

DRAFT REPORT OF SUBGROUP 2 WORKING GROUP 1

1. TERMS OF REFERENCE

The terms of reference of SG2 are the following:

"CONTINUING THE SECURITY AND SOCIO-ECONOMIC PROCESS"

- (d) Political intimidation
- (e) 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
- (g) The successful implementation of the National Peace Accord
- (h) The prevention of violence-related crime and matters giving rise thereto
- (i) The composition and role of the security forces in South Africa and the TBVC states
- (m) The need for an improvement in socio-economic conditions
- (n) The fostering of a spirit of tolerance amongst political parties
- (q) Any other matters which the Working Group may consider relevant to its brief

2. The SubGroup agreed to discuss the above terms of reference under the following themes :

- 2.1 Stability (d,g,h)
- 2.2 Security (e,i)
- 2.3 Development (m)
- 2.4 Co-Operation (n).

3. Stability.

3.1 Political Intimidation

There was consensus on the following:

3.1.1 That all political disputes between parties be resolved peacefully

3.1.2 The definition of Political Intimidation:

Any action or set of actions committed by any individual, organisation, political party, government represented at CODESA, as well as the self governing territories or any agency of such government or self governing territory, that is designed by the

use or the threat of use of force or violence to disrupt or interfere with the legal rights of an individual, for instance:

- 3.1.2.1 Right to freedom of expression or opinion
- 3.1.2.2 Right of freedom of association
- 3.1.2.3 Right of freedom of movement

3.1.3 In particular, the following shall be considered forms of political intimidation, to :

- 3.1.3.1 kill, injure, apply violence to, intimidate or threaten any other person's political beliefs, words, writings or actions;
- 3.1.3.2 remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
- 3.1.3.3 interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
- 3.1.3.4 seek to compel, by force or threat of 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
- 3.1.3.5 obstruct or interfere with an official representative of any other political party or organisation's message to contact or address any group of people;
- 3.1.3.6 to possess, carry or display dangerous weapons or firearms by members of the general public when attending any political gathering, procession or meeting.

3.2 Prevention of violence related crime:

3.2.1 Consensus was reached on:

- 3.2.1.1 The need for government security forces to bring those responsible for the smuggling of AK 47's and other illegal weapons into the country from the neighbouring states to book as a matter of urgency.
- 3.2.1.2 The need for political parties to adhere to the guidelines as set out in the National Peace Accord in so far as mass action is concerned.
- 3.2.1.3 The need for the improvement of socio-economic conditions to curb the high crime rate.

3.2.2 Consensus was not reached on the following:

- 3.2.2.1 The use of the death penalty as a deterrent to criminal activity.
- 3.2.2.2 A call by Codesa on the lifting of sanctions as a means of improving socio-economic conditions.

3.3 The National Peace Accord

After discussion with representatives of the National Peace Secretariat and the National Peace Committee the Sub-Group adopted the following guidelines for its discussion in relation to the successful implementation of the National Peace Accord:

3.3.1 Implementation of provisions:

- 3.3.1.1 RDRC/LDRC including task descriptions
- 3.3.1.2 Justices of Peace
- 3.3.1.3 P.R.O.
- 3.3.1.4 Inclusion of tribal/Local Authorities
- 3.3.1.5 Socio-economic aspects of the NPA

3.3.2 Policing

- 3.3.2.1 Police Board
- 3.3.2.2 Special investigation units:
 - 3.3.2.2.1 Violence/Intimidation
 - 3.3.2.2.2 For police itself
- 3.3.2.3 Community participation/relations
- 3.3.2.4 Neighbourhood watch groups
- 3.3.2.5 Dangerous weapons

3.3.3 Joint Monitoring Commission

- 3.3.3.1 Formations
- 3.3.3.2 Complaints officers

3.3.4 Security Forces

3.3.5 Budget and infrastructure problems

3.3.6 Goldstone Commission

3.3.7 Co-ordination between 3 levels of NPA

3.3.8 Legal enforceability

- 3.3.8.1 Special Courts
- 3.3.8.2 Draft Bill

3.3.9 Education programmes/publicity

3.3.10 Liaison

- 3.3.10.1 NPC and organisations
- 3.3.10.2 NPA and CODESA

3.3.11 General

- 3.3.11.1 Parties participating in Codesa who are not signatories to the NPA.
- 3.3.11.2 Dealing with accusations of transgressions of the NPA by signatories.
- 3.3.11.3 Self-protection units.
- 3.3.11.4 Adherence of political parties to the code of conduct as provided for in the NPA.

