as International Constitutional Law is concerned.

There can only be one legal Government in a country entitled to a Defence Force with the Head of State as its Commander in Chief.

The main task of such a Defence Force is to protect the sovereignty of the State against outside aggression.

Applicable to the South African situation, the following points merit attention.

The present Government is a legal Government recognized as such by the International Community.

As a legal Government it has the right to have a Defence Force to protect the interests of the country and all its citizens.

The SADF is not the military wing of the National Party. It serves the Government of the day and will continue to do so despite possible changes of Government.

Military wings of political parties are highly undesirable against this background. It is in fact a recipe for chaos.

The Weimar Republic of Germany is a case in point. Each political party had its own military wing and at the end of the day the activities of the "Sturmabteilung" of the Nazis, the "Rote Frontkämpfer" of the Communists and the "Reichsbanner" of the Social Democrats destroyed whatever form of democracy which was still in place and paved the way for a totalitarian take over.

2. UMKHONTO WE SIZWE

A case was made out by the SACP in a submission to sub-group 2, that MK is not a private army. Whenever the definition "Private Army" fits MK or not, is beside the point.

Fact of the matter is MK operated as the military wing of the ANC. MK was part and parcel of the "liberation struggle". Whatever reasons there might have been for the existence of MK, have now fallen away with the commitments of the Government to Fundamental political reform.

Negotiations have replaced the armed struggle as vehicle for political change.

In the light of this, there is no need for the continuation of private armies or military wings. As a matter of fact, there is no longer need for liberation movements either. Liberation movements should therefore be transformed into political parties as soon as possible.

Negotiations over the barrel of a gun are totally unacceptable.

3. SELF DEFENCE UNITS

A clear distinction should be drawn between self protecting units and self defence units.

The gradual transformation of MK into a conventional force necessitates a new military structure at grass roots level in the form of self defence units.

Self defence units based on a revolutionary guerilla command structure as part of a strategic battle plan to turn townships into revolutionary bases as envisaged by the SACP in a document "For the sake of our lives! Guidelines for the creation of self defence units ", is totally unacceptable.

4. PRIVATE ARMIES AND THE NATIONAL PEACE ACCORD

The National Peace Accord states unequivocally that no private armies should be formed [3.7.3]. The NP fully endorses this view. Serious consideration should be given to the banning of all private armies in terms of the law.

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NATIONAL PARTY SUBMISSION TO CODESA: WORKING GROUP 1

PREVENTION OF VIOLENCE-RELATED CRIME.

Violence related crime in South-Africa is unacceptably high and everything should be done to assist the SOUTH AFRICAN POLICE in combatting crime.

The following factors may stand in connection with violence related crime and merit the serious attention of Working Group 1:

SOCIO-ECONOMIC CONDITIONS:

Socio-economic conditions play a major role in the escalation of crime.

Special attention should be paid to UNEMPLOYMENT in this regard.

The government is committed to solving this problem.

The ultimate answer however, is a positive economic growthrate to ensure sufficient employment. In order to achieve this goal, foreign investments should be encouraged and financial and other sanctions should be lifted. Rumours to the effect that foreign loan obligations may not be honoured; talks about nationalisations and ongoing requests that sanctions should remain in place bury the possibility of a positive economic growth rate.

A UNANTICONS Codesa-call for the unliftment of all remaining sanctions will pave the way for a positive economic climate which in turn, will lead to a diminishing of the crime rate.

A LENIENT APPROACH TOWARDS THE DEATH PENALTY:

A more lenient approach towards the death penalty may have caused the more violent nature of crime in recent times. If this presumption could be confirmed by scientific evidence, the de facto moratorium on the death penalty should be reviewed.

ARMED-ROBBERY AS FUND RAISING METHOD FOR POLITICAL ORGANISATIONS.

The most spectacular bank heist in the history of the Irish Republic in which 2,5 million Irish pounds were stolen turned out to be part of a "fund raising campaign" launched by the Irish Republican Army.

The possibility of political organisations using the same methods in South Africa could not be ruled out entirely and needs further investigation.

AUTHORITY CRISIS.

The over emphasis on the illegitimacy of the state fosters a climate of general lawlessness which culminates into violence related crime.

What requires emphasis at this point in time is the fact that the whole reform process revolves around the broadening of the legitimacy of the state.

The authority structure of the state however should not be tampered with in the interim period. If so, it could be a recipe for chaos.

