

African National Congress

***NATIONAL EXECUTIVE
COMMITTEE
MEETING***

***DOCUMENTS* :**
Volume Three

15 December 1993

TEC MEMBERS

MEMBER	ALTERNATE MEMBER	PARTY
DJ De Villiers	L Wessels	National Party
CW Eglin	KM Andrew	Democratic Party
PJ Gordhan	C Saloojee	Natal/Transvaal Indian Congress
HJ Hendrikse	I Richards	Labour Party
NJ Mahlangu	Q Vilankulu	Intando Yesizwe Party
RP Meyer	SS van der Merwe	South African Government
SE Moeti	SS Makhuvha	Venda Government
TJ Mohapi	SOM Moji	Dikwankwetla Party
EE Ngobeni	PT Shilubana	Ximoko Progressive Party
DS Rajah	JN Reddy	Solidarity
A Rajbansi	O Ganie	National People's Party
C Ramaphosa	M Maharaj	African National Congress
MN Ramodike	MJ Mahalangu	United People's Front
SS Ripinga	FS Baloi	Inyandza National Movement
J Slovo	T Mtintso	South African Communist Party
Z Titus	NB Jajula	Transkei Government

**PROPOSED COMPOSITION OF
THE TEC SUBCOUNCILS
PRESENTED TO THE TEC ON 14 DECEMBER 1993**

1. REGIONAL/LOCAL GOVERNMENT (6)

Mr DM Malatsi	Transvaal Traditional Leaders
Chief SK Nota	Transkei
Mr Y Makda	SAG
Mr B Cobbett	ANC
Mr AT Meyer	NP
Mr JSS Phatang	Dikwankwetla

2. INTELLIGENCE (8)

Mr LT Landers	Labour Party
Col WM Ndzwayiba	Transkei
Lt-Genl RHD Rogers	DP
Brig MW Mokoena	UPF
Mr GH Rothmann	SAG
Mr A Nzo	ANC
Mr SJ Schoeman	NP
Mr R Shaik	SACP

3. LAW AND ORDER (8)

Maj-Genl J Nembambula	Venda
Mr PHP Gastrow	DP
Lt-Col Bohlole	UPF
Lt-Genl L Malan	SAG
Mr S Mufamadi	ANC
Mr GB Myburgh	NP
Mr K Naidoo	TIC/NIC
Mr MS Gininda	Inyandza

4. DEFENCE (3)

Prof DMD Mahlangu	Ximoko
Brig L Bengu	Transkei
Brig ML Ramaligela	Venda
Adv SJ Maake	UPF
Genl AJ Liebenberg	SAG
Mr J Modise	ANC
Mr WN Breytenbach	NP
Mr R Kasrils	SACP

5. FOREIGN AFFAIRS (6)

Mr GKN Hetisani	Ximoko
Princess SN Sigcau	Cape Traditional Leaders
Mr O Ganie	NPP
Prof CJA Barratt	DP
Mr A Pahad	ANC
Mr L Wessels	NP

6. STATUS OF WOMEN (6)

Mrs MYK Bassier	Labour
Mrs MT Moroke	OFS Traditional Leaders
Ms NS Mtsweni	Intando
Ms M Manzini	ANC
Dr T King	NP
Mrs E Ghandi	NIC/TIC

7. FINANCE (6)

Mr J Douw	Labour
Dr JN Reddy	Solidarity
Dr TG Alant	SAG
Mr T Mboweni	ANC
Mr TJ Ndaba	Inyandza
Mr SOM Moji	Dikwankwetla

INDEPENDENT ELECTORAL COMMISSION

Chairperson: Kriegler, Judge J C

Deputy Chairperson: Moseneke, Adv E D

Members:

- Chikane, Rev F
- Dhlomo, Dr O
- Jacob, Adv Z
- Jager, Mrs R
- Mokhobo, Me D
- Nupen, Mr C
- Suzman, Mrs H
- Heyns, Mr J H
- Van der Ross, Mr B

IEC
IMC
IBA

ILL
MC
JES

EXEC. DIR.
DEON KUDMIN

Dep Ex Dir: Thewes Ekur

Dep Ex Dir: Janet Love

ADMIN. SUPPORT SERVICES
DIR: Daan van der Merwe

SECURITY

SECR. SERV. SUBS. LOGISTICS
DIR: Bhabalazi Bulunga

Deputy
Titendra Hargovan

DEPUTY
Anton Pretorius

IEC, IMC,
IBA
Manag. Sec.
Frans du Preez

SECR. SERV. TBC, MC
+ JES
Manag. Sec. G. Hutchings
Min Secs (x2)

LINEN SERVICES
DIR:
Rumla Kubukeli
Albert Mokoena

LEGAL ADVISORY SERV
DIR Anton Mokoena

DEPUTY
Abdul Mbayet

COMMUNITY +
PRIVATE SECTOR
Saul Badibe

MEDIA
Dries v. Heerde
L. Thokome

INTER-
NATIONAL
Sill Fleming

COMMERCE
Glenda Muller

ACCOMMODATION
+ TRANSPORT:
Zodwa Tshabalala

FINANCE:
Willem Louw

COMPUTER
NETWORK:
Gerhard Roos/
Willem Pelsor

PERSONNEL:
Liesel Bothma

OFFICE
SUPPORT:
Sharon Struydom

SUBCOUNCILS

RIG + TL:
Managing
Sec.
Min Sec.