4. Consensus was reached on the following:

4.1 Regarding the implementation of the NPA it was agreed :

- 4.1.1 That a fulltime Chairperson/officer/employee/s be appointed by consensus by each RDRC on the understanding that at least one such functionary will be appointed and that the said functionary will be remunerated for his/her services by the NPA;
- 4.1.2 That delegates to RDRC's and LDRC's who suffer financially as a result of their participation in NPA activities be reimbursed;
- 4.1.3 That organisations participating in the NPA activities be requested not to vary the appointment of delegates to RDRC's and LDRC's as this seriously inhibits the progress of the work of the NPA;
- 4.1.4 That permanent offices with appropriate staff and equipment be established in each area for which a RDRC has been formed;
- 4.1.5 That the NPS should seek to facilitate the participation of delegates on NPA structures, having special regard for the normal work commitments of delegates;
- 4.1.6 That the reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional organisations;

4.2 Regarding Justices of the Peace it was agreed that:

- 4.2.1 In view of the current preparation of legislation to implement clause 7.5 of the NPA, we recommend that the legislation be put before parliament during its current session;
- 4.2.2 We urge all signatories to the NPA to ensure that the process of consultation required by clause 7.5.1 of the NPA to precede the appointment of Justices of the Peace, proceed expeditiously in anticipation of legislation being passed to provide for matters pertaining to the appointment, powers, etc of the Justices of the Peace;

4.3 Regarding Police Reporting Officers, as provided for in clause 3.2.4 of the NPA, it was agreed that:

- 4.3.1 All police reporting officers already nominated be appointed to their positions forthwith;
- 4.3.2 In the appointment of members of the special investigative unit appointed in terms of clause 3.2.4.1 of the NPA, sensitivity regarding the acceptability and credibility of members of the SAP be taken into account.

4.4 Regarding the inclusion of representatives of tribal authorities in the RDRC's provided for in clause 7.4.4.4, it was agreed that:

- 4.4.1 The NPA makes special efforts to include representatives of relevant local and tribal authorities into all RDRC and LDRC structures;
- 4.4.2 Special efforts be made to create an awareness of the NPA amongst tribal and local authorities.

4.5 Regarding measures to facilitate socio-economic reconstruction and development, it was agreed that:

- 4.5.1 It should be recommended to the NPA and the RDRC's that they appoint sub-committees on socio-economic reconstruction and development as a matter of urgency;

4.5.2 Members of such sub-committees appointed i.t.o. clause 5.7 of the NPA should not only consist of members of the relevant RDRC, but should primarily consist of people with knowledge and expertise in the relevant fields.

4.6 Regarding the Police Board it was stated that:

4.6.1 The names of the proposed members of the Board have been finalised and that the Board will be appointed within the next week or two;

4.6.2 The Board will consist of 22 members, 11 of whom will be nominated by the NPC; 5 will be from the SAP and 6 from the police forces of the self-governing territories.

4.6.3 It was agreed that the Police Board, in addition to their other functions and duties:

4.6.3.1 Advise on ways in which the procedures of the special units appointed in terms of 3.2.4.1 can be given greater public credibility.

4.6.3.2 Advise on ways in which the credibility and support for the police in the community could be improved.

4.6.3.3 That the reports by the special police investigative units appointed i.t.o. clause 3.2.2.6 which are made available to the NPC, be distributed to the relevant RDRC's and LDRC's as a matter of standard procedure.

4.7 Regarding relations between the community and the police:

4.7.1 It was agreed that in many areas improvement of the relationship between the community and the police can contribute towards the resolution of conflict and that all factors that create alienation between the police and communities be addressed urgently by means of inter alia:

4.7.2 Facilitating police/community liaison, including workshops between relevant parties;

4.7.2.1 Ensuring strict adherence by all parties to the provisions of that accord.

4.7.3 It was recommended to the NPC that they take active steps to achieve greater support for the police and co-operation by communities in effective policing.

4.8 Regarding the recommendations of the RDRC's:

4.8.1 In relation to the SAP, the Venda Police Force, the Kangwane Police Force, the Gazankulu Police Force, the Kwandebele Police Force and the Lebowa Police Force, it was agreed that the RDRC's could make recommendations to the relevant police authorities as to:

4.8.1.1 The selection of top police officers for township police stations;

4.8.1.2 The appointment of officers commanding and members of special police investigation units established i.t.o. clause 3.2.2.6.

