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WORKING GROUP 1
SUBGROUP 2
INTERNAL SUBMISSIONS
APRIL 1992
VOL 4

●
CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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CISKEI GOVERNMENT
SUBMISSION TO WORKING GROUP 1 SUB-GROUP 2

1. NATIONAL PEACE ACCORD (NPA)

The National Peace Accord needs strengthening to an extent that it would meaningfully address the escalating violence and command respect from both Leaders and their communities. In addition, the NPA, should be made user-friendly even at grassroots levels with Leaders constantly making known their commitment thereto while simultaneously requiring same from their followers. The media can and must also play a crucial role towards achieving these objectives. Most importantly, parties and organisations are urged to conscientiously avoid using the NPA for their own political objectives.

- 1.1. Legal enforceability of the NPA, we believe, is one method of strengthening the NPA and would go a long way in curbing the current violence if carefully constructed. Signatories to the NPA must therefore meet urgently to discuss and agree on this issue. The mechanisms thereof, for instance, could be worked out and recommended by a special committee whose members are selected from this sub-group of CODESA, from the NPA structures and from the Security Forces.
- 1.2. Independent investigations of complaints are also accepted as another method of strengthening the NPA provided that they are carried out in an orderly and co-ordinated manner, and in terms of properly defined lines of authority and responsibility. For them to be successful vis a vis their primary objective of deterring violence, they must be supported by a strong, impartial and independent judiciary system that is free of any political interference.
- 1.3. Joint control over State Agents (such as Security Forces, Broadcasting Corporations, etc) is not supported mainly because, in principle, these institutions must be free of political influences, both in the interim period and in the future South Africa. Futhermore, fears must be entertained that for reasons of human nature joint control over these institutions is equally capable of bringing about a direct opposite to the intended goals. A better alternative to accommodating the current concerns is seen as the orientation of these institutions by their respective authorities on areas that can be identified as of reasonable concern.

- 1.4. International assistance in implementing the NPA, although potentially much embarrassing as an option to the Countries' Leaders, can effectively address, more quickly for that matter, the country's violence. It shall have the effect of revitalising commitment to the NPA by ALL those concerned and might effectively remove all political agendas in the implementation of NPA. However, this is a matter that will have to be activated and implemented in the manner agreed to by all NPA signatories.
- 1.5. CODESA/NPA relations, in so far as they are constructive and practical, are fully supported. They must give support and strength to each other.

2. SECURITY FORCES

- 1.1. Ciskei commits itself and invites all participants at CODESA to commit themselves to the peaceful settlement of political disputes. Participants at CODESA are also invited to do all in their power to encourage non-participants at CODESA to exercise the same commitments.
- 1.2. National Security in South Africa to be sought primarily through efforts to meet the social, political and economic needs of the people. This, however, is not completely possible while aspects such as economic sanctions and disinvestments are still in place and Ciskei therefore calls for the removal or lifting thereof.
- 1.3. The Security Forces of South Africa must:
 - 1.3.1. be bound by the principle of constitutional supremacy. Obedience should be to the constitution and accountability to Parliament. The military should not be employed on tasks which are not traditionally seen as those of the military;
 - 1.3.2. be politically non-partisan
 - 1.3.3. be committed to solving conflict primarily through non-violence means. Primarily, they should receive the support, co-operation and respect of the communities. Theirs is to deter and defend and thus should not be led or forced into situations where their combat or professional skills remain the only available and effective tool to avert or minimize loss of lives and properties.

- 1.3.4. respect human rights, non-racialism and democracy,
- 1.3.5. strive to be representative of South African society as a whole.
- 1.4.1. The immediate establishment of joint control of Security Forces is, in terms of motivation given earlier, not supported.
- 1.4.2. The re-constitution of a new national, legitimate and representative Security Forces is supported provided acceptable norms and standards are not lowered, and strictly adhered to. The emphasis is to be on retaining and even improving upon the standards of professional competence and leadership since Security Forces are the final guarantee to the legitimacy and sovereignty of the future South Africa. The composition and size of the security forces should be purposeful and affordable.
- 1.4.3. The implementation of a Code of Conduct, preferably that which is a product of NPA, is fully supported. Therefore, any programme of re-orientation or orientation can be supported if it is strictly in terms of, and upholds, such a code of conduct or does not suggest the inclusion of a political programme of any kind.

SUBMISSION BY DEMOCRATIC PARTY TO SUB-GROUP 2 OF WORK-GROUP 1
ON
THE NATIONAL PEACE ACCORD

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In view of the fact that the political violence in South Africa is continuing on a large scale, and in view of short-comings in the National Peace Accord that were identified in discussions with representatives of the NPA, the present Accord should be revisited by SG 2 with the purpose of renegotiating, strengthening or amending the Accord where needed and giving it the "teeth" to fulfill its crucial role.

