



SG2M0903.WE(10)

WORKING GROUP 1/SG2/MINUTES/9 MARCH 1992

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE WORKING GROUP AND TO THE WORKING GROUP SUBGROUP AT ITS NEXT MEETING.

**MINUTES OF THE MEETING OF WORKING GROUP 1 SUB GROUP 2 HELD AT THE WORLD TRADE CENTRE ON MONDAY 9 MARCH AT 08H00**

PRESENT : SEE ADDENDUM A

LV Ntsubane (Chair)  
T Motumi (Minute taker)  
A Schoeman (Secretary)

**1. Convenor's opening remarks**

The convenor raised concern about the time factor, that the group never starts on time. There is thus a need to review the starting time. The delegates decided that the matter should be referred to the Steering Committee.

**2. Adoption of the Agenda**

The SA government wanted to know if the item on Stability had been completed, as it was not reflected on the agenda. Furthermore, the SA government wanted to know why it was not indicated that there would be a meeting with the National Peace Secretariat.

The chair indicated a lot of ground had been covered in the item on Stability.

The agenda was adopted.

**3. Ratification of Minutes**

Point 4.2, Line 4, the words "...for instance the following", were to be deleted, and only "the" would be retained in their place.

Point 4.2.3.6 the word "to" at the beginning of the line was deleted.

**4. Matters arising from the minutes**

The convenor reported that the Chairperson of the National Peace Secretariat would be giving a briefing to the subgroup at 10H00.

He further reported that Justice Goldstone would not be giving any briefing as he was accountable to the Minister. He was however uncertain as to whether questions meant for Justice Goldstone could be raised with the National Peace Secretariat.

The minutes were adopted.

5. Continuation of Discussion

The previous meeting's definition of Political Intimidation was adopted, with the following proposal to supplement discussions : This WG1SG2, in light of discussions on Political Intimidation, declares that all political disputes between parties must be resolved peacefully and we commit ourselves further to reject all forms of political intimidation as defined in page 2, paragraph 4.2 of the minutes of 2 March 1992.

5.1 There was general agreement on the need to give "teeth" to the National Peace Accord.

6. Mr Antonie Geldenhuys, Chairperson of the National Peace Secretariat, made his input, focusing on three main areas, namely :

- 6.1 Overview of the work of the National Peace Secretariat
- 6.2 Legal Enforceability
- 6.3 General problems encountered in the work of the National Peace Secretariat.

Mr Geldenhuys pointed out, after suggestions, that the National Peace Secretariat was willing to have regular briefings with CODESA, and that this should be through an informal relationship, as it needed to be seen as an independent body by all, including those outside CODESA.

It was agreed that:

- 7.1 The senior leadership of parties and organisations must participate in the resolution of disputes leading to violence.
- 7.2 That SG2 can identify weaknessness in the NPA and make recommendations on how to strengthen it
- 7.3 That mechanisms to address the violence need to be found
- 7.4 That political stability requires a quick restoration of peace and that the budget should be seen as crucial to this process.

ADDENDUM A

The following participants signed the register :

AFRICAN NATIONAL CONGRESS  
BOPHUTHATSWANA GOVERNMENT  
CISKEI GOVERNMENT  
DEMOCRATIC PARTY  
DIKWANKWETLA PARTY  
INKATHA FREEDOM PARTY  
INTANDO YESIZWE  
INYANDZA NATIONAL MOVEMENT  
LABOUR PARTY  
  
NIC/TIC  
NATIONAL PARTY  
NATIONAL PEOPLE'S PARTY  
SOLIDARITY PARTY  
SOUTH AFRICAN COMMUNIST PARTY  
SOUTH AFRICAN GOVERNMENT  
TRANSKEI GOVERNMENT  
UNITED PEOPLE'S FRONT  
VENDA GOVERNMENT  
XIMOKO PROGRESSIVE PARTY

K Asmal  
P Langa  
KCAV Sehume  
  
L Maqoma  
M Maki  
DJ Dalling  
J van Eck  
JSS Phathang  
MH Cunukelo  
DR Benard  
I Mars  
ES Masango  
CN Mahlangu  
PR Mahlalela  
MJ Twala  
C April  
D Joseph  
E Samuels  
E Ebrahim  
M Shaik  
BL Geldenhuys  
GB Myburgh  
AK Beesham  
D Chetty  
P Naidoo  
CF Thandroyen  
R Kasrils  
M Scott  
HJ Kriel  
LCA Pruis  
MA Ntshinga  
M Mpahlwa  
MI Moroamoche  
S Maja  
NE Mulaudzi  
ME Ramulondi  
SDW Nxumalo  
E Mathe

## ADDENDUM B

The following general points were raised as part of the general discussion :

8. The Transkei government suggested that there be discussion on what the approach of the SG would be to the Nat. Peace Sec., whether to ask questions, or raise specific issues.
9. The ANC supported the Transkei's suggestion, but hastened to point out there needed to be an overall perspective on the Peace Accord. It went further to say that the usefulness of meeting the Nat. Peace Sec. will be when there is prior commitment that CODESA accepts the NPA as a reality.