4.8.1.3 Where circumstances permit, determining the nature of police action in conflict areas, ie. the nature of security force action, the duration of their action, the SAP and SADF mix in these actions, the timeous negotiations between the security forces and community leaders to defuse hostility, etc.

4.9 Regarding self protection units/neighbourhood watch groups as provided for in clause 3.7 of the NPA.

4.9.1 It was agreed that

4.9.1.1 we recommend to the NPA that the RDRC/LDRC's take urgent steps to encourage the formation of nonpartisan community based self protection groups/neighbourhood watch groups, as provided for in clause 3.7 of the NPA, in order to promote peace and the effective combat of crime. These self protection units/neighbourhood watch groups should work in close cooperation with the relevant police authorities, as provided for in clause 3.7.5 of the NPA.

4.9.1.2 We further recommend that the RDRC's/LDRC's should take steps to monitor the activities of such formations and to encourage cooperation between such formations and the relevant police authorities.

4.10 In relation to points 4.8 and 4.9, the meeting encourages all other police forces to adopt a similar approach

4.11 Regarding dangerous weapons and the possession of illegal fire-arms, it was agreed that:

4.11.1 Stronger sentences and other measures be imposed for the possession of illegal firearms and the possession, carrying and displaying dangerous weapons or other firearms in contravention of the regulations issued as provided for in 3.6.4 of the NPA.

4.11.2 The police increase their searches for illegal firearms and other dangerous weapons.

4.11.3 A record be kept of the political affiliation [if any] of persons arrested for the possession of illegal fire-arms or dangerous weapons.

4.11.4 The above should be undertaken within the context of impartial policing.

4.12 Regarding Joint Monitoring Commissions it was agreed that:

This matter is still under discussion with a view to reaching consensus as soon as possible.

4.13 Regarding the security forces, it was agreed that this issue be dealt with in conjunction with items (e) and (i) of the terms of reference of WG1SG2.

4.14 Budget and infrastructure problems

There was sufficient consensus on the following:

4.13.1 That Codesa calls on the international community to provide financial and other assistance to facilitate the successful implementation of the NPA.

4.13.2 That we recommend to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as

provided for in clause 6.12.5 of the NPA.

4.13.3 That we further recommend to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps could include the holding of peace musical concerts, peace sports events, and other such activities; together with approaches to the business sector in this regard.

5. Outstanding matters for discussion:

5.1 Goldstone Commission

5.2 Co-ordination between 3 levels of NPA

5.3 Legal enforceability

5.3.1 Special Courts

5.3.2 Draft Bill

5.4 Education programmes/publicity

5.5 Liaison

5.5.1 NPC and organisations

5.5.2 NPA and CODESA

5.6 General

5.6.1 Parties participating in Codesa who are not signatories to the NPA.

5.6.2 Dealing with accusations of transgressions of the NPA by signatories.

5.6.3 Self-protection units.

5.6.4 Adherence of political parties to the code of conduct as provided for in the NPA.

6. Security

6.1 Role and the Composition of Security forces in South Africa and the TBVC states: (i)

There was consensus on the following:

6.1.1 All participants at Codesa commit themselves to the peaceful settlement of political disputes.

6.1.2 That national security in South Africa shall be sought primarily through efforts to meet the social, political and economic needs of the people.

6.1.3 That the security forces in South Africa shall:

6.1.3.1 be bound by the principle of constitutional supremacy.

6.1.3.2 be politically non-partisan

6.1.3.3 be committed to resolving conflict primarily through non-violent means

6.1.3.4 respect human rights, non-racialism and democracy

6.1.3.5 strive to be representative of South African society as a whole.

- 6.1.4 The need for the implementation of mechanisms that will ensure the public accountability of the security forces.
 - 6.1.5 The need for the implementation of codes of conduct for the security forces, with the proviso that they would be further discussed and finalised in the future.
 - 6.1.6 The need for the implementation for a programme of orientation designed with the view to improve security force - community relations, specifically with regard to the respect for human rights, non-racialism and democracy.
- 6.2 Matters discussed with no finality reached as yet:
- 6.2.1 Control of the security forces.
 - 6.2.2 The composition of the security forces.
 - 6.2.3 Operations that may limit free political activity.
- 6.3 Matters still to be discussed
- 6.3.1 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.
 - 6.3.2 The need for an improvement in socio-economic conditions.
 - 6.3.3 The fostering of a spirit of tolerance amongst political parties.