



WORKING GROUP 1

SUBGROUP 2

INTERNAL SUBMISSIONS

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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TRANSKEI SUBMISSION TO WORKING GROUP 1.
SUB-GROUP 2: NATIONAL PEACE ACCORD.

1. INTRODUCTION.

The National Peace Accord is, as far as Transkei is concerned, an important and, in fact, historic document which saw South Africans for the first time coming together to identify some of the causes of the violence sweeping our country and to look at ways of bringing it to an end.

It is in this respect that the codes of conduct for the security forces and political parties, and the section dealing with political intimidation are significant.

And yet the Transkei is not a signatory to the accord although we did lend our fullest support to the initiative. The fact of not signing the document was not because we did not have an interest in peace and stability, nor did it mean that we would not play our part in bringing about peace. On the contrary, we are as committed to peace as those who are signatories.

In not signing the document, the Transkei felt that there were more fundamental issues and some of what we perceived as the basic causes to the violence which the Accord did not address and which, when it addressed, it did so in an unsatisfactory way. In our submission, therefore, we will make an attempt to have our sub-group focus on some of what we see as the weakness of the National Peace Accord.

2. ENFORCING THE NATIONAL PEACE ACCORD.

2.1 POLITICAL PARTIES/ORGANISATIONS.

In our view some political parties/organisations though signatories to the Accord continue with acts of intimidations and violence irrespective, and we believe that it is precisely because there are no legal implications provided for in the Accord that would result from such acts. In a sense, though the Accord provides for investigation of causes of violence and into political intimidation, we ask the question: so what after they have been identified?

Over and above giving the Accord legal "teeth" we are of the view that there should also be political sanctions applied against parties or organisations that violate it's provisions. This could be done outside the Accords parameters by CODESA as part of creating and promoting a new political culture in our country. An example of such sanctions could be denial of air-time on radio or television for a specified period of time to that party or organisation guilty of such violation.

2.2 SECURITY FORCES.

Firstly, we would like to make the point that it is and has always been our perception that the role of the security forces in the on-going violence is highly questionable. We need ask only one question as to why the security forces have, since February 2 in 1990 lost their efficiency, swiftness, high-mobility and capacity in dealing with law enforcement when prior to that they were the pride of status quo politicians by the manner in which they suppressed demonstrations and activities of extra-parliamentary organisations.

Curiously, however, these security forces whom we find very controversial, they are so central to the implementation of the Accord to the extent that they are even entrusted with the task of investigating themselves. We believe that the special investigation units make a mockery of pronounced attempts to bring to book members of the security forces who violate the provisions of the Accord. More so when such special investigations units are constituted by former special branch members, notorious for their activities against free political activity and specifically against extra-parliamentary organisations.

With the benefit of hindsight, we have found a reluctance or slowness in getting the security forces to sign the National Peace Accord, whereas we believe that it (the Accord) should, in the circumstances of today, be part of the police code.

2.3 POLICE REPORTING OFFICERS.

Against this background, the very method of appointment of police reporting officers should be reviewed. As it is these are appointed solely by the Minister of Law and order. In order to ensure confidence in such Officers there should be multi-party input in these appointments or perhaps appointment by a multi-party body.

We also believe that the powers of these Officers should be extended to include independent investigations and playing a more pro-active role to ensure publically accepted standards of conduct.

2.4 TRIBAL / LOCAL AUTHORITIES.

The National Peace Accord does not bind tribal and local authorities while evidence continues to mount about chiefs denying free political activity by allowing only political parties of their choices to participate in their areas of jurisdiction.

The Accord should be broadened to include these authorities under whose jurisdiction millions of our people live.

2.5 GOVERNMENT RESPONSIBILITY.

2.5.1 DANGEROUS WEAPONS.

We call upon government to prohibit totally the carrying of dangerous weapons of all kinds in public. The legislation passed recently still falls short of this and we call on government to amend it to this effect. We further wish to say that the disarming of the right-wing in last weekends gathering was a positive step and it is such decisiveness that we would like to see all round.

2.5.2 GOVERNMENT INSTITUTIONS AND VIOLATIONS.

It is government responsibility to ensure that none of its institutions violate the provisions of the Accord and when such violations occur, tough measures should be taken. Police or army officers who are found to have committed such violations should be dismissed from the forces.

2.6 STATUTORY STATUS TO NPA

We believe that the National Peace Accord should be given statutory status so as to make it and its provisions more enforceable to all, political parties/organisations, local/tribal authorities and security forcers alike. Such an endeavour, however, considering the realities and processes of present day South African political life, should be a joint effort of all parties or in consultation with them. In this regard we propose a moratorium on the draft Bill on Internal Peace Institutions and that our sub-group is given an opportunity to study it to see if it meets our desired goals as far as the Accord is concerned.

2.7 MONITORING.

We believe that the work of the National Peace Accord structures would be greatly enhanced by monitoring of its implementation. compliance with it's provisions, it's signatories vis-a-vis it's provisions.

In this respect we propose that a relationship be established between the National Peace Accord and CODESA through a mechanism to be worked out by both.

Should it be deemed necessary for the success of the implementation of the Accord, CODESA should facilitate outside or international assistance for this purpose.