It is not the function of CODESA to revise or rewrite the Peace Accord, but to strengthen and complement it. Therefore, to have a fruitful discussion, it will be inevitable and necessary and to relate the discussion to CODESA 2. The ANC proposes that there should be renewed commitment to the Accord, and also stress the need for its strengthening and importance of its implementation.

10. The DP agreed with the ANC, and in addition said that the structures and mechanisms the NPA created should be looked at to see if they are achieving its aims. It is this which should form the subject for discussion with the Nat. Peace Sec.
11. The SA government suggested that there be time allocated to go through the National Peace Accord, to familiarise delegates with it prior to the briefing.
12. The SACP seconded this suggestion.
13. The ANC instead suggested the issue of political intimidation be looked at, and was supported by the DP.
14. The ANC pointed out the Sg rejects all forms of intimidation. Therefore the general proposition as a follow up, is a commitment by all parties to reject all forms of behaviour implying use or threat of use of force in resolving disputes. This is what the SG should reach consensus on.
15. The NP saw nothing wrong in the ANC resolution - but should commit all the parties to rejection of intimidation and to the implementation of the NPA. The NP further suggested this be discussed after the input by the Nat. Peace Sec.
16. The NIC/TIC pointed out that the resolution is merely meant to augment the definition, but does not necessarily depend on the National Peace Secretariat.
17. The DP said the Peace Accord needs to be put before the meeting, and unequivocally state that the entire SG subscribes to it.
18. The ANC proposed that something to supplement discussion should be as follows : This SG2 of WG1, in light of the discussion on Political Intimidation, declares that all political disputes between parties must be peacefully resolved and we commit ourselves further to reject all forms of political intimidation as defined in page 2, paragraph 4.2 of the previous minutes.
19. The NIC/TIC suggested that there be a mechanism to oversee this agreement. This may be the Nat. Peace Accord, or any other structure, but its enforceability must be ensured.

20. The Transkei said that they think there should also be punitive measures imposed against parties that continue to practise intimidation. This would serve as a deterrent.
21. The ANC indicated that the existing mechanism of enforcement only takes into account the courts, the dispute resolution committees, etc. The ANC wants to concentrate on the immediate period we are entering, which is fraught with tension. The courts of law are inadequate to look at some of the pathologies afflicting our society. The machinery must deal with the interim, and will supplement the NPA. Similarly, elections must be permanently conducted by an independent body. The enforcement machinery must be expeditious, neutral and acceptable. An independent and impartial body is important.
22. The NP pointed out that laws exist ( like the Internal Security Act, etc.) to cover some of the areas mentioned, should these laws not be used in addressing these issues ?
23. The SA government said it was difficult to debate this issue. There was intimidation all over - there can't be a roving commission. There are also the Dispute Resolution Committees. The ANC proposal cannot work smoothly, as the DRC's need to be where dispute occurs.
24. The SACP said that the ANC argument was persuasive, and should be read jointly with the submission by the Transkei, in which there is creative input on sanctions against those who violate the Peace Accord. The SACP therefore suggests further inputs.
25. The DP said that there seemed to be fair consensus on the need to give teeth to the NPA, as well as to have additional mechanisms.
26. The NIC/TIC said the government had once more made reference to existing laws - but again, these should be seen as unilateral action on their part. If we want statutory effect, then we need to look at the Internal Peace Institutions Bill, which needs to be discussed in this forum. If statutory means are to be used, then they must not be unilaterally decided.
27. The NP said that all signatories to the National Peace Accord had agreed with its Chapter 6.
28. The SACP indicated that it should be realised this is another phase we are in, and whatever mechanisms are put in place, these must be in line with the existence of CODESA.
29. The SA govt said that there needs to be investigation why there were no LDRCs in some areas, and that political parties and organisations should also be held responsible for their non-existence.
30. The Chairperson of the National Peace Secretariat made his first input on the basis of a submission (see Addendum B).
31. On the issue of legal enforceability, he pointed out there was difficulty in this area, as the perpetrators could not be dealt with because decisions can't be enforced. The Peace Secretariat can only appoint the Justice of the Peace.
32. The NPSec. said that the political leader need to be the ones to condemn the violence and work for peace. This could be done through media, and the religious bodies.
33. The IFP said that black areas were seriously understaffed with police. There does not seem to be efforts made to quickly respond to situations to avert more deaths and violence.

34. The ANC said that the infrastructure used by the NPSec is not impartial, and there needed to be an independent communication service, not the SA Communication services, which was an arm of the SADF.  
Secondly, is the NPSec satisfied with the enforceability of the law, with such few prosecutions. There should be investigation and prosecution .
35. The NPSec responded that infrastructure had been seconded by the Dept of Justice, and was satisfactory as far as the NPSec was concerned. It was better than not having any infrastructure at all. On the treatment of violence and prosecution there is an advisory group of experts, who give wide ranging methods of dispute resolution. However, the acceptability of the police in the black areas is a problem.
36. The NPSec said it is clear that one of the causes of the violence is socio-economic.
37. The Transkei asked whether the National Peace Secretariat felt the National Peace Accord was sufficient to deal with the violence, or it needed to be supplemented.
38. The NPSec pointed out that the Dispute Resolution Committees had a narrow focus, as they only related to disputes. It needed to be broadened.
39. The ANC said that in light of the existence of CODESA, there needed to be a dovetailing of the processes in CODESA and the NPA.  
The Chairperson supported this, pointing out that with the emergence of the new situation, there now existed two structures. A relationship thus needed to be established.
40. The ANC further wanted to know how the NPSec deals with impending violent situations, and whether violence preventing mechanisms are in existence.
41. The NPSec said that there were three solutions, namely :  
41.1 Appointment of Justices of the Peace  
41.2 Having a 24 hour hotline with the police  
41.3 The LDRCs must work out something to avert violence. The mechanisms exist, but have no legal teeth.
42. The SACP pointed out there were limitations with the Special Police Investigating Unit, as this meant that the police were investigating themselves. There needed to be progress on the establishment of an independent police monitoring unit.
43. The NPSec. said that the Police Board is the correct vehicle for this.
44. The government said that unanimous decision needed to be taken by the NPSec, and that appointment would occur during the course of this month. Regarding the Police Board, input is still awaited from the Law Societies and the General Council of the Bar.  
Are the DRCs dealing with accusations of intimidation, and if so, are they fully equipped to deal with these accusations ? In what way can CODESA assist the NPCommittee and the NPSec to achieve their aims ?
45. The NPSec responded that the item asked about had not reached it.
46. The Labour Party suggested that the leaders of political parties must become members of the DRCs.

47. The Ciskei wanted to know if there were specific ,common reasons for the occurrence of disputes.
48. The NPSec said these were four in the main, and are :
  - 48.1 Fight over control of territory
  - 48.2 Plain hatred between two warring groups/parties
  - 48.3 Retaliation resulting from earlier attack/s
  - 48.4 Pure thuggery/gangsterism, masquerading as political activity.
49. The IFP asked that the NPSec. mobilise a massive information system about peace, as well as to explain the various arms of the National Peace Accord and CODESA. People should relate to these structures.
50. The Transkei wanted to know how the NPSec had dealt with the issue of tribal and local authorities' disputes.
51. The NPSec said that complaints had been received about the local and tribal authorities, and these had in the main been focused on the denial of free political activity. The solution is to get as many enemies as possible involved in the peace process, this makes it easier to solve the dispute.
52. The NIC/TIC wanted to know if the NPSec administered its own budget. It also wanted to know what the position would be regarding full time personnel for the NPSec.
53. The NPSec said that there is yet no clearance to employ full time personnel. Infrastructure is provided by the government.
54. The NIC/TIC said that the future of political stability rests on quick and effective restoration of peace. The Peace Committee, or all NPA structures, need to deliver peace, and must be empowered to do so.
55. The SACP said that the main weaknesses of the NPA were that sanctions could not be imposed on those who violated it. It lacks justiciability, thus making it toothless.
56. The NPSec said that the justiciable role is fulfilled by the Goldstone Commission. Facilitation and mediation are the realm of the NPSec, but sanctions can't be imposed, or its credibility will be affected.
57. The DP said that financial constraints prevent the facilitation of peace. How will CODESA follow the suggested relation with the NPSec.
58. The NPSec. said that there needed to be a system to monitor the effectiveness of its work.
59. The ANC wanted to know what was holding up the translation of the NPA, secondly, why was there no 24 hour hotline in existence ?
60. The NPSec said that these issues are still being pursued.
61. The Chairperson thanked Dr Geldenhuys for the input, and will in future be invited if the need arises. The same applied to Justice Goldstone. The government expressed hope that at the next meeting Mr J.Hall would be present.

ADDENDUM C

The following submissions were made :

Transkei Government  
National Peace Secretariat  
Bophuthatswana Government