

National Peace Accord

SUMMARY

**Issued by the
African National Congress**
51 Plein Street, Johannesburg



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1. INTRODUCTION AND OVERVIEW OF THE PEACE ACCORD

What is the peace accord?

The accord was drawn up by the working committees of the peace conference which was convened by religious and business leaders and included the ANC and our allies SACP and Cosatu, the National Party and the Inkatha Freedom Party. It is still a draft document and will form the basis for the national peace summit to be held on September 14. When it is adopted it will be a legal and binding agreement between all the parties and their members.

The main agreements of the peace accord

The peace accord contains a number of agreements. The agreements set up structures and processes for their implementation.

1. Codes of Conduct

- A Code of Conduct for Political Parties and Organisations is outlined

The code encourages political tolerance and lays down rules for the conduct of political organisations and their members. The National Peace Committee and its structures at regional and local level will deal with the interpretation of the Code and any transgressions.

- General rules and a code of conduct for the SAP are laid out

The rules outline the duties and responsibilities of the SAP to the public. They state that the police force should be accountable to the community not the government and should be fair and impartial. They make provision for:

- A special police unit to investigate political crimes
- An official called a Police Ombudsman in each region, to whom complaints against the police can be made
- A Police Board to advise the SAP on future policing policy

2. Socio-economic development

- The accord makes provision for the setting up of socio-economic development committees. The committees will assist with reconstruction in affected areas and will look for ways of preventing violence through improving socio-economic conditions. These committees are sub-committees of

the National Peace Committee and Regional Dispute Resolution Committees.

3. Investigating causes of the violence

- A Standing Commission of Inquiry has been established by an act of parliament to investigate the causes of violence and recommend combative measures. The Commission will also establish regional committees.

4. Settling disputes and conflict

- Peace structures to settle disputes will operate at national, regional and local level. The Peace structures are made up of all the signatories as well as business, religious, trade union and community leaders. The Peace structures at each level are called: National Peace Committee, Regional Dispute Resolution Committees and Local Dispute Resolution Committees. The National Peace Committee will also have a permanent secretariat known as the National Peace Secretariat. The Secretariat will co-ordinate the peace structures at local and regional level.

- Justices of the Peace with limited powers to settle disputes can be appointed at a local level.

- Special Courts to deal only with crimes of political violence will be established.

2. CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS

The Code of Conduct sets out these rules for political parties and organisations.

Political tolerance must be encouraged

All political parties and organisations must help to build a climate of democratic tolerance by publicly condemning violence and developing political tolerance among their members. Parties and organisations must actively support the right of other political parties to have access to their own members and to the population as a whole.

Violence and force may not be used

Political parties may not:

- Kill, intimidate or use violence on a person because of his or her political beliefs or actions
- Destroy or misrepresent symbols of other organisations
- Interfere with people travelling to or from a political meeting
- Force anyone to:
 - join a party or organisation
 - attend a meeting
 - boycott an event or a shop
 - go on strike
- Interfere with another political party's attempt to address a group of people

Parties must not incite violence and hatred

Political parties and organisations must not incite violence or hatred through their language or publications. They must also prevent their members from carrying weapons to political meetings.

Political meetings and marches

Authorities must be informed of the date, place and time of all political meetings and rallies and the route of all marches. An organisation must take into account the possible consequences of their meeting - for instance, the attitude of the community to the meeting or other meetings already

organised nearby.

Communication between parties

Lines of communication between all parties and organisations must be established at national, regional and local levels. This includes exchanging names, addresses and telephone numbers and appointing people responsible for contact with other parties at all levels.

3. GENERAL RULES FOR THE SECURITY FORCES

These are the rules for the conduct of the security forces and their rights and duties to the public. These rules apply specifically to the SAP, but wherever the SADF carries out a policing function the same rules will apply to the SADF. The application of these rules to the police forces of self-governing states will be negotiated with them in the present national peace initiative.

The police must protect the people

The police must strive to protect the people of South Africa from criminal acts and from violence. This must be done fairly.

The SAP must always respond quickly to calls for assistance.

The police must take steps to prevent violence when they have been warned in advance that violence is likely.

The police must disarm anyone carrying dangerous weapons in a gathering or march.

The police must prevent crime

When a violent clash happens, the police must attempt to arrest all those they suspect of being involved in an unlawful act. After a person has been arrested, the police must conduct a full investigation. All evidence must be made available to the Attorney General as soon as possible.

A special unit will investigate crimes of political violence

A special police unit will be established to investigate crimes of political violence. The unit will be commanded by a police general, who will appoint senior police officers at a regional level to carry out these investigations.

This unit will also investigate claims of police impartiality in incidents of violence.