It is also accepted that a truly democratic election will not be able to take place if the widespread violence continues and that even if it should take place, the legitimacy of the outcome could easily be questioned - putting us back where we are today.

PROPOSALS FOR IMPROVING THE COMPOSITION AND FUNCTIONING OF
THE NPA

1. NPA must have an adequate budget.

Lack of finance presently seriously hampers the successful operation of the NPA. Because the members of the National Peace Committee (NPC), the National Peace Secretariat (NPS) and the Regional and Local Dispute Resolution Committees (RDRC's and LDRC's) comprise people who serve on a voluntary, part-time basis a far wider office and staff structure is needed to ensure that all these NPA structures are able to ensure that the NPA is actually implemented and that transgressors can be pursued. This is presently not happening. Money for Peace is urgently required.

The lack of funding available to especially the regional and local dispute committees results in NPA structures being too dependant on services and staff provided by the State and State agencies eg. Dept. of Justice and the Dept. of Communications. This is a major stumbling block in having those

communities at the receiving end of violence accepting the legitimacy of the whole NPA. Where structures find themselves unable to make use of such available State services such as staff and offices, NPA structures should be able to acquire these independently. For this they need a budget.

Since it is one of the functions of "The Commission of Inquiry regarding the Prevention of Violence and Intimidation (The Commission)" to make recommendations concerning the funding of the process of peace (6.12.5 on p.23 and 6.6.3.4 on p.22) WG1 of Codesa should make recommendations regarding a Budget for the NPA to "The Commission".

2. Regional Joint Monitoring Commissions should be created next to the NPC, NPS AND "The Commission".

These should be formed in each RDRC region and should be constituted from amongst the parties and organisations represented on RDRC's. Joint monitoring of conflict situations will make it easier to reach agreement between parties involved in the conflict about what actually happened, who was responsible, etc. It would subject protagonists to greater public scrutiny while in itself it should have an inhibiting effect.

Such JMC's will give the NPA structures more "teeth" by -

(i) monitoring compliance by signatories to the NPA of codes of conduct for political parties and the SAP (a code of conduct for the SADF and other defence forces, armies are urgently needed.)

(ii) monitoring the behaviour of conflicting parties and organisations at grassroots re increasing/reducing conflict;

(iii) to monitor the extent to which parties and organisations who were reported to the "Commission" for misbehaviour have, after having been reprimanded by "The Commission", changed their behaviour.

Such Joint Monitoring Commissions would greatly contribute to ending the never-ending war of words between especially the SAP and political parties about who caused the violence, what role each one played, and what actually happened.

Very praise-worthy agreements have been entered into in the NPA, the NPC and in the RDRC's and LDRC's. These will be of little value unless there exist mechanisms to ensure that these agreements, codes of conduct, etc. are implemented by all who were part of such agreements.

Since these JMC's would ensure immediate on the spot monitoring and joint observation of what actually is taking place it is also recommended that these JMC's are linked in some way or other Special Police Units that (1) investigate political violence and (2) investigate allegations against the SAP (see 3.2.2.6 on p. 10 of NPA and 3.2.4 on p.12).

3. Greater community representation on police structures created by the NPA.

It must be observed that to many of the political party signatories to the NPA, the SAP are not neutral agents of the State who are trying to apply law and order in an impartial way. On the contrary, the SAP have a long and documented history of political bias towards different political parties which puts a large question mark behind the ability and willingness of the SAP to act as a neutral arbiter in the present violence.

If one looks at the composition of structures created by the NPA such as the Police Board and especially the Special Police Units to investigate (1) political violence and intimidation and (2) allegations against the SAP, then one can only come to the conclusion that this reality of police bias has not been taken into consideration in the NPA.

This is vividly illustrated by the fact that a multi-party

body such as the National Peace Committee investigates and resolves transgressions by political parties while allegations of transgressions made by the SAP are investigated by the SAP themselves.

If it is true, as the NPA says (p.9 3.1.3) that the police "shall be guided by the belief that they are accountable to society in rendering their policing services", then society should be included in those bodies that hold the police accountable.

The fact that the police are an agent of the Government, which in our present situation, prior to an interim or democratically elected Government, means the National Party Government, makes it even more imperative to have multi-party involvement on policing structures provided for in the NPA.

3.1 Police Board (p.13 NPA).

It needs to be restructured with regard to both its composition (eg. the Minister's discretion "to appoint further members (3.3.2) and its powers to determine "the training and efficient functioning of the police, with a view to reconcile the interests of the community with that of the police".

The interests of the community should determine the functioning of the police as in a democracy where the government that was democratically elected by the community controlling the police.