LOSS
Managing
Sec.
Min Sec.

DEFENCE:
Managing Sec.
Min Sec.

FINANCE
Managing Sec.
Min Sec.

TOURISM
Managing Sec.
Min Sec.

STATUS WOMEN
Managing Sec.
Min Sec.

INTELLIGENCE
Managing Sec.
Min Sec.

5

RESOLUTION 1

In the light of the finding of the Fourth Interim Report to the Goldstone Commission that credible evidence has been placed before it of a hit squad which was made up of members of the Kwa Zulu Police (KZP) and which was responsible for the murder of no less than nine people including leaders and members of the ANC, it is decided that in terms of section 165 1(e), read with sections 3(e) and 7(4) of the TEC Act 151 of 1993:

1. (a) the TEC be provided with a full report within three days from Lieutenant General During and Brig ES du Preez on the said hit squads and the possible existence of any other similar groups within the KZP;
 - (b) that the Goldstone Commission provides the TEC with any further information in its possession arising out of its own involvement in the investigation;
 - (c) the TEC will take urgent follow up steps immediately the above information has been received.
2. In dealing with such information the TEC will be mindful of the need to avoid prejudicing further investigations relating to this matter and the possible existence of any other similar groups.

Bearing in mind that the matter of the lack of confidence in and the lack of co-operation between law enforcement agencies and the communities has previously been raised during the multi-party process; now therefore, with reference to paragraph 3.4 of the Fourth Interim Report of the Goldstone Commission, in which specific reference is made to the fact that the South African Police be given the support of all South Africans and that efficient and adequate steps be taken to ensure that it operates fairly and efficiently, and transparently so in the interests of all citizens, the Transitional Executive Council resolves as follows:

1. There should be immediate consultation by a delegation of the Council with the responsible officials of the South African Police and that the proposal that the ISU should be removed from the East Rand and Bhambayi in particular should receive attention.
2. The Subcouncil on Law and Order, Stability and Security should be set up as a matter of urgency and should be requested to set up the national independent complaints mechanism contemplated in section 15(1)(c) of the Act.
3. The Subcouncil referred to in paragraph 2 should be requested to investigate the manner in which members of the South African Police have been executing its functions and should, with this in mind, in terms of section 15(1)(d) request the necessary information in this regard which ~~have~~ already been compiled.

has

Resolution 3

The Council resolves to draw attention to the fact that Human Rights Day is being celebrated on 10 December 1993.

The Council requests observance thereof and also that activities celebrating this day be allowed to proceed throughout the country.

And in particular, in responding to the appeal of the Lawyers for Human Rights to the TEC, calls on the BOP Government to allow -

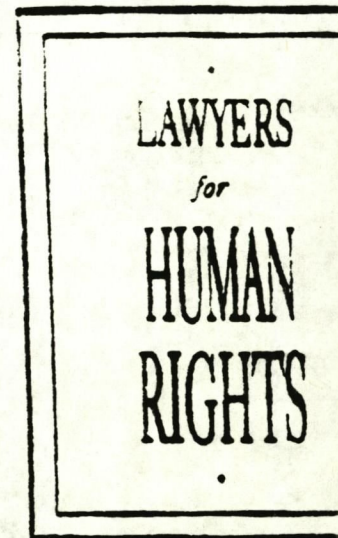
Lawyers for Human Rights to celebrate this day in Bophuthatswana.

100 09 199 19116 L H P

NATIONAL DIRECTORATE

730 Van Erkom Building
Pretorius St, Pretoria 0002
Telefax: (012) 325 6318
Telephone: (012) 21 2135
Docex 113, Pretoria

Our ref:
Your ref:
Date:



9th December 1993

**** URGENT FAX TRANSMISSION ****

ATTENTION : PRAVIN GORDHAN
T.E.C.

FAX : 021 455489

Dear Pravin,

RE : HUMAN RIGHTS DAY - BOPHUTHATSWANA

We have been attempting (extremely unsuccessfully) to get permission to hold an event in Bophuthatswana, celebrating International Human Rights Day tomorrow. All our attempts have been frustrated.

We have sent the attached letter to all the embassies and to other interested parties, and I wished to bring this matter to the urgent attention of members of the TEC. I do not know what you can do about this - but we feel it needs to be discussed. Any pressure that can be brought to bear by those involved in the TEC would be welcomed.

We are going to court this afternoon to get a reversal of the decision, but if we succeed it will be too late certainly for the bands who were to perform.

With thanks

Yours Sincerely

Paula McBride

NATIONAL DIRECTORATE

730 Van Erkorn Building
Pretorius St. Pretoria 0002
Telefax: (012) 325 6318
Telephone: (012) 21 2135
Docex 113. Pretoria

Our ref: L15
Your ref:
Date: 9 December 1993

LAWYERS
for
HUMAN
RIGHTS

TO ALL EMBASSIES:

RE: INTERNATIONAL HUMAN RIGHTS DAY IN BOPHUTHATSWANA:

As a human rights organisation we celebrate International Human Rights Day on 10 December annually. This year we have a number of activities throughout our regions and the theme of the day is MY VOTE IS MY SECRET.