MASS ACTIONS:

Mass Actions could lead to violence related crime. Mass actions should therefore at all times be conducted within the parameters set out by the PEACE ACCORD.

The expertise informations on Mass Action obtained by the COMMISSION ON THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION should be passed on to CODESA for cognisance.

AK 47'S

The increase in the use of AK 47'S in armed robberies is an alarming factor which cannot be ignored any longer. The illegal trafficking in these rifles should be stopped. A possible reward for every uncovered AK 47 will not be inappropriate.

NP-SUBMISSION : WORKING GROUP I
SUB-GROUP 2

ROLE AND COMPOSITION OF THE
SECURITY FORCES

1. ROLE OF THE DEFENCE FORCE

1.1 Bulwark against outside aggression

South Africa is a sovereign country with a legal Government recognised as such by the International Community.

It is common practise that such a sovereign country should have a Defence Force to protect the security and the integrity of the State against, from outside or from within, aggression. The SADF is no exception to the rule.

It should be emphasised that it is not the task of the Defence Force to further the interests of a specific political party or organisation. The Defence Force should protect the interests of the country as a whole and all its citizens.

1.2 Regional Responsibility

South Africa should fulfill its rightful role as a future regional power. In order to achieve this objective, the SADF will have to maintain a credible conventional deterrent capability. This in turn, necessitates a well trained and effective Defence Force.

1.3 Internal Role

Such a force must have the capability to give the necessary assistance to the SAP.

2. COMPOSITION OF THE DEFENCE FORCE

Given the responsibility outlined in 1.2 and 1.3, the Defence Force should be constructed in such a manner to fulfil both responsibilities. Therefore, it should be comprised of conventional and non-conventional elements based on conscription with a small sophisticated Permanent Force.

2.1 Integration of Military Wings of Political Parties

Due to the fact that the SADF should not be politicised under any circumstances, it would be counter productive

to integrate military wings of political parties into the SADF.

Individuals, however, regardless previous political affiliations, are welcome to join the SADF provided that they comply with the necessary training requirements.

2.2 TBVC Armies

The TBVC armies should be incorporated into the SADF provided that the TBVC States decide to rejoin the Republic.

Such an integration could only take place after unification as was the case in Germany, or earlier depending on the transitional arrangements.

3. CONTROL OVER THE DEFENCE FORCE

In a sovereign state with a legal Government the Defence Force should at all times be controlled in terms of the constitution.

Any form of control by an appointed non-constitutional interim body is not acceptable.

4. THE ROLE OF THE POLICE FORCE

The Police Force should at all times be engaged in the combatting of crime and in the maintenance of law and order.

4.1 Special units to combat political violence

Special units composed of all South African citizens should be considered for dealing with political violence. Such units will enable the Police Force to concentrate on their main responsibility, the combatting of crime. The impartiality of the Police will eventually be above board.

4.2 Self protecting units

Self protecting units as envisaged by the National Peace Accord (3.7) should assist the Police in executing their main duty. Self protecting units should not be mistaken for self defence units. Self defence units as underground military units outlined in "Path to Power" an SACP strategic document, is totally unacceptable. Elaboration on this issue will follow in another submission that deals with private armies.

4.3 Composition of the Police Force

Naturally the composition of the Police Force should reflect the South African society as a whole. The Police Force should not be politicised.

4.4 Control over the Police Force

The Police Force should primarily be controlled by the Government of the day in accordance with the constitution and by the mechanisms created by the National Peace Accord. These mechanisms include Police Reporting Officers, the Commission on the Prevention of Violence and Intimidation and the Police Board.

Legal enforcement of the Police Code of Conduct should also be considered.

N.P. - SUBMISSION: WORKING - GROUP 1. SUB - GROUP 2:

POLITICAL INTIMIDATION:

The N.P. submits that the following aspects should be considered as forms of political intimidation in addition to those already tabled:

- (a) The use of violence or the threat to use violence against or the damage the property of, any person or persons, or any conduct in a manner, the use or publication of words or the publication or exhibition of any symbol, banner, photo or other sign which implicates or envisages the use of violence.
- (b) The pursuit of any person or persons from place to place;
- (c) The removal of any goods out of the possession or control of any person or persons.
- (d) The siege or watch of any place at or near the place of residence or working place of any person or persons or any other place where any such person or persons have a right of admission;
- (e) The obstruction of any road or thoroughfare or the hindering of any vehicle or person or persons to use any road or thoroughfare;

National People's Party

Minister to ... Group One, Sub-Group Two
Topic: 'Continuing the Security and Socio-economic Process'

The ...
Minister to ... Group One concerning the topic:
'Continuing the Security and Socio-economic Process'.