3.2 Special Police Investigating Unit to investigate political violence and intimidation (3.2.26 p.10)

The impartiality of these police units investigating political violence are seriously questioned because the police have been/ are alleged to have been involved as a party participating in the political violence. This has led to political organisations refusing to cooperate with these investigating units because certain policemen who build up a certain reputation as security

policemen during the repression prior to 1990, are either in charge or members of these units.

It is suggested that the local community is either involved in the process of selecting these units (eg. having to choose 10 policemen out of a list of 20 provided by the SAP) or directly represented on this unit.

The statement in (viii) on page 11 that "the Standing Commission and/or the National Peace Committee may enquire on the progress of the investigations" is not acceptable. The NPC should have a far greater right to demand progress. Such reports must secondly also not only go to the NPC but also to the RDRC's and LDRC's in the relevant police district.

3.3 Special Police Investigating Unit to investigate allegations against the SAP.

In view of the continuous stream of allegations made about police complicity in the violence, it is unproductive to have a unit appointed by the SAP (even if they are under the control of a Police Reporting Officer who may come from another field other than the police) investigate themselves. The possibility of justice being seen to be done becomes small.

These units cannot merely comprise policemen but need to include other members of the public to ensure its acceptance in the affected community and in the eyes of the complainant as being impartial.

The use of the Special Police Investigating Unit into political violence to investigate "allegations" that the local police in any station and/or district have acted with bias towards a political party or organisation" ((ix) on p.11) is completely unsatisfactory. Even more unsatisfactory is the fact that the unit doing the investigation must be the one that normally operate in the region where the complaint was lodged.

Besides again using the unacceptable principle of the police investigating themselves, the impartiality of the investigation is further impeded by using a police unit in the same area. It would be far preferable to use a unit that is as far removed as possible from the region where the allegation was made.

Although the Police Reporting Officer could be from outside the police, he/she would still be far too dependent upon policemen in investigating allegation against policemen .

4. Community involvement in decisions re security force action in conflict areas.-----

There is a serious need to bridge the divide between the SAP and township communities. This can be achieved by involving RDRC's in:

4.1 Selecting the top police officers for township police stations.

4.2 determining the nature of police action in conflict areas i.e. the nature of security force action, the duration of the action, the SAP/SADF mix in these actions, timeous negotiations between the security forces and community leaders to defuse hostility, etc.

This would further strengthen accountability by the security forces to the community.

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INYANDZA NATIONAL MOVEMENT

SUBMISSION TO WORKING GROUP I SUB-GROUP 2.

TASK : SPECIFIC PROPOSALS TO STRENGTHEN AND VALIDATE THE NATIONAL PEACE ACCORD.

1. The Inyandza National Movement would like to submit the following proposals as possible ways and means to strengthen and validate the National Peace Accord:
 - 1.1 To accord legal status to the provisions of the National Peace Accord.
 - 1.2 To educate members and supporters of political parties/organisations/movements at the grassroots level about the implications of signing the National Peace Accord.
 - 1.3 Complaint offices operating independently from police stations to be established to deal with political complaints.
 - 1.4 To establish an Independent Investigation unit to fight and detect the third force operations in the townships and in the trains.
 - 1.5 Goldstone Commission to be provided with enough manpower in order to cope with the voluminous work load. The Commission's findings to be widely publicised irrespective of who is involved.
 - 1.6 Enough budget to be made available for the National Peace Accord.

- 1.7 Neighbourhood watchgroups to be formed to help curb the violence (3.7.1 National Peace Accord.)
- 1.8 As a matter of urgency, Security Forces resistance to change be addressed immediately by the Ministers concerned (TBVC, National States, RSA).
- 1.9 Bad elements in the Security Forces (TBVC, National States, RSA) to be exposed, rooted out and be severely punished.
- 1.10 To gain trust, support and co-operation of the communities, the police must lodge a well organized campaign for police-community relationships during and after the transitional period.
- 1.11 An intensive investigation to be lodged to detect those criminal elements pretending to be members of political organisations affected by the violence.
- 1.12 Special Criminal Courts to be established immediately and be located in areas where its services are most urgently needed (10:4 National Peace Accord.)
- 1.13 To promote the peace process at grassroots level, the Justices of the Peace to be appointed without any further delay (7.5 National Peace Accord.)
- 1.14 Measures have to be devised to ensure that political organisations against whom complaints have been made are compelled to respond to the National Peace Committee when called upon to answer to the allegations.

2. The Inyandza National Movement concludes by saying the current

widespread concern with crime and violence, particularly in large cities, demands a rethinking of the function of the police in the South African society. It calls for a reassessment of the kinds of resources and support that the police need to enable them respond more adequately to the demands that we make upon them.

