

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 defied.
- 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.