We have an office in Bophuthatswana and as you are all aware the oppression in this region is close to total. We therefore decided to focus our energies on Bophuthatswana on December 10 as we will be campaigning in that region for free political activity and for the creation of a climate in which free and fair elections can take place. We therefore planned a day of festivities which included a Fun Run, cultural events, speakers on human rights and a Music Festival. The theme in this region, as in all of our regions, was MY VOTE IS MY SECRET.

Unfortunately, those who still retain power in Bophuthatswana have decided that these events in some way constitute a threat to national security and they have been banned. We were originally granted permission for the Fun Run by the Municipality and the Traffic Department but two days ago the Commissioner of Police informed us that he was not granting permission for the Fun Run on the grounds that it would constitute a danger to road safety. In addition we applied for permission for the Bands to perform (one has to apply for permission for this in that region) and they delayed their response to this for three weeks informing us only yesterday that permission had not been granted.

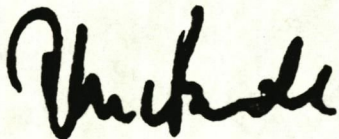
We are launching a Court Application today to get these decisions reversed. In addition we have been attempting to negotiate with the relevant Ministers to see whether we could reach a compromise that would allow us to proceed with the festivities. As you can imagine we have already invested a lot of time and money in the event. The Ministers that we have attempted to talk to appear to be permanently unavailable. In addition we are receiving

reports on an almost daily basis in our office in Mafikeng of harassment of voter educationists. This week a group of 49 people attending a voter education workshop were arrested and brutally assaulted by the Bophuthatswana Security Forces. They were detained and a number of them missed Matric examination papers as a result. Some of those who were assaulted are in a serious condition and one of them received an irreversible groin injury. We regard the situation as extremely serious in this region and we would like to ask you to intervene in the following way:

1. To contact the South African Department of Foreign Affairs as a matter of urgency to bring this to their attention;
2. To make contact with the T.E.C. to bring this matter to their attention;
3. If you have influence over either the Freedom Alliance as a whole or the Bophuthatswana Government as a part, then we would appreciate it if you would contact them.

The T.E.C. is now in place and we are moving at a fairly rapid pace towards elections on the 27 April 1994, yet the Bophuthatswana Government refuses to allow even an independent human rights organisation to operate freely in its territory. The residents of Bophuthatswana are not even allowed to learn about how to vote let alone who to vote for. We are in the process of preparing an information sheet on the situation in Bophuthatswana and we hope to hold a briefing session for all Embassies earlier next week. We will be in touch with you on this.

With thanks,
Yours sincerely,



PAULA McBRIDE.

RESOLUTION 4

The Council

1. **Noting** reports of serious instability amongst the inhabitants of Northern Natal.
2. **Resolves:**
 - 2.1 to take steps to investigate this matter:
 - 2.2 to request the South African Police to act immediately to provide security and the protection of the lives and the property of the inhabitants of this area: and
 - 2.3 to require the Subcouncil for Law and Order to be seized with this matter as soon as it is established.

RESOLUTION NO. 5

**DRAFT RESOLUTION ON
THE DEVELOPMENT BANK OF SOUTHERN AFRICA-BOPHUTHATSWANA
LOAN AGREEMENT**

14 December 1993

1. **Noting:**

The loan agreement entered into between the Development Bank of Southern Africa and the Bophuthatswana Government on 9 December 1993 and the impending transfer of R216 million from the Development Bank of Southern Africa to Bophuthatswana;

2. **Fully Aware:**

Of the terms of reference of the TEC and its Sub-Council on Finance; and

3. **Drawing the Attention:**

Of the Development Bank of Southern Africa that the TEC Act was enacted on 27 October 1993 and came into operation on 7 December 1993.

The Council Resolves:

1. To bring to the attention of the Development Bank of Southern Africa management that in terms of the TEC Act, this particular loan agreement could be in contravention of the TEC Act;
2. To inform the Development Bank of Southern Africa that this loan agreement should not be proceeded with without prior discussion in the Council; and
3. Therefore this loan should be suspended until fully discussed with the Council in terms of the TEC Act.

DEVELOPMENT BANK OF SOUTHERN AFRICA TELEFAX / TELETEX / TELEX MESSAGE

PO BOX 1234
HALFWAY HOUSE
SOUTH AFRICA
1685

TELEPHONE: (011) 313-3911
TELEFAX: (011) 313-3629
TELETEX: (011) 45-0675 DBSA
TELEX: 4 25546



TO: TITO MBOWENI
DEPUTY HEAD, DEPARTMENT OF ECONOMIC
PLANNING
AFRICAN NATIONAL CONGRESS

TELEFAX NO: 011 330 7268 / 011 330 4509

FROM: NICK CHRISTODOULOU

DATE: 10 DECEMBER 1993

ALL PROBLEMS REGARDING THIS MESSAGE MAY BE DIRECTED TO THE OPERATOR AT
TELEPHONE 011 - 313-3598

Our telephone discussion of 9 December refers.

Please find attached details of loans signed with Bophuthatswana on 9 December 1993. We reconfirm that the projects were considered and approved at our October/November board meetings and that the signing thereof was the conclusion of the legal formalities.



