

NATIONAL PEACE COMMITTEE

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FAX MESSAGE

DATE: ... 17-12-1991

TO: .. FRANS DU PREEZ

FAX NUMBER: ... 011-397.2213

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SUBJECT AND/OR MESSAGE:

①. Natule (needs deun. (city. gekondreer). - han.
 ... eh dit maar begin. faks aan sub-comm: ?

②. Eh het mi 'n afskrif v.d. korrespondensie (wat
 ... op die verg. was) wat aan die Executive
 ... Committee versprei moet word. Kan jy dit
 ... aan my faks, of net op my kasenaar los
 ... wane-oggend?

Dankie!

SENT BY: *Alta-Blair*

CALL MS DU PLESSIS OR MS VISSER AT TELEPHONE (012) 343 9114
IN CASE OF PROBLEMS.

BEST WISHES FOR A PEACEFUL CHRISTMAS SEASON
AND A PROSPEROUS 1992

MINUTES OF A MEETING OF THE SUB-COMMITTEE: CODE OF CONDUCT
FOR THE SADF, ON 11 DECEMBER 1991 AT BARLOW RAND, SANDTON.

PRESENT: Mr John Hall (Chairman)
Mr Breytenbach
Mr Scheepers
Mr Jayendra Naidoo
Mr Nyanda
Mr Macaulay

1. OPENING

1.1 The chairman welcomed all present.

2. APOLOGIES

2.1 Mr W Felgate

3. DRAFT CODE OF CONDUCT FOR THE SADF

3.1 Mr Scheepers indicated that the Government was not prepared to continue with the discussion unless certain questions of principle were resolved as points of departure.

3.1.1 The first issue was related to allegations by the ANC that the SADF was not the legitimate Defence Force of the RSA, but "a private army of the National Party".

- 3.1.2 The second point was that the ANC had allegedly informed the SAP that par. 3.7 of the Peace Accord was not applicable to the ANC and was in conflict with the DF Malan Accord.
- 3.1.3 On a point of order Mr Naidoo stated that the matters raised by Mr Scheepers should be discussed at a meeting of the Executive Committee.
- 3.1.4 After discussion there was consensus that the SADF was the legitimate Defence Force of the RSA and not "a private army of the NP". The second issue would be handled by the Government/NP forwarding a formal complaint to the ANC.
- 3.2 Discussions on a Draft Code of Conduct for the SADF
- 3.2.1 The ANC had submitted a Proposal/Draft Code of Conduct for the SADF on 10 September 1991 (Annexure A).
- 3.2.1.1 Mr Naidoo discussed the revised proposal by the ANC (Annexure B). He said Clause 6 must be deleted, 10.2 had been added to prevent overlapping and 13 and 14 had been added as new points.
- 3.2.2 Mr Breytenbach discussed the ANC's proposal and made the following comments (Annexure C):
- The ANC's input had political undertones.
 - There was vagueness in references to international standards and norms.
 - The ANC avoided referring to the SADF's loyalty to defend the constitution.

- The SADF never acts under the command of the SAP, only in support of the SAP at the request of the SAP and under the SADF's own command.
- The control mechanisms as proposed by the ANC might already be embodied in the Peace Accord, the Military Discipline Code and The Defence Act.

3.2.3 The proposal submitted by the Govt/NP on 10 December 1991 (Annexure D) was discussed.

3.2.3.1 The following comments were made:

- Mr Breytenbach explained that "international standards/norms" referred to the Geneva Convention and other specific prescriptions.
- The Govt/NP confirmed that the military forces were an instrument of the political process and must stay loyal to any new constitution.
- Although the SADF was not as community-bound as the SAP, there were in practice some instances where the SADF operated inside the country at the request of the SAP. Control mechanisms must be found to regulate this community/SADF interaction because the SAP ombudsman would not be able to deal with this specialised function. An assistant for the ombudsman could be appointed in terms of section 2.13 and 2.2 of the Defence Act, and this might provide a solution to accommodate the ANC's request in this regard.

3.2.4 The IFP discussed its comments on the proposed Code of Conducts (Annexure E).

3.3 It was agreed that a small Working Group consisting of Mr Naidoo, Mr Breytenbach and Mr Macaulay would in consultation draft a Code of Conduct and attend to the mechanisms.

4. **NOMINATIONS TO THE POLICE BOARD**

4.1 The Minister of Law and Order would supply the names of nominees to Mr du Preez for circulation among the members of the Sub-Committee and submission to the Executive Committee.

5. **REPORT-BACK TO THE NATIONAL PEACE COMMITTEE**

5.1 The Sub-Committee was to report back to the National Peace Committee on 17 January 1992.

6. **NEXT MEETING**

6.1 Working Group: 16 January 1992, 15:00.

6.2 Sub-Committee: 17 January 1992, 08:30.