The police must be accountable to society

The police must regularly consult with the Local Dispute Resolution Committees and with community leaders, on the efficient functioning of the SAP.

Liaison officers who can be approached by communities for urgent assistance must be appointed.

Complaints against the police

An official called a Police Ombudsman will be appointed in each region by the Minister of Law and Order on suggestions put forward by the Association of Law Societies and the General Council of the Bar.

Complaints against the police can be made to the Police Ombudsman or the Commissioner of Police. Complaints will be referred to the special police investigation unit and the Ombudsman will monitor the progress of the unit.

The Ombudsman will recommend disciplinary action against policemen based on the findings of the investigation.

The Ombudsman also has the power to recommend the suspension of police officers who are being investigated, until the investigation is complete.

The police must be identifiable

All uniformed policemen must display a form of identification on their uniform.

All official police vehicles must have an identification number painted onto the side. All police vehicles must have genuine numberplates. (This excludes vehicles involved in genuine police undercover work)

The police must use minimum force

The SAP must be issued with guidelines to deal with illegal gatherings. These guidelines must include the following:

- If a confrontation between the police and a crowd is expected, then the police should be commanded by a senior police officer
- Police units performing crowd control duties must be equipped with a public address system and be able to address the crowd in the language they understand
- Before ordering a gathering to disperse, the police must find out the reason for the gathering
- If residents of a community or hostel are being attacked, then the police should attempt to disarm and disperse the attackers.
- A reasonable amount of time must be given for a gathering to comply with the instructions of the commanding officer.
- The minimum amount of force must be used to disperse a crowd. The commanding officer must only authorise forceful methods of crowd control if he believes that less forceful measures will fail and if the crowd is a danger to the public or to property.

The SAP must make less dangerous equipment for crowd control available to police stations.

The SAP and government must not promote political organisations

Government funds must not be used to promote any political party or organisation.

The government must not allow any operation of the SAP or SADF to promote any political organisation or party at the expense of any other.

If an organisation believes that either of these agreements is being broken, they can complain to the Police Ombudsman or the Commission of Inquiry.

Dangerous weapons may not be carried

Dangerous weapons and firearms may not be carried or displayed by members of the public at political gatherings or processions.

People can defend themselves (Self-Protection Units)

Everybody has the right to defend themselves and their property. People can form self defence units in their neighbourhoods as long as they are not based on membership or support for a particular organisation or party.

Political parties and organisations cannot form private armies.

Self protection units must liaise with the SAP. The SAP must not be prevented from carrying out its duties by self defence units.

A Police Board will do research into policing policy

A Police Board will be set up made up of equal numbers of police representatives and members of the public. The Board will do research into policy concerning the operation of the police.

4. CODE OF CONDUCT FOR THE POLICE FORCE

All members of the SAP must abide by the code of conduct which sets out the rules for the behaviour of policemen.

The code of conduct commits policemen to these principles and practices:

- To preserve the rights of individuals by preventing crime and violence
- To win the co-operation and respect of the public by enforcing the law fairly, responding quickly, making personal sacrifices and encouraging police community relationships
- Using the least possible degree of force
- Being clearly identifiable
- Maintaining high standards of professionalism
- Implementing training programmes of a high standard
- Considering the needs of the community in the training programme of the police
- Preventing personal feelings and prejudice from influencing decisions
- Developing self control, honesty and by setting an example to the public

The police also undertake to provide their co-operation to commissions or to the Police Ombudsman when police are investigated for misconduct.

5. SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT

Development sub-committees will be set up

Permanent sub-committees must be established by the National Peace Committee and Regional Dispute Resolution Committees at national and regional levels to deal with socio-economic reconstruction and development. The committees must co-ordinate with affected communities:

- reconstruction of damaged property
- reintegration of people displaced by the violence
- expansion of infrastructure

Crisis assistance

The committees will deal with the immediate effects of the violence eg homelessness and address socio-economic problems that spark off violence eg water, electricity and schools.

Prevention of violence

The committees must identify flash points of conflict and co-ordinate socio-economic development to defuse tension eg around squatter settlements and hostels.

6. THE COMMISSION OF INQUIRY

The Commission of Inquiry

This is a permanent commission of five people and a secretariat and was established by an act of parliament. (It is therefore a statutory structure). Highly experienced legal professionals and people seen as independent and non-partisan will be appointed to the Commission to sit for three years. All the signatories to the accord must agree on the members of the Commission. The Commission will report its findings and recommendations to the State President who may decide to make these public.

Function of the Commission

The Commission's functions include the following:

- to investigate the causes of violence and intimidation
- to recommend measures to contain violence and prevent further violence
- to do research and provide data (scientific information) on the violence
- to make recommendations concerning the funding of the peace process

Conducting investigations

Any individual can approach the Commission with a request to investigate a matter. The Commission will also investigate matters on its own accord.

Powers of the Commission

In carrying out an investigation, the Commission has the power to:

- call on anyone to give evidence
- order anyone to put documents or material evidence at the disposal of the Commission
- order that the identity of a person giving evidence is kept secret if their assistance to the Commission could endanger their life
- order that protection be provided for such a person
- order that the contents of documents or evidence is kept secret if it is necessary

It also has the power to investigate claims of the misuse of public funds or covert SAP and SADF operations which favour particular political organisations or parties. In doing this it can interrogate members of the security forces and enter and search any place to seize evidence.

Regional Committees

The Commission may establish committees to assist it. These committees will be made up of the key players in the conflict and will have the same powers as the Commission itself. These committees should be established in all regions.

Prosecution of the perpetrators of violence

The Commission may refer evidence that constitutes an offence to the Attorney General.

7. MECHANISMS FOR SOLVING CONFLICT

The peace accord establishes peace structures and processes for solving and preventing conflict at local, regional and national level. Disputes on the Code of Conduct for Political Parties should wherever possible be settled at a grassroots level, through the participation of the parties themselves and using the methods of mediation, arbitration and adjudication. If the parties cannot resolve the dispute themselves then it will be referred to the National Peace Committee. If the NPC is unable to reach consensus, then the dispute will be referred for arbitration.

The National Peace Committee

The National Peace Committee (NPC) is made up of all signatories of the accord and will be chaired by a businessman, with a religious leader as the vice-chairman. The NPC must monitor and make recommendations on the implementation of the peace accord. It also has the power to make further agreements and settle disputes. All decisions will be taken by consensus.

The National Peace Secretariat

A National Peace Secretariat (NPS) will be established, made up of at least four full-time people, nominated by the signatories of the accord. The NPS will report to the NPC. The main task of the NPS is to co-ordinate peace structures at a regional and local level. These structures are called

Regional Dispute Resolution Committees (RDRC) and Local Dispute Resolution Committees (LDRC).

Regional Dispute Resolution Committees/ Regional Peace Committees

Regional Dispute Resolution Committees will be made up of representatives of relevant political organisations and churches as well as trade union, business, management and SAP and/or SADF representatives.

The Regional peace committees must monitor peace accords in their region and consult with the relevant authorities to combat and prevent violence. They will also inform the Commission of Inquiry on causes of violence and inform the NPS of the steps they have taken to prevent violence. The Regional peace committees will also act on any matters referred to it by the NPS, the Commission of Inquiry or Local Dispute Resolution Committees. They will assist the Local Peace committees in carrying out their duties.

Local Dispute Resolution Committees/ Local Peace Committees

Local Peace Committees will be established in areas where the Regional Peace Committee considers it necessary. They will be made up of representatives of the signatories in the community.

The Local Peace Committees must implement peace accords and settle disputes relating to violence between individuals and parties. They must act against conditions which cause violence and promote trust between organisations (including the SAP) on a grassroots level. The Local Peace Committees must liaise with the local police and magistrates about marches, rallies and gatherings to prevent violence. The Committee must also agree among themselves on rules and conditions relating to marches, rallies and gatherings.

Justices of the Peace

Justices of the Peace (JP) will be appointed in consultation with Local Peace structures. These are members of the community who will be given limited powers to settle disputes.

Powers of Regional and Local Dispute Resolution Committees and the Justices of the Peace

These have the power to request individuals to give evidence or hand over documentary evidence. They also have the power to protect the identity of people giving evidence by keeping their identity or the contents of documents confidential.

8. SPECIAL CRIMINAL COURTS

Quick and effective courts for political violence cases

Special criminal courts will be established which deal only with crimes of political violence. These courts will be set up in areas where they are needed most. They will dispose of unrest related cases quickly and efficiently. As a result, people arrested for violence need not necessarily be released on bail, allowing them to get involved in violence again. Also, those falsely accused of violence can clear their names sooner than is the case at present.

AA - part of social -
SA debate.

market x
Confess x

Not all agreed on precise
meaning - but agree: part of
process - special attent. to
inequalities, ~~Partic. educ, employ~~
Wider - narrow.

all ↓ measures
Land, health,
Econ. advancement

↓
Specific techniques -
educ., jobs.

Race, gender, groups -
Past discrim. disabled

Problems: ① Non-racial idea -
apple of our eyes.
group its - disadvantage.

Colour-blind or totally ^{groups.}
blind.

② Gender

③ Procedures - quotas. Inside ANC

④ Ralanced re-structuring

International experience.

Various defts.