Development Bank of
Southern Africa

DBSA signs package of loans with Bophuthatswana

Loan agreements to the combined value of approximately R216 million will be signed between the Development Bank of Southern Africa (DBSA) and the Government of Bophuthatswana and the Bophuthatswana Electricity Corporation (BECOR) respectively on 9 December 1993.

The loans are intended for the design and construction of the following projects:

Project name	Total estimated cost	DBSA loan
Augmentation of Mmabatho's bulk water supply	R74 644 000	R73 194 000
Bophuthatswana urban infrastructure support project	R28 250 000	R28 250 000
Bophuthatswana general electrification project	R34 029 000	R25 000 000
Bophuthatswana link roads Phase 1	R57 259 300	R56 771 300
Bophuthatswana gravel roads Phase 1	R23 703 000	R23 703 000

Augmentation of Mmabatho's bulk water supply infrastructure:

The project forms part of the Greater Mmabatho water supply programme and consists of the construction of the Modimola Dam, a water purification works and main pipelines to be implemented over a three year period.

The project is primarily aimed at ultimately supplying the less developed peri-urban areas around the Greater Mmabatho area with potable water and will be flexible enough to act as a backup supply for the current consumers, should the existing dolomitic sources dry up.

Bophuthatswana urban infrastructure support project

The project entails the provision of urban infrastructure elements in the urban and peri-urban areas of Bophuthatswana. The beneficiaries are the communities of the identified urban areas.

The project elements include internal water reticulation, bulk services and link services within the following sub-regions: Odi-Moretele; Bafokeng-Mankwe; Lchurutshe and Taung.

Bophuthatswana general electrification project

This project provides for the electrical reticulation to individual stands in various existing formal and informal towns and rural settlements in Bophuthatswana.

Three priority areas have been identified in which the electrification will commence, namely; Odi-Moretele sub-region; Bafokeng-Mankwe sub-region, and Molopo sub-region.

Electrification of rural areas will commence only after the completion of a feasibility study on the affordability of the service to the consumers. The following four rural settlements have been selected for initial investigation; Syferkuil-Odi-Moretele sub-region; Tsitsing-Bafokeng District; Chanceng-Bafokeng District, and Ntswelatsoku-Lehurutshe District.

The implementation of this project will bring the benefits of electricity to those households that could not previously afford the connection fees and tariffs required for the service. The conditions of supply and tariffs to be charged by BECOR are now similar to those applicable for supply by ESKOM in its area of supply. This has been made possible by ESKOM extending its subsidised consumption rate to consumers supplied by BECOR.

The signing of this loan agreement brings the value of total DBSA loans to BECOR to approximately R110 million.

Bophuthatswana link roads Phase 1

The project, which forms part of the current DBSA Bophuthatswana rural transportation infrastructure programme, comprises the upgrading of four priority intra-regional link roads in Bophuthatswana.

The implementation of this project will improve the mobility of the rural and peri-urban inhabitants of Bophuthatswana by providing improved access within the broader sub-region. The local communities will benefit from the improvement of the road's capacity and operational safety upon completion of the construction works as well as through the provision of work opportunities during construction.

Bophuthatswana gravel roads Phase 1

This is the first phase of a gravel road rehabilitation and upgrading programme which will attend to more than 140km of gravel roads in many districts of Bophuthatswana. This phase will enhance the use of labour during construction and through special measures possibly more than double the amount of labour employed in conventional construction projects.

Mr J H de V Botha, General Manager, of DBSA and the Dr M van den Berg, Minister of Finance and Mr D Nunns, General Manager/Chief Executive, of BECOR will represent their organisations at the signing of the agreements in Mmabatho.

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RESOLUTION 6

DRAFT RESOLUTION ON THE KWAZULU HIT SQUAD PUT TO THE
TRANSITIONAL EXECUTIVE COUNCIL ON 14 DECEMBER 1993

Noting

the ~~unco-operative~~ response of Lt-Gen During, the
Commissioner of the KwaZulu police;

and believing

- (a) the request for information was directed to Lt-Gen
During and not to the KwaZulu Government
- (b) that Lt-Gen During is obliged to co-operate with
the Transitional Executive Council in terms of the
Act

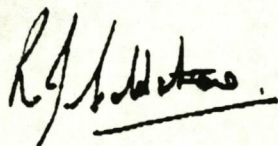
therefore resolves,

- (a) to immediately correct any uncertainty arising
from Lt-Gen During's obligation to the TEC and the
irrelevance of his instructions from the KwaZulu
Government in this regard;
- (b) to mandate the Management Committee to take all
steps, including legal steps, to ensure the
decision of the TEC is complied with.

(c) to set up a sub-committee
of the TEC to investigate
this matter further in
co-operation with the SAP
and Goldstone Commission

THE STATE PRESIDENT

The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present its Fourth Interim Report.



R. J. GOLDSTONE
CHAIRMAN OF THE COMMISSION

CAPE TOWN

6 December 1993

1. INTRODUCTION

- 1.1 The Commission considers that having regard to the national election to be held on 27 April 1994 it is appropriate that a further interim report be submitted.
- 1.2 The only broad issue dealt with in this report is the curbing of public violence and intimidation during the period up to and immediately after the election.
- 1.3 The challenge now facing South Africa is its transformation into a peaceful democratic non-racial and non-sexist society. That will not happen if the outcome of our first national election is not in fact, and in the perception of the mass of our people, legitimate.
- 1.4 The Transitional Executive Council ["TEC"] and the Independent Electoral Commission ["IEC"] will have an extremely short period of time within which to take necessary and adequate steps to ensure the fairness of the voting procedure and a peaceful transfer of power to a government of national unity.