SOUTH AFRICAN COMMUNIST PARTY
Submission to working group 1, sub group 2
NATIONAL PEACE ACCORD

INTRODUCTION

The South African Communist Party views the National Peace Accord as an historic document which seeks to address the endemic violence which is crippling our country. We acknowledge that the Accord has put in place agreement on the standard of conduct for the various political parties and security forces as well as mechanisms to enforce these.

It is very disturbing that the signing of the Peace Accord has not curbed violence. In fact the violence is intensifying. The violence is becoming a major obstacle towards peace in the country. Since the beginning of this year every month an average of 190 people have been killed in this violence. This situation cannot be allowed to continue.

We totally agree with all delegates that it is our major task to strengthen the Peace Accord. We hope that it will contribute a lot toward creating conditions for free and fair political participation. Secondly it will have to be given legal enforcibility if ever we expect it to work.

LEGAL ENFORCIBILITY

The Accord should not just be a mere contract between parties who are signatories to the Peace Accord it needs to be legally bound to the terms of the Accord.

Therefore a specific law will have to be passed in parliament, urgently, which is binding on all signatories to the Accord. We will have to look at the concept of using some measures against those parties who are nor adhering or contravening the spirit and letter of the Peace Accord.

These measures can take the form of the Peace Secretariat to be given powers to instruct leadership of a certain party or

organisation to go to a specific area to stop the war or violence, failing which the leadership may be required to explain before a special court as to why they cannot stop their membership from continuing the violence. The point which we are trying to make is that the parties that find themselves part of this violence will have to be taken into task. The mere appeal to parties is not taking us anywhere.

The enforcibility of the Peace Accord on local tribal authorities is a matter of the highest priority.

SECURITY FORCES

The security forces need to act practically in a manner which demonstrates their commitment to the terms of the Peace Accord. Clear standards of code of conduct for members of the security forces need to be spelt out in a clear detail for each member of the public.

(a) There is an urgent need for joint command of the security forces of SAP, and self governing territories.

(b) There is a great need for re-orientation programmes for all members of the security forces on human rights, democracy, non-racialism.

This will ensure public accountability as well as general improvement of community /security forces relations.

Lastly the security forces should act evenly when the communities are attacked.

SPECIAL COURTS

It is going to be of great importance to institute this criminal special courts on violence. We hope that the arrests of people involved in violence will contribute towards people realising that there is something that is being done against the perpetrators of violence. This will give credibility to the Accord itself.

It is unacceptable that whilst the violence is continuing and intensifying the special courts are not in place to date to handle cases of violence.

INDEPENDENT INVESTIGATION UNITS

1. The investigation of allegations against the police should be conducted by an independent investigation unit not the police themselves. This can contribute towards public confidence in the investigation process.
2. It is necessary that the powers of the police reporting officer be extended to include the power to conduct independent investigations and to play a more pro-active role in ensuring publicly acceptable standards of conduct.
3. The appointments should be made by a multi party body representing all parties to ensure confidence of all in this process. This multi party body could be under the Interim government council or transitional arrangements.

JOINT CONTROL OF THE SECURITY FORCES

It is essential in the transition to establish joint control over the security forces under an appropriate multi party body. This will remove the partisan behaviour displayed by sections of the security forces or the perception thereof.

RELATIONSHIP BETWEEN CODESA AND THE NATIONAL PEACE ACCORD

After CODESA 2 it would be important to immediately set up a multi party committee that will liaise with the national Peace Secretariat in order to ensure the Peace Accord is also used to contribute towards creation of a climate for free political participation.

During the Interim Governing Council we will need to maintain this multi party committee. Judge Goldstone and the Secretariat can then report to it. This committee should also be responsible for the appointment of people to serve on the structures of the National Peace Accord. We hope that this is the one of the important ways of ensuring that all parties take responsibility for the functioning of the Peace

accord structures and its implementation.

TRANSKEI SUBMISSION TO SUB - GROUP 2 OF WORKING GROUP 1 ON :

- (d) POLITICAL INTIMIDATION
- (g) NATIONAL PEACE ACCORD - (successful implementation of)
- () VIOLENCE - RELATED CRIME

1. POLITICAL INTIMIDATION.

Having reached agreement on the definition of political intimidation, it is now the duty of the sub - group to focus on the creation of mechanisms to ensure non violation of or compliance with the principle contained in the definition.

Considering that the Chairperson of the National Peace Secretariat said giving punitive powers to the NPA structures would affect their credibility, it would be advisable to have such mechanisms falling outside NPA structures.

An important element of such a mechanism would be that it has a punitive code or a means of applying political sanctions against those parties or organisations violating the principles contained in the definition of political intimidation. In this respect punitive measures should also be worked out for state officials who engage in political intimidation.

Political parties or organisations that engage in political intimidation should be publicly denounced or exposed. The party or organisation involved should first be given an opportunity to make a public apology or denunciation of those of its members or structures engaging in political intimidation.

Another form of punishment for such a political party or organisation could be denial of access to public facilities including meeting venues, air - time on radio and television and the right to hold demonstrations or marches.

A condition before such punishment is meted to a political party or organisation should be that:

- a specific and detailed complaint with dates, names, locality where such an action or actions was committed is lodged with the relevant body;
- such complaint is referred to the party or organisation involved and that it is given a date by which to respond;
- a hearing is held where the complaining and accused party are present;
- only after such a hearing, if the party or organisation accused accepts blame, should it be given an opportunity to make a public apology.

Coverage by the media or a video team of marches, rallies, demonstrations, meetings and conflict situations would greatly assist as evidence of the conduct of political parties.

2. NATIONAL PEACE ACCORD

Discussions held by the sub - group and the exchange of views and experience with Dr Gildenhuys and Mr John Hall on the National Peace Accord has, in our view, revealed problem areas that fall into three categories which are the following:

- weaknesses in the National Peace Accord itself;
- weaknesses in the implementation of the Accord;
- factors that fall outside the scope of the Accord.

2.1 WEAKNESSES IN THE ACCORD

- 2.1.1 Legal un - enforceability of the Accord
- 2.1.2 Composition of the special police investigation units.
- 2.1.3 The absence of measures / mechanisms to make all the parties to the Accord accountable. The question of complaints referred to political parties and never responded to is a case in point.
- 2.1.4 The non inclusion of tribal/ local authorities in the provisions of the Accord and its structures.
- 2.1.5 The lack of provisions for a monitoring body for the NPA, a body that would stand outside the NPA structures that are involved in the planning and implementation work. Such body would have to comprise of independent people who are not attached to any of the signatories to the Accord.

2.2. WEAKNESSES IN THE IMPLEMENTATION OF THE NPA

- 2.2.1 Lack of full time staffers / personnel
- 2.2.2 Poor marketing of the Accord including its translation and simplification in various languages.
- 2.2.3 Poor peace publicity which would include the do's and dont's for political parties and state institutions.
- 2.2.4 Delays in the appointment of Police Reporting Officers.
- 2.2.5 Unavailability of senior leadership for the dispute resolution committees (from political parties).
- 2.2.6 Budgetary constraints which we believe can be overcome by among other things, a fund raising drive locally and internationally for the NPA.
- 2.2.7 Lack of proper co- ordination for the 3 legs of the NPA, the National Peace Committee, National Peace Secretariat and the Goldstone Commission.
- 2.2.8 Slowness and reluctance on the part of the police to sign the NPA whose provisions for them should, in our view, be part of the police code.
- 2.2.9 Lack of commitment or practical steps to address the socio - economic situation, for example, it was said at the time of the convention that hostels would be converted into family units.
- 2.2.10 Lack of enough commitment to the NPA by political parties or organisations.

2.3 FACTORS OUTSIDE THE SCOPE OF THE NPA

- 2.3.1 Reluctance on the part of the state to ban outright the carrying of dangerous weapons in public and on the part of the police to enforce the existing laws on the carrying of such weapons in public.
- 2.3.2 Under - policing of conflict areas.
- 2.3.3 Under - reaction of the police to pending - violent situations. Police reaction to reported pending violence in Alexandra was commendable but marred by them firing on the residents marching to protest against the hostel from where violence emanated. (This refers to the weekend on which there was to be an ANC funeral)

3 RECOMMENDATIONS

We propose that those issues dealing with weaknesses in the NPA and its implementation be referred to the task groups that drafted the various elements of the NPA for their attention with a view to finding ways of addressing them, strengthening the NPA and improving on its implementation.

Reconvening of the National Peace Convention should be considered based on the examination of our recommendations by the NPA task groups.

We would further call on the South African Government to address the issues raised in 2.3 especially that on dangerous weapons as a matter of extreme urgency.

4. VIOLENCE RELATED CRIME

4.1 EASY AVAILABILITY OF WEAPONS (especially AK - 47s')

It is widely believed that these weapons flow into South Africa from Mozambique with Renamo bandits who sell them when they get into the country. The South African Security forces should in our view monitor closely the Mozambique - Swaziland - South African borders to stem this illegal flow of weapons into the country and the illegal entry of people from Mozambique.

Secondly, people who come into the country illegally and as refugees should be treated as refugees in line with UNHCR conditions and procedures.

4.2 SOCIO - ECONOMIC CONDITIONS

The socio - economic conditions prevailing especially in the townships are also fuelling violence - related crime, yet very little is seen to be done to try and improve these conditions.

We believe that with the resources at South Africa's disposal and with the proper use of these resources to address urgent socio-economic problems, this would go some way in relieving these pressures and reduce, to a great extent, violent crime.

The nurturing of good police - community relations would also greatly enhance the polices' ability to deal with crime. This can only happen if the police are seen by the community to be true protectors of everybody.

XIMOKO PROGRESSIVE PARTY

WORKING GROUP I

27 MARCH 1992

POSITION PAPER ON THE EXISTENCE OF PRIVATE ARMIES IN SOUTH AFRICA

1. POINTS OF DEPARTURE

The Ximoko Progressive Party in considering its position in regard to the existence of private armies in South Africa proceeds from the following points of departure:

- 1.1 It is necessary for every democratic sovereign state to have a national military force whose activities are circumscribed by the Law and which is accountable to the people of that state through the medium of the elected government.
- 1.2 The proliferation of military, pseudo-military and para-military forces within the country outside of the national military force and other forces specifically provided for in terms of the Law of the land, and which are responsible to factions and groups within the country and not through the existing structures of the state, is a situation which would not be countenanced in any sovereign state anywhere in the world.
- 1.3 The proliferation of so-called "private armies" outside of the context of the national military force and para-military forces established in terms of the Law contributes to the threat of violent confrontation by providing factions and groups with access to a military or para-military capability. The existence of such instruments of organised physical violence, outside of the context of formally constituted forces whose activities are circumscribed by the Law, could therefore be held potentially to defeat the ends striven for through the National Peace Accord and generally through the peace process in the country;

- 1.4 The fact that the present Constitution of the country is deficient means that the SADF and the SAP, for example, are not "responsible to the people" in the sense of sub paragraph 1.1 above. To this extent their legitimacy as national military and para-military forces must be in question. However, they are properly constituted in terms of South African Law and therefore, in that sense, are legal. The de facto legality of the South African Government and its instruments appears to be recognised by all participants if only by virtue of the recognition granted to Government in terms of its participation in the present CODESA process.
- 1.5 The resolution of the problem presented by the existence of a number of so-called "private armies" in the country at present is not simply to be found in the amalgamation of these various forces into the national military force (i.e. the SADF) or national para-military forces (such as for example the SAP). This is necessarily so since there are vast disparities in levels of professionalism, type and standards of training, procedures, discipline and doctrine which complicate amalgamation and which would need to be addressed.
- 1.6 The present deficiencies existing in South Africa are less an argument for the proliferation of "private armies" than for the proper reconstitution or reform of the SADF and the SAP to accord with the requirements of a sovereign democratic state.

2. THE POSITION OF THE XIMOKO PROGRESSIVE PARTY

The Ximoko Progressive Party is in favour of the disbanding of all military and para-military forces in South Africa which have not been established in terms of specific provisions of the Law. It recognises, however, that certain preconditions for achieving this would be necessary, namely:

- 2.1 Agreement between all parties on an interim government structure which provides for control by an interim government over the activities of the national military force and para-military forces in the country, specifically of the SADF and the SAP;

2.2

The accommodation on the basis of individual merit of all South African applicants on an impartial basis within the SADF and the SAP and other national formations but subject, of course, to the limit imposed by the requirements of such forces in accordance with planned force levels. It should be specifically ensured that the political affiliations or antecedents of applicants do not disqualify them from accommodation within such forces, but that all will be judged solely on the basis of individual merit.

3.

CONCLUSION

The Ximoko Progressive Party believes that the threat of violence in South Africa is aggravated by the existence of military and para-military capability serving political actors to both the Right and the Left of the political spectrum. Many groups use the existence of the "private armies" of others as a justification for the existence of "private armies" of their own.

The Ximoko Progressive Party is of the firm opinion that only the State should have such capability and that that capability should be circumscribed by the Law and applied strictly in accordance with the national will, and more so in the critical interim phase of South Africa's constitutional transition.

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NATIONAL PEACE ACCORD

SUBMISSION - WORKING GROUP 1 OF CODESA (SUB-GROUP 2)

1. Problems with regard to the establishing of RDRC's and LDRC's.

1.1. The following problems which hamper the effective establishing of RDRC's and LDRC's have arisen thusfar:

1.1.1 There is a great deal of mistrust between participants, with the result that there is scepticism towards even the best-intended suggestions and a total disregard of the principal purpose of the meetings, viz to prevent and terminate violence.

1.1.2 Delegates are, in many cases, more intent on gaining prestige within their own organisations than in seeking solutions. So, for example, vehement attacks will be launched against the Police during such meetings, which are often debated at such length that the other points for discussion are lost in the process. This strategy can, for want of any other logical explanation, only be attributed to an attempt to divert the issue and lead the discussion away from matters which may be embarrassing for delegates to explain because of, for example, their own members' involvement in violence.

1.1.3 There is, in some cases, a constant fluctuation of delegates, which does not contribute to continuity. While it is understood that all delegates have other issues to which they need to attend, this phenomenon does seem to indicate a lack of interest and commitment.

1.2 The following are suggested as possible solutions:

1.2.1 It is imperative that the chairmen of such committees must be well-versed in meeting-procedures and, perhaps even more important, be prepared to enforce discipline during meetings, even at the risk of becoming unpopular.

Constant arguing and fault-finding should be stopped as soon as it starts. If delegates are of the opinion that the chairman's attitude is detrimental to their cause or that the chairman is biased, a channel should be established for such grievances to be conveyed to the National Peace Committee, which will operate as a type of appeal body and be empowered to make binding decisions.

- 1.2.2 Much time is lost during meetings in discussing allegations of unlawful conduct by one or other of the organisations involved in the violence or by the security forces themselves. Chairmen should not allow such discussion, since very little can be achieved by allowing it to continue. If a delegate has a specific complaint, the only organisation which can do anything about resolving the wrong, is the South African Police. Once the matter has been brought to the Police's attention, an obligation exists for the Police to investigate it. The chairman can, at his discretion, request the Police to report on progress by a certain time, either to himself or to the committee.
- 1.2.3 In view of the fact that certain delegates may suffer financially because of the time they are involved in committee matters, a system of remuneration could be introduced, with clearly specified guidelines which would have to be adhered to for a delegate to qualify for reimbursement.
- 1.2.4 Unless senior representatives of organisations can be held accountable for the actions of their members, the excuse will always exist that they were unable to control members at grassroots level. This is unacceptable. Accountability acts as an incentive to leaders to ensure that their followers' actions are beyond reproach. If there is no accountability, the signing of the Peace Accord by parties and organisations becomes no more than a meaningless gesture. Leaders of organisations must accept their responsibilities and not constantly attempt to evade the issue by seeking the blame for violence elsewhere.

2. Infrastructure problems

2.1. Since no arrangements for the organisation of meetings are specified in the Peace Accord, meetings are arranged on an ad hoc basis and are dependent on available venues and times, which are not always the most advantageous for all delegates. What is required is fixed venues, which can be utilised at short notice if emergency meetings need to be called as well as a properly structured secretarial service for the taking of minutes, receiving and dispatching of documentation, etc, in order to allow the chairman more freedom. At present, no secretariat exists at many such meetings and it has been experienced that the chairman himself has to take the minutes, which effectively negates the role he should be playing.

2.2 The following solution is suggested:

2.1.1 The S A Communication Services has regional offices which are quite capable of rendering these services on a very professional basis. If the SACS itself does not have sufficient satisfactory venues for such meetings, arrangements can be made with owners of venues which are suitable and, if necessary, a fee paid to such owners to ensure that the venue is available as and when required. Although this will entail a certain amount of expense, there will not be additional expenses such as salaries, rental of photocopiers, PC's, etc. This is an existing structure, geared and capable of rendering an efficient and effective service, which should be fully utilised.

3. Publicity campaign

3.1 Although much has been done by the Government, the media and private concerns to promote the message of peace, it appears that the message is, for some or other reason, not getting through to those at grassroots level, who are actively involved in violence.

3.2 The following solution is suggested:

3.2.1 A structured media campaign to inform residents of progress in their community. Leaders who are involved in peace structures are well-versed in developments but seem to be unable to convey this message to their members at ground level. This is also often offered as an excuse for members' actions which are contrary to what is agreed upon by leaders.

3.2.2 The aim should be to create such an efficient mechanism that the aforementioned excuse becomes irrelevant. If the suggestion in para 2.2 is adopted, the S A Communication Service, who will then have access to all decisions made at Dispute Resolution Committee meetings, will be in a position to make this information available, not only to the local media, but also to the local community, by means of pamphlets, handouts at shopping centres, stations, police stations, courts, etc.

3.2.3 In documents of this nature it can be pointed out to residents that actions which do not accord with the undertakings of their leaders have a damaging effect on leader's credibility and the perception of the organisation's commitment to the Peace Accord.

4. Task description of RDRC's and LDRC's

4.1 The task of Dispute Resolution Committees, in terms of para 1.10 of the National Peace Accord, is to actively prevent violence and intimidation at regional and local levels. The name itself presupposes a reasonably narrow definition of the task. Once a dispute has taken place, which in most cases is accompanied by one or more violent confrontation, the resolution of the dispute, in the sense of restoring a semblance of normality, is a South African Police task. So too, the prevention of potential violence by physically preventing it, is a Police task. The only role which the committee fulfills is to ensure that the information is conveyed to the Police.

4.2 The following solution is suggested:

- 4.2.1 The committees should perhaps be renamed. The name " Peace Facilitating Committees" is suggested. The committees should become involved in much more than the resolution of disputes and violence. Their main aim should preferably be to counter situations which could lead to violence by involving the whole community and establishing what it is that causes a normal, peaceful community to become antagonistic and totally inconsiderate of the needs and aspirations of their fellow residents.

5. Statutory enforcement of Codes of Conduct

- 5.1 At this stage, the different Codes of Conduct contained in the National Peace Accord are not enforceable by statute. They can thus, at most, be described as moral Codes which should be obeyed by all inhabitants or members of the specific group.

5.2. The following solution is suggested:

- 5.2.1. Unless these Codes of Conduct are embodied in statutes, they cannot be enforced. Consideration should be given to doing so. It must be kept in mind however, that the Codes in respect of security forces are already, to a large extent, embodied in the Police and Defence Act and departmental regulations and orders.

6. Police Board and Police Reporting Officers

- 6.1 Nominations have been received for the Police Board. The appointment of these board members should be finalised within the very near future. Police Reporting Officers have, as yet, not been appointed because of delays in obtaining nominations. This process should also be finalised within the near future.

7. Further structures and mechanisms

- 7.1. Special Courts and Justices of the Peace as envisioned in the National Peace Accord should be appointed as soon as possible, to ensure that violence-related charges are disposed of with the minimum of delay. Failure to do so causes antagonism and a perception that the Government does not take swift and effective action against aggressors.

8. Liaison between National Peace Committee and top-structure of organisations

8.1. Because of the apparent lack of communication between regional and local leaders and their members at ground level, it is probable that there is also this communication gap between regions and the top-structure of organisations.

8.2. Suggested remedy:

8.2.1 It is suggested that the executive of the National Peace Committee should meet with the leaders of organisations on a regular basis, to discuss matters which have arisen at regional and local level and which appear to be contentious or unable to be solved at that level.

9. Complaints conveyed to National Peace Committee and feedback by those involved

9.1 It often transpires that during a Dispute Resolution meeting, a specific complaint is tabled. After discussion, a course of action is decided upon. Unless there is sufficient feedback at a later meeting, the matter is forgotten and remains contentious.

9.2. Suggested solution:

9.2.1 Matters of this nature must be carefully and accurately minuted and a report-back date decided on by the chairman, who must ensure that such report-backs are complete and satisfactory.

10. Support for the South African Police

10.1 There is, of late, a complete disrespect for the Police, which could be attributed to a number of factors.

10.2 Suggested remedies:

10.2.1 Completely impartial and fair policing, which is enforced by means of strict action against offenders.

1.2.2 A concerted effort by leaders of organisations to show visible support for the efforts of the Police in countering violence, keeping in mind the commitment in para 1.3 of the National Peace Accord which reads as follows: "Political parties and organisations, as well as political leaders and other citizens, have an obligation to refrain from incitement to violence and hatred."

11. The Goldstone Commission

11.1 This Commission has already proved its worth in establish the root causes of violence. It appears that witnesses are prepared to adduce evidence before the Commission without fear of intimidation or retribution. Because of the large amount of work which such investigations entail however, it is inconceivable that the Commission will be able to investigate all such cases.

11.2 The following solution is suggested:

11.2.1 That the Commission be greatly increased, by the appointment of senior magistrates to perform the function of evidence-gathering for submission to the Commission.

12. Complaints

12.1 Complaints submitted to the Dispute Resolution Committees are often vague and unsubstantiated.

12.2 Suggested solution:

12.2.1 In the case of an individual criminal charge or civil claim, it is expected of the complainant/plaintiff to supply sufficient evidence regarding the commission of the offence to enable a thorough investigation to be launched.

12.2.2 Complaints submitted in this fashion should be treated in exactly the same way. Unless the complainant is prepared and able to submit a complete statement or assist the Police in making contact with any other person who is able to supply the required information, the complaint should not be considered by the committee.

13. "War Talk"

13.1 "War talk" not only infringes the National Peace accord, but also the Pretoria Minute (in the case of the ANC). It serves no useful purpose and does not contribute to peace.

13.2 Suggested remedy:

13.2.1 It is suggested that the legal provisions which apply to the causing of feelings of enmity between groups, be strictly applied.

14. Community involvement in the prevention of violence

14.1 Any attempt by the Police to prevent or counter violence, is a futile effort unless there is full co-operation from the public, whose interests are being served.

14.2 Suggested solutions:

14.2.1 RDRC's and LDRC's should be utilised to advocate the establishment of Police-assistance programmes, such as Neighbourhood Watch, Train Watch, etc. The Police are able to assist with training of such groups to ensure that they act within the confines of the law. By joining such groups, members of the public also gain an insight into the unique problems which face the Police.