The points listed from letters "d" to "m" in the terms of reference indicate the matters to be considered in the creation of a suitable climate for change in South Africa during the transitional phase.

For the purpose of convenience in discussion, the National People's Party suggests the following five broad aspects under which the various points may be tabulated:

1. Security and related matters (vit.)

- 1.1 Political intimidation (a)
- 1.2 The termination of the use of military and/or violent means or the threat thereof of promoting the objectives/ views of a political party or organisation (a)
- 1.3 The prevention of violence-related crime and attacks giving rise thereto (h)
- 1.4 The composition and role of the security forces in South Africa and the D ... States (i)

2. Creating stability (through)

the successful implementation of the National Peace Accord (v)

3. Development of the Infra-structure

the need for an improvement in socio-economic conditions (vi)

4. Tolerance, Dialogue and Cooperation (vit.)

- 4.1 The fostering of a spirit of tolerance amongst political parties (and all South Africans) (n)
- 4.2 TOLSON as an educative, informative agent and as an example of tolerance and democratic principles (o)

5. Related Matters of special importance eg. Mass Action, Private Armies.

In connection with points 1. and 3. i.e. Security and Related Matters, the N.P.F. endorses the general provisions established in the National Peace Accord particularly with reference to the Security Forces. The following points quoted from the National Peace Accord document have significance:

- p.9 "The Police shall ... protect the people ... impartially ... in a rigorously non-partisan fashion; regardless of political belief and affiliation ..."
- p.10 "The Police shall ... take the necessary steps to facilitate the judicial process"
- p.11 "The Police shall be guided by a belief that they are accountable to Society..."
- p.12 "The Police shall expect a higher standard of conduct from themselves than they expect from others"
- p.13 "The Police shall exercise restraint in the pursuance of their duties ..."

Other points of priority are:

1. The creation of an impartial Police Board to monitor police activity.
2. The composition of the Police Force.
3. The prevention of the use of public funds to further the aims of any political organisation via the Security Forces.
4. The distinct understanding that "no weapons or fire-arms may be possessed, carried or displayed" (p.15 - Peace Accord) by supporters of political organisations & others.
5. "No private armies shall be allowed or formed" (Peace Accord document - p.15)

The points mentioned above are intended to apply to the security forces i.e. whether defence or police force.

The N.P.F. believes that stability can be created through JODSA via the successful implementation of the National Peace Accord and to this end it emphasizes the fundamental rights of each individual as stated on page 5 of the document:

Freedom of conscience and belief
Freedom of press and expression
Freedom of association and others
Freedom of movement
Free participation in peaceful political activities.

The third point: "Freedom of association with others" could be interpreted as also providing the right to the I.L.O. states to determine their own future with the consent of its people via the democratic principle of referendum or election as determined by the working group handling constitutional matters.

In considering point "a" from the terms of reference, it is essential to appreciate the need for an improvement in socio-economic conditions through the development of a sound and equitable infra-structure. Several aspects that require attention are: development, sanctions, investments, privatization, housing, education, health services and urbanization.

Several surveys have been done on these issues which can provide valuable information for future development. It is the recommendation of the I.L.O. that experts be invited to advise JODAN sub-groups with definite suggestions that can be reported on in JODAN two.

To this end the I.L.O. refers specifically to the ILO/JODAN SCENARIO PRESENTATION commissioned by JODAN last year. This audio-visual study presents the social, economic and political systems of some 14 countries with the express aim of showing how South Africa can benefit and thereby improve the standard of living of all South Africans. The concept of free enterprise is greatly favoured in this presentation.

with regard to aspects "a" and "b" from the terms of refer-
ence is. The fostering of tolerance and the role of JODES, the
and the J.P.P. suggests that a JODES delegation comprising of one
delegate from each participating organisation visit the
troubled areas of the country with a view to resolving
differences. Greater media coverage of a ten minute daily
slot on prime time T.V. will also facilitate this process.
The aim would be to show the level of tolerance, resolve
differences, that exists amongst delegates seated in this
forum.

The National People's Party believes that the message of
JODES must reach the people of the country. The aim, as
stated in the National Peace Accord document should be:

"To signify our common purpose to bring an end to
political violence - in our country and to set out the
codes of conduct, procedures and mechanisms to achieve
this goal".

Delegates: ...

Advisor: ...

Document 4

Working Group 1 - Sub-Group 2
17.2.92

SACP submission on the issues of:

- * political intimidation (d)
- * the prevention of violence-related crime (h)
- * fostering of a spirit of tolerance among political parties (n)

As one of the signatories to the National Peace Accord of August 1991, we believe that the signing of the accord and its implementation should provide a foundation on which we in Codesa must build.

But we cannot build unless and until those foundations are in place.

The NPA emerged out of a recognition that the police could not, on their own, control the violence ripping apart our country.

The objective of its various structures is to establish who is responsible for specific acts of violence and to impose a political sanction on those responsible. This is in addition to any legal or punitive sanction imposed by the judiciary.

In response to almost universal accusations of police partisanship, it also introduced a police code of conduct which bound the police to impartial policing, minimum use of force and to abide by the law. Every single policeman and woman was to have signed the code and a declaration that they had read and agreed to abide by the accord.

But the NPA cannot achieve its objectives unless it is implemented fully and in good faith by the signatories. This has not been the case.

The Goldstone Commission investigation into the violence in Bruntville at Mooi River found:

- 1 that police used unnecessary force - Mr Justice Goldstone refers to "the injudicious use of strong-arm tactics on the part of the police."
- 2 that in doing so police created a perception in the eyes of the public that they were not bound by the law.
- 3 that the police were biased in favour of the IFP.
- 4 that police were unaware that the law prohibits the bearing of lethal weapons - "cultural weapons" - except at strictly ceremonial occasions. According to Mr Justice Goldstone: "The law obliges the police to confiscate such weapons and prefer charges." These are not allegations from the SACP. They are the findings of a judge all parties to the NPA agreed should be given the responsibility of chairing the commission of inquiry into violence and intimidation.

By their own use of what the judge called "injudicious strong-arm tactics" police were themselves responsible for intimidation - thus setting an example for others.

By their bias towards one party to the conflict, and by turning a blind eye to the bearing of lethal weapons, the police further encouraged intimidation as a political method, they encouraged violence-related crime, and they discouraged the development of political tolerance.

It is our submission that the issue of ensuring that the National Party government fulfils its obligations under the National Peace Accord must be resolved before we can engage in any meaningful discussion on how to take these matters forward.

We further submit that the government's negligence with regard to its NPA obligations, and the Goldstone Commissions's findings on Bruntville demonstrate the urgency of placing the police force under impartial control.

With specific relation to the homelands:

- 1.1 The homeland governments are using pensions, education departments, etc. as an important weapon to coerce certain organisations or parties or individuals to support the ruling parties in the homelands.
- 1.2 The chiefs are abusing their powers by preventing people who belong to other organisations from staying in their areas and are going to the extent of forcing people who are still prepared to stay in their areas to join certain organisations/parties.
- 1.3 In KWAZULU and BOPHUTHATSWANA other political organisations/parties are banned in these territories. This is contributing to the violence, tensions and political intolerance that is existing in these areas.
- 1.4 Other organisations/parties are continuing with forced recruitment regardless of the code of conduct for political parties in the National Peace Accord.
- 1.5 Some elements in the police force continue to look at certain political organisations/parties as enemies. Hence their actions are usually biased. This contributes to political intimidation of certain organisations or communities. This re-enforces the picture that the security forces are private armies of certain organisations/parties.
- 1.6 Displaying of dangerous weapons in public in the townships and cities (eg Mooi River). These are the same weapons that are used to force people to meetings. It is disturbing that up to now the government is deliberately dragging its feet to pass the law in parliament prohibiting carrying of dangerous weapons for the sake of peace. Even Judge Goldstone has made an important remark in his findings on the same issue of dangerous weapons.

SOUTH AFRICAN COMMUNIST PARTY - SUBMISSION

SUB GROUP 2 OF GROUP 1

TOPIC 1.2 (h)

" The prevention of violence- related crime and matters giving rise thereto" Also relevant to Topic 1.2 (e) "The military"

This sub-clause can be further subdivided into two primary components.

1. The isolation of those violence related crimes emanating from the structures of the SADF.
2. An examination of those measures adopted by the SADF which contribute, indirectly, to the existence of violence related crime (slush funds etc)

1. THE ROLE OF SADF STRUCTURES IN THE EXECUTION OF VIOLENCE.

(A) HISTORICAL OVERVIEW.

SADF structures have historically participated in the execution of violence against the apartheid state's internal and external components. Externally the SADF deployed the following forces in its strategy of destabilisation.

1. Its conventional forces (its divisions, its brigades and its armoured mechanised units)
2. Its Special Forces (its reconnaissance Regiments and 32 Battalion)
3. Its proxy forces (South West African Territorial Force, ethnic battalions)

Internally it deployed its units from the following formations:

1. Its special forces (notably the CCB)
2. Its counter-insurgency forces (particularly its Citizen Force units in the townships)
3. Its proxy forces - ethnic battalions and homeland armies;

(B) THE ROLE OF SADF FORCES IN THE EXECUTION OF VIOLENCE SINCE
2 FEBRUARY 1990.

SADF involvement in violence has emerged as a result of the following information.

1. The involvement of the SADF's Special Forces Division in the elimination of democratic activists. Concrete evidence in this regard has emerged regarding the activities of 5 Recce in Phalaborwa (information provided by an ex - PF sergeant Felix Ndimande)

Circumstantial evidence exists regarding the activities of 1 Recce Regt. (Durban) in the killing fields of Natal and 32 Battalion (Pomfrets) in the killing fields of Natal and Witwatersrand.

2. The involvement of SADF proxy forces can be insolated in the following spheres:
 - 2.1. SADF training of KwaZulu security "guards" - first at an SADF base in Northern Namibia called "Hippo" and then at a temporary base in Northern Natal at Mkhuze.
 - 2.2. SADF and SADF-related training of homeland military personnel, Col. Jan ("Maljan") Breytenbach (former 32 Btn O.C. of 1 Recce Regt.) is presently training the Ciskei Defence Force's parabat complement.
 - 2.3. Appointment of contentious SADF officers to senior post in the HDF eg:
 - i) Brigadier Oelsig (former head of Ops. DISA - UNITA support operation - in M.I.'s Directorate of Spacial Tasks in 1982 and 1983) is now O.C. of the Ciskei Defence Force.
 - ii) Colonel Meiring (former M.I.) is now Chief of Staff Intelligence in the Venda Defence Force.

2. THE ROLE OF SADE STRUCTURES IN FINANCING ORGANISATIONS INVOLVED IN VIOLENCE.

A. Historical overview.

M.I. structures have long, financed dissident and adversarial groupings internally and externally. Externally these support networks were organized by M.I.'s Directorate of Special Tasks and included the following four areas of operation :

1. Angola --- UNITA (Ops. DISA).
2. Lesotho --- LLA.
3. Mozambique --- MNR.
4. Zimbabwe --- Super ZAPU.

A variety of other organisations were also fronted.
eg.

1. DTA.
2. Muzorewa.

Internally the following organisations were funded :

1. Federal Independent Democratic Alliance (FIDA).
2. United Municipalities of South Africa.
3. S.A. Traditional Healers Council.
4. I.F.P.

Organisations were funded either by DMI's Directorate of Special Task or DMI's Directorate of Communication Operations (Comops)

(B) SADE funding since 1990 (February)

SAD funding of vigilante groups since Feb 2 has emerged in the following areas:

1. Funding of IFP.
2. Funding of AmaAfrica vigilantes in Port Elizabeth and Uitenhage.
3. Funding of "Black Cat" vigilantes in Ermelo.
4. Funding of "New Eagles" vigilantes in Bloemfontain.

All the above have been extensively implicated in violence throughout the country.

CONCLUSION

Violence can be attributed to many causes and many actors. The SADF is one of these actors and it remains immensely influential. A termination of SADF violence can be initiated via:

1. SADF Code of Conduct binding both the institution plus all its members;
2. Disbanding and reintegration of Special Forces personnel into conventional units;
3. Public monitoring and /or accountability vis a vis DMI's special funds;
4. Prosecution of SADF personnel involved in violence related crimes since regime's cut off date for indemnity (October 1990) relating to armed operations.

South African Communist Party

Submission to working group 1 ,sub group 2

NATIONAL PEACE ACCORD

To us the National Peace Accord is an historic accord which seeks to address the endemic violence that is crippling our country. We hope that its success will lay the basis for an everlasting peace in South Africa.

1. PERSPECTIVE

We are charged with a mammoth task to look at creating a climate for free political participation. Violence continues to be a major obstacle towards the creation of the desired climate of levelling the playing field. It is also interrelated to a number of issues that we will be looking at like political intimidation, political tolerance, violence related crime and the role of the security forces.

It is very disturbing that after the signing of the National Peace Accord on the 14 September 1991, the violence continues unabated. In Natal where more than 5000 lives have been lost, the violence is being relaunched in urban and semi urban areas and taking a new dimension. It is clear that the main reason for this upsurge of violence is a desire for political control before elections for an Interim government or Constituent Assembly. Therefore there is a strong link between the current negotiation process and the ongoing violence.

We feel strongly that the National Peace Committee needs to be preserved as an independent initiative. But there must be a link between that initiative and Working Group I because we are charged with the task of levelling the playing field. We will be dealing with violence in that context.

2. REVIEW OF NATIONAL PEACE ACCORD AND OBSTACLES TOWARDS PEACE

- 2.1 The process of implementation of the National Peace Accord has been too slow. Some of the key elements in the implementation like special criminal courts, ombudsmen are still not in place.
- 2.2 The signatories of the Peace Accord, some of whom part of the CODESA negotiation process are not honouring the Peace Accord. People in their territories are still denied freedom of speech and assembly; freedom of association, freedom of movement and to participate freely in peaceful political activity.
- 2.3 The chiefs and headmen are allowing only political organisation/party that they support, to operate in their areas. Others are harassed or banned.
- 2.4 Dangerous weapons are still being used to harass or to kill our people. Groups that are involved in cross border attacks are not arrested or charged. This encourages the perpetrators of violence to continue with their agenda.
- 2.5 It is disturbing that some of the police have not signed the police code of conduct. We do not understand why it is left to their discretion whether to sign or not. In fact this code of conduct is supposed to be part of their condition of work.
- 2.6 The KwaZulu police continue to play a partisan role in the ongoing violence particularly in Natal. They are seen to be part of the problem rather than an agency to combat crime.
- 2.7 It is disturbing that the South African Government intends to grant more powers to the KwaZulu police to operate all over South Africa. This will intensify institutionalised violence in areas where Inkatha is striving to get support or gain political control. This sort of action is going to undermine the peace process in which we are engaged. It will also alienate the people from this process.
- 2.8 The SAP is sometimes reluctant to act in certain areas on the grounds that they do not fall within their jurisdiction.
- 2.9 There is no effective policing in flashpoint areas and no reasonable steps taken to prevent outbreaks of violence.

- 2.10 The organisation or institutions that were used as fronts to instigate violence are still operational. It is clear that they are still funded covertly.
- 2.11 The local authorities continue to deny access to facilities to members, supporters of organisations they oppose. Empangeni whenever the ANC books the venue for the meeting, the local authorities will contact Inkatha and Inkatha will also book the place close to the ANC meeting date. This always leads violence, as it happened over the weekend.

3. WHAT NEEDS TO BE DONE

- 3.1 We need to set up a single command structure for the security forces including those in self governing, TBVC states.
- 3.2 All parties that are signatories to the peace accord must honour the spirit and letter of the accord.
- 3.3 We need to propose legislation that will give legal effect to some important areas in the accord especially regards code of conduct of political parties etc. This will help enforce the implementation of the peace accord by political parties and other organisation.
- 3.4 There must be a moratorium on the bill that is presently before Parliament It is crucial that the government consults before hand with signatories of the peace accord. To be explicit whatever law to be passed in parliament in relation to violence, it will have to be drafted by the signatories of the peace accord. Before legislating.
- 3.5 All police must sign the police code of conduct as a condition of employment.
- 3.6 The police need to be reoriented as to proper work in the maintenance of law, order and peace in the spirit of the peace accord.
- 3.7 The NPC should immediately facilitate the setting up of special criminal courts, appointment of ombudsmen for each region, to set up sub-commissions of Goldstone in each region in order to expedite the process of peace.
- 3.8 In flashpoint are the police should set up mobile stations until the problem has been resolved.
- 3.9 CODESA will have to set up a structure that will liaise with the National Peace Committee for the effective of implementation of the peace accord and creating the necessary climate for a peaceful transition to democracy.
- 3.10 Guidelines will have to be created in chiefs/headman so that their role in creating the climate in free political participation is defined.
- 3.10 We need to work out the guidelines or the role of the chiefs/headmen in relation to creating climate for free political participation is defined.

POSITION PAPER TO BE DELIVERED BY
GOVERNMENT AT SUB-GROUP 2
OF WORKING GROUP 1 : CODESA

THEME : STABILITY

1. POLITICAL INTIMIDATION

1.1. IDENTIFICATION OF PROBLEM

1.1.1. Political intimidation has a marked inhibiting influence on the establishment of a free and peaceful political climate.

1.1.2. It has a debilitating effect on one of the essential characteristics of democracy, viz participation in the political process without fear and on an equal footing.

1.1.3. The ANC / SACP's "people's war" (making South Africa ungovernable, armed propaganda) created a climate in which political intimidation flourished.

1.2. PROPOSALS

1.2.1. The sub-group will have to establish what is meant by the concept political intimidation. The culture of violence which has existed for some years gives rise

the phenomenon that various actions which would not normally be classified as political intimidation, have an intimidating effect on members of the community. These include the following :

- 1.2.1.1. The presence of intimidators at strategic places in the community where residents gather or pass.
- 1.2.1.2. Intimidators who perform a specific action such as carrying a tyre or simply playing with a box of matches.
- 1.2.1.3. Mass action.
- 1.2.2. The sub-group will have to consider meaningful proposals aimed at curbing intimidation, which could conceivably culminate in legislation.
- 1.2.3. The ANC / SACP will have to state openly that they have now abandoned all practices which formed part of their aim, viz the "revolutionary seizure of power" / that they condemn such practices.
- 1.2.4. Political parties and organisations will have to abide by the Code of Conduct for Political Parties as embodied in the National Peace Accord.

- 1.2.5. Political parties and organisations will have to agree that the effective curbing of political intimidation forms a prerequisite for a future referendum, elections etc.

2. NATIONAL PEACE ACCORD

2.1. IDENTIFICATION OF PROBLEM

- 2.1.1. The majority of points of discussion entrusted to the sub-group, are already embodied in agreements contained in the National Peace Accord.

- 2.1.2. The implementation of certain aspects of the Peace Accord continues to be hindered by a degree of mistrust and political posturing between delegates of political parties and organisations.

2.2. PROPOSALS

- 2.2.1. The sub-group will have to identify problems in connection with the implementation of the Peace Accord and the honouring of the Peace Accord by the various parties.

2.2.2. The sub-group will have to make recommendations to ensure the effective implementation of the Peace Accord / the honouring of the Peace Accord by the various parties.

2.2.3. Since the objective of the Peace Accord is "to promote peace and prosperity in violence-stricken communities", the sub-group will have to agree that the effective implementation of the Peace Accord forms a prerequisite for the further development of the negotiation process.

3. CRIME

3.1. IDENTIFICATION OF PROBLEM

3.1.1. Various factors play a role in the increase in violence-related crime. These factors include the following :

3.1.1.1. Background conditions (high levels of unemployment; shortages of social resources such as accommodation etc).

3.1.1.2. Predisposing factors (sharp increases in retrenchments mass action etc.)

3.1.1.3. Trigger effects (individual assaults; rumours; chance insults etc).

- 3.1.2. During 1991 the Government did everything in its power to curb violence-related crime (30% of the SA Police's manpower resources is at any one time involved in the combating of violence; more that 70 000 members of the SADF were engaged in a violence-combating role during 1991 in the PWV area alone; special measures were implemented to trace unlicensed firearms etc).
- 3.1.3. During 1991 these measures contributed to a decrease of more that 50% in the incidence of violent-related crimes such as arson, damage to property and public violence.

3.2. PROPOSALS

- 3.2.1. The sub-group will have to identify and analyse the various causes of violent-related crime (for instance the role of mass action).
- 3.2.2. The sub-group will have to compile a comprehensive plan for the elimination of such causes / for the combating and prevention of violence-related crime (taking into account the stipulations of the National Peace Accord).
- 3.2.3. The sub-group will have to consider a system of community policing in order to ensure public involvement in crime prevention and combating. Such a system can inter alia, originate from the present Neighbourhood

Watch system as well as the implementation of the measures contained in the National Peace Accord (establishment of a liaison structure between SPU's and the Police).

1. SECURITY:

It is critically important that every democratic and civilised country in the world, should be proud of security for its people. We believe that it is rare to find security forces in some countries fragmented as is the case in South Africa.

Fragmentation of security forces in South Africa, which is still practiced by the South African Government. This ideology was introduced only to satisfy the obnoxious system of apartheid.

The oppressed population in South Africa has the right to question the credibility and impartiality of the security forces of this undemocratic and fragmented country. As long as we still have so many, departments of Law and Order in South Africa, then people will continuously have no confidence in the security forces of this country. Many innocent people are losing their lives because of the state of affairs of the South African security forces. UPF proposes - that all the security forces should be combined and become one big democratic and impartial security force.

The training of such forces should be conducted under democratic standing rules and principles fully accepted and decided by the people. The sooner this is done the better, because we believe it will curb the tremendously escalating violence.

The Peace Accord is not being honoured and well observed because of the nature of the security forces of this undemocratic country. It is abundantly clear that the security forces protect the interest of other political parties.

This Sub-Group 2 of Working Group 1, should recommend to the Management Committee of Codesa, that arrangements be made with SATV and SABC that at least one programme a day, should be for peace promotion. People must hold an open debate on the screen about the significance of peace promotion. Violence in the country will definitely delay negotiations for a new dispensation.

2. STABILITY IN SOUTH AFRICA:

Stability is another important issue in every country. Some governments in the world do seriously and democratically show efforts of bringing stability to the surface. It is brought about, by democratically elected governments. So, in South Africa, stability is a rare issue, because of the presence of the previous system of apartheid. When an interim government shall have been introduced, because all the people shall have a say in that democratically elected government, then stability shall be there.

3. DEVELOPMENT:

When there is political stability, usually socio-economic stability will be there. Educational institutions and centres will go on smoothly and add to the stability of the whole country. It will definitely be easier to put infrastructural developments for the upliftment and economic advancement of the whole country. But recipe for all these, is the immediate introduction of the interim government, to facilitate the calling off of the remaining sanctions. The oppressed masses suffer terribly because of the bitter consequences of the apartheid system which they are not responsible for. But the quickest and permanent remedy is the total scrapping of apartheid and its structures.

VENDA GOVERNMENT

SUBMISSION TO WORKING GROUP I SUB GROUP II

CONTINUING THE SECURITY AND SOCIO-ECONOMIC PROCESS.

STABILITY.

In order to have a climate for free political participation, one of the areas to be considered is the means to achieve stability. It is within the scope of this sub-group to try as far as possible to provide a society which is free from political intimidation, violence or criminal tendencies which may destabilise the process of negotiation. Under this item the following aspects are considered.

d) Political intimidation.

Each and every individual need to be free to join any political party or organisation of his or her own choice. To this end all political parties and organisations should submit themselves to the principle of democracy emphasising the freedom of the individual. Political intimidation has assumed different levels in South Africa where people are debarred from joining political parties and organisations of their choice.

To eliminate some of these problems a code of conduct for political parties as spelt out in the National Peace Accord should be enforced. All leaders have to shoulder the responsibility and give a lead to their supporters. They should inspire and urge their supporters to desire and work for peace. All leaders should be geared to co-operation than confrontation.

g) **National Peace Accord.**

All leaders should during this taxing and testing times emphasise points that are similar to be able to attain uniformity in diversity. To this end the National Peace Accord is a good instrument to use in emphasising these similarities. Democracy cannot be possible in a climate of violence and fear where citizens lack confidence in whatever negotiation activities take place.

The National Peace Accord should be taken as a document which should be implemented in various spheres of operation such as in security forces where a clear code of conduct is laid down. On the other hand the National Peace Accord is a barometer which measures and test the conduct of political parties and organisations in the process of democracy.

The National Peace Accord should be revisited in order to strengthen it. It can be an effective instrument to create a climate for political participation in our country. To this end it is submitted that the activities of various committees be bolstered in order to bring about stability which is a prerequisite for free political participation.

h) **Crime**

The escalating rate of crime and violence is counter-productive and threat to a climate conducive to free political participation. All leaders of political parties and organisations should give a lead to their supporters and educate them towards acceptance of others and plant seeds of friendship.

Socio-economic conditions which have a bearing on crime especially within the black community should be addressed. It is a known fact that some of the crimes perpetrated within the black communities are as a result of poverty which came as a result of inequality in the distribution of wealth. To this end the National Peace Accord can also serve as a good instrument in prevention of violence related crime.

Violence related crime must be stopped or brought to an end. For any peaceful negotiation to take place conditions which are not conducive to free political participation must be addressed. Crime has been the enemy to humanity and will always be opponent to peace and stability unless prevented.