1.5 In the anticipation that the TEC and IEC will both be functioning before the end of this month, the Commission wishes to draw their attention publicly to the facts and recommendations set out below.

2. HIT SQUADS

2.1 As previously reported the Commission has received and investigated numerous allegations of hit squad activities.

The fact that hit squads are operating in South Africa cannot seriously be doubted. The result is the huge toll of murdered leaders and supporters of, inter alia, the Inkatha Freedom Party, the African National Congress and members of the South African Police.

2.2 The Commission has consistently refused to make findings without adequate evidence. However, in the past few days credible evidence has come to the knowledge of the Commission of a hit squad which at the time of its activities consisted of members of the KwaZulu Police ["KZP"]. The facts have come to light in consequence of a request by the

[4/.....]

Commissioner of the KZP, Lt-Gen R During to the SAP for the latter to investigate the relevant allegations. An investigation followed under the direction of Brigadier E.S. du Preez.

2.3 From the police investigation it emerged that the persons suspected of operating in the hit squad had received training from the South African Defence Force in the Caprivi in 1986. That training was the subject of a previous inquiry by the Commission. For that reason in particular the SAP invited the Commission to become involved in the investigation. The SAP also reported the matter to the Police Reporting Officer in Natal, Adv. N. Melville.

2.4 The investigation is still in progress. Three arrests have been made. All three persons were until recently members of the KZP. One of them has now been dismissed and the other two suspended. The evidence establishes the high probability that a hit squad consisting of five KZP policemen has been responsible during 1992 and 1993 for the murder of no less than nine people including leaders and members of the ANC. Further arrests are anticipated. The Commission's Natal Investigation

[5/.....]

Unit is participating fully in the investigation. The normal criminal justice procedures will follow and will take their course under the direction of the Attorney-General.

2.5 Having regard to the seriousness of a hit squad operating within a police force the Commission considers it to be in the public interest to make the above information public at this stage. Apart from any other reasons, the implications in relation to the election make that imperative. However, to make public further details concerning the hit squad and its operation at this time would be calculated to prejudice the further investigation relating to this matter and into the possible existence of any other similar groups.

2.6 The Commission expresses the sincere hope that this disclosure will be a spur to adequate steps being taken by all interested parties and organisations to prevent further deaths and injuries. The fact that evidence has been found which implicates the KZP in no way exonerates any other parties who might also have been responsible through their members or supporters for public violence and intimidation.

[6/....]

2.7 The Commission again calls on all persons with evidence of hit squad activities regardless of their source anywhere in South Africa to come forward. The Commission offers such persons adequate safeguards relating to their safety and the confidentiality with which such evidence will be treated.

3. THE EAST RAND AND THE INTERNAL STABILITY UNIT

3.1 The Commission is alarmed at the serious breakdown of community structures in a number of areas on the East Rand. Not only has violence increased dramatically but vital amenities such as water reticulation, electricity and railway tracks have been sabotaged. Normal activities for many tens of thousands of people living in those areas have become impossible. Attacks on police have become so wide-spread that uniformed policing is not possible. Since 1 August 1993 there have been more than 150 incidents in which police patrols have come under fire. Eleven policemen have been seriously injured and five have been killed.

3.2 It is imperative that normalcy be restored on the East Rand and the Commission supports the steps already announced by the Wits Vaal Peace Committee in that regard. The workshop to be held by it with the SAP, ANC, IFP and other relevant parties is the only way forward in order to find sensible and effective solutions to the urgent problems besetting those areas.

3.3 The Commission is also alarmed at the demands for the Internal Stability Unit to be withdrawn from these townships. The residents of those very townships are consistently at risk of death and injury and the withdrawal of adequate protection will make them even more vulnerable to the mercy of roving groups of people who have already set themselves up as informal, undisciplined and unaccountable vigilante "law enforcers" whether calling themselves Self-Defence Units (SDU's) or by any other name. Whatever the shortcomings or unacceptable conduct of members of the ISU might be, their withdrawal is likely to lead to greater and not lesser violence. The Commission would like to emphasize that it is unable to and does not comment on the justification for the criticisms which have

been directed at the conduct of some members of the ISU.

3.4 Even if some or all of the criticisms are fully justified there is no peace keeping force in South Africa other than the South African Police and it appears to be highly unlikely that there will be another in the future. It is therefore essential that the SAP be given the support of all South Africans and that efficient and adequate steps be taken to ensure that it operates fairly and efficiently, and transparently so in the interests of all citizens. Again, the steps to be taken to ensure increased confidence in policing is a matter requiring the urgent attention of the SAP itself together with the TEC and IEC. In that regard the Commission would like to refer to the constructive, if not essential, role played by the EC police experts who have served with the Commission's investigation units. In particular, they assisted materially in creating wide public credibility for the units. Consideration should be given by the TEC and IEC to that kind of involvement by foreign experts.

4. THE COMMISSION AND THE ELECTION

4.1 The Commission's Research Institute and its investigation units are able and willing to do everything within their power to assist the TEC and IEC in ensuring that a legitimate election takes place.

4.2 The nature of such assistance is a matter for discussion between those bodies and the Commission.

RESPONSE OF THE MINISTER OF LAW AND ORDER TO
RESOLUTION 2 OF THE TEC DATED 9 DECEMBER 1993

In the light of complaints regarding the activities of the Internal Stability Unit in certain areas which were received from the ANC and their request that they must be withdrawn, an internal workshop was held. At this workshop the situation was reviewed and a plan was developed to institute the necessary steps to make this specific division of the South African Police more acceptable.

The following changes are proposed:

CHANGE OF NAME

According to Section 190(1) of the proposed constitution, the National Commissioner will be responsible for the establishment of a National Public Order Policing Unit. In order to overcome the criticism directed towards the name of the Internal Stability Unit, it is recommended that these units be referred to as Public Order Policing Units.

Military and aggressive appearance (uniform, vehicles, weapons)

It is also proposed that:

- the current camouflage uniform be replaced with the blue field dress uniform as worn by The Visible Policing Division.

- female members be placed on patrol in vehicles in areas where circumstances permit.
- police identification badges (Police badges) be placed on armoured vehicles;
- soft-bodied vehicles be utilized mainly in areas where circumstances permit;
- weapons and drills be "softer" where circumstances permit; and
- overreaction be guarded against; in other words during normal situations which can be dealt with by two vehicles, six vehicles should not arrive at the scene.

COMMAND AND CONTROL

The following is suggested in order to improve command and control:

- In order to bring the racial balance of units to a more acceptable ratio, sections must be distributed more representatively.
- The various units remain based on the premises and in the areas in which they are currently based. The main motivation of this recommendation is the availability of accommodation.
- The District Commissioner in whose area a unit is situated, will be responsible for the overall command and control of such a unit.

- The District Commissioner in whose area such a unit performs duty, will be responsible for command and control of the unit for the period which it performs duty in such an area.
- The station commander of an area in which a unit must perform duty, must be informed.
- It shall be the duty of the District Commissioner to place an officer in overall command of an operation. (This step will be necessary, especially where the commander of the unit which must perform duty, is the senior of the station commander).
- The District Commissioner must be the chairman of the Sub-Security Committee, whilst he must serve as a permanent member of the Regional Security Committee.
- All station commanders within the specific area of a District Commissioner, must also serve as permanent members of the Sub-Security Committee.

Steps will also be taken to ensure closer liaison between the Internal Stability Unit and Police / Community Consultation Forums. Police / Community Consultation Forums will also be consulted to obtain their view with regard to the requirements of their respective communities.

Other community leaders who are not part of the Police / Community Consultation Forums will also be consulted to determine how they see the role of the unit and to consider any suggestions they may have.

It is however important that the needs of the whole community be considered and not only that of a section of the community.

Most of the proposed changes can be effected in a very short period. It is however important that changes should meet with the requirements of the community as a whole and contribute to the maintenance of Law and Order.

SUBMISSION TO THE TEC: BHAMBAYI SQUATTER CAMP.

1. The SA Police has intensively and thoroughly analysed the current situation in the Bhambayi Squatter camp.
2. At this stage, two opposing factions exist - the red headbands and the green headbands.
3. At present, 31 Internal Stability Unit members and 40 SADF members are deployed in the area.
4. The ISU members have already on occasion been withdrawn from the area, but renewed violence forced their return.
5. Requests that the ISU be withdrawn from the area have again been intensively analysed.
6. This has resulted in the following:
 - * The Minister of Law and Order is prepared to reduce the number of ISU members from 31 to 10 or less.
 - * The Minister is also prepared to increase the SADF presence from 40 to 60 members.
 - * Immediate steps will be taken by the SA Police, along with Joint Consultation Forums, to harmonise the operations of the remaining ISU/SADF members with the community.

* Other community leaders will also be consulted to determine their requirements in this regard.

* Should these proposals be acceptable, the camouflage dress of the ISU will be replaced with the blue field dress of the SAP's Visible Policing Division.

SUBMISSION TO TEC ON DEMANDS FOR ISU WITHDRAWAL FROM THE EAST
RAND.

In the light of proposals in the accompanying submission (Planning on ISU) the withdrawal of the ISU from the East Rand must be considered bearing the following in mind:

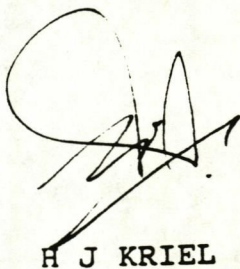
* The Minister of Law and Order has already held discussions with the ANC and the communities of Thokoza, Vosloorus and Kathlehong on this matter.

* It was jointly decided that Mr Peter Harris of the Wits/Vaal Peace Committee be approached to take steps to create a workshop to address the issues raised at the meeting.

* This workshop is to comprise community leaders of Kathlehong, Vosloorus and Thokoza, ISU commanders, commanders of the SAP's Community Relations Division, a representative of the SAP's Regional Commissioner and other Police units in the area.

The purpose of this workshop is to urgently consider the position of the ISU and other areas of contention.

After this workshop has completed its task, further consideration will be given to the request of the TEC.



H J KRIEL

MINISTER OF LAW AND ORDER

Perspectives on the sub-council on Law and Order, Stability and Security

1. Introduction

The sub-council on Law and Order, Stability and Security has the responsibility not only of monitoring the police but also of taking steps to ensure that the run-up to the elections is properly policed. Elections policing has two key components, namely:

- (a) Non-public order policing (investigation of crimes) and
- (b) Public order policing

The TEC Act on LOSS provides for general investigation and monitoring clauses as well as clauses which limit the power of the Minister with regards to areas of policing that are crucial to the electoral process.

2. Internal Structures

In order to achieve the aims set out above, we propose to establish a Special Task Group to be charged with the responsibility of ongoing strategising on matters relevant to the work of the sub-council. This task group shall report to, and seek political guidance from the National Working Committee/National Executive Committee through our representative on the sub-council.

We also propose that at regional level, sub-committees be formed to deal with all matters pertaining to the work of LOSS. The establishment of these structures will ensure that:

- (a) We develop a coherent approach to policing issues.
- (b) Initiatives taken in the regions are consistent with such a coherent approach.
- (c) There is a regular flow of information between all levels of our organisation (such information being crucial to our interventions).

2.1 Co-ordination

There are obvious areas of overlap between the work of this sub-council and the work of the sub-councils on Defence and Intelligence. This necessitates the establishment of a Joint Strategising Forum to ensure synergy of inputs and interventions in the respective sub-councils (see organogram marked Annexure "A")

NB The co-ordination between these three sub-councils does not supplant the coordination involving the work of all the sub-councils.

3. Statutory Obligations

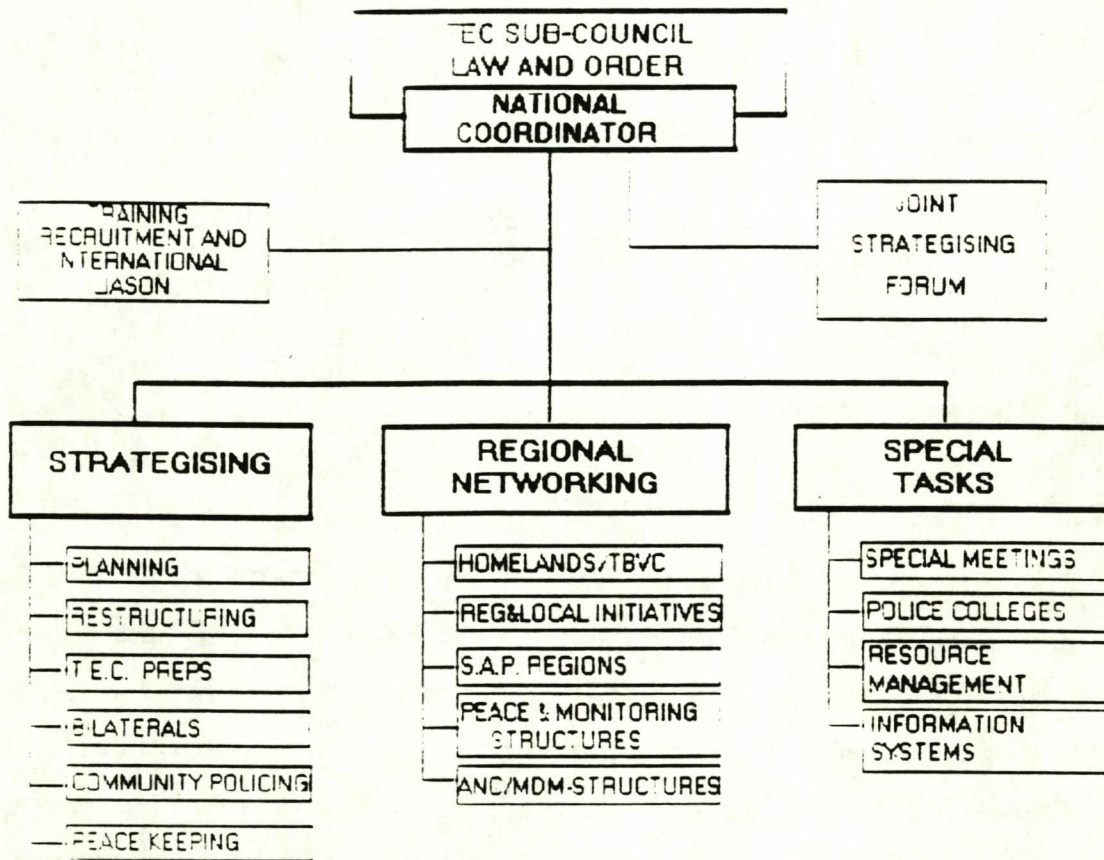
The sub-council has a statutory obligation to:

- (a) Establish an independent Complaints Mechanism which shall have national jurisdiction (see Annexure "B").
- (b) Establish a National Inspectorate which shall investigate and monitor all policing agencies (see Annexure "C").
- (c) Establish a committee of local experts or local and foreign experts to evaluate or monitor police action, conduct or reform relating to the objects of the sub-council (* We think that the Police Board can perform such a function. We might have to add to the Board representatives of the policing agencies in the TBVC territories and international experts).
- (d) Introduce or amend a code of conduct which shall be binding on all policing agencies.
- (e) Require minutes of and attend all relevant meetings of any policing agency (see Annexure "D" for identified relevant meetings).
- (f) Formulate rules and regulations regarding control and command.

4. General Comments

The police are a critical element in ensuring a smooth transition - moreso because the national Peace-keeping Force which ought to be the primary organ for peace-keeping, may take some time to establish. More active engagement with the police will be required. This engagement should take the form of various confidence-building measures such as meetings between the sub-council and command structures of the various policing agencies.

For its part, the ANC will have to develop its own programmes of meetings with various layers of the SAP and homeland policing agencies' membership. It is through meetings like these that we can address their apprehensions about the future and ensure their co-operation in the process of creating conditions for a peaceable transition.



ANNEXURE D

M E M O R A N D U M

RE: Section 15(1)(c) of the Transitional Executive Council
Act : Establishment of a National Independent Complaints
Mechanism

DT: 13 December 1993

- 1 The question of an appropriate complaints mechanism has been given considerable attention during the course of this year by ANC and Government negotiators in the National Peace Committee sub-committee on strengthening the Peace Accord. In submissions made to that committee, the ANC set out its view that a duplication of structures and processes around the function of investigating Police offenses and misconduct should be stopped and that a single institution combining the functions of the Security Forces Board of Enquiry, the Police Reporting Officers and regional proposals which have been negotiated should be established by statute to investigate such offenses and misconduct. On 6 October, the ANC submitted a memorandum to the NPC sub-committee outlining these views and proposing a series of amendments to the Security Forces Board Enquiry Act No. 95 of 1993 in order to achieve these objectives.

- 2 The ANC remains of the view that a single mechanism should exist to investigate Police misconduct, but on reflection, has decided that amending the Security Forces Board of Enquiry Act will be a complex and clumsy route to take. The ANC now proposes that one of two routes be adopted:
 - 2.1 The council should, in terms of its power conferred under s7(1)(j) of the TEC Act, prepare a proclamation to be issued by the State President to set up the independent complaints mechanism:

-
- 2.2 If parliament is to sit again early in the new year, a statute could be prepared to establish the independent complaints mechanism:
- 3 The principles which should underlie the national independent complaints mechanism are the following:
- 3.1 the mechanism should be independent and under civilian control;
- 3.2 the mechanism should investigate Police misconduct and offenses only, it should not also investigate misconduct and offenses committed by members of the SADF and Prison Services;
- 3.3 the mechanism should replace the Security Forces Board of Enquiry Act and should allow for the integration of Police Reporting Officers and Complaints Investigating Units into it;
- 3.4 the mechanism should investigate all misconduct and offenses allegedly committed by members of the Police, not only serious offenses. There should be automatic referral of all such investigations to the mechanism;
- 3.5 priority should be given to the investigation of election related misconduct and offenses in the period leading up to 27 April 1994;
- 3.6 the mechanism should have full investigative powers, equivalent to those of the Police;

- 3.7 there should be a duty of disclosure on the Police, and it should be a criminal offence for a Police officer not to provide the mechanism with information or evidence which it requires;
- 3.8 any existing investigation conducted by the Police should stop once an investigation is pursued by the mechanism;
- 3.9 the mechanism should have the authority to investigate matters even after Police investigations have been closed and after trials or inquests have been held;
- 3.10 the mechanism should have jurisdiction over the same territory which the TEC has jurisdiction over;
- 3.11 the mechanism should, as a matter of course, enquire into all deaths in custody and any killings committed or allegedly committed by members of the police;
- 3.12 the mechanism should be staffed largely by experienced Police investigators and provision should be made for the secondment of experienced investigators from other countries to assist the mechanism in its work;
- 3.13 members of the Police should be seconded to the mechanism and service in the mechanism should be an important part of the career path of Police Officers who aspire to hold positions of responsibility within the Police in the future;
- 3.14 there should be no requirement that only complaints made on affidavit be investigated;

- 3.15 the mechanism must have the authority to investigate suspected and planned misconduct and offenses;
- 3.16 the mechanism must have the power to require the suspension or transfer of members of the Police who are being investigated;
- 3.17 the mechanism must have the authority to submit its reports to the respective Attorney Generals for their decision and/or to relevant officers in the Police Force for the institution of disciplinary steps;
- 3.18 the mechanism must have sufficient resources to fulfil its functions effectively;
- 3.19 the mechanism must be established as quickly as possible to ensure that it is at least able to investigate election related misconduct and offenses during the runup to the election;

4 As soon as the Sub-council on Law and Order is established, these principles, or a proclamation embodying them, should be circulated to the various ministers for the purposes of the consultation envisaged by s15(1)(c) of the Act.

TEC SUB-COUNCIL ON LAW & ORDER

MAKING THE NATIONAL POLICE INSPECTORATE WORK

INTRODUCTION

The Transitional Executive Council Bill stipulates that the National Police Inspectorate will be accountable directly to the Subcouncil on Law and Order. It's overall function will be to monitor the implementation of the decisions of the Subcouncil.

The National Police Inspectorate is critical to the ability of the subcouncil to monitor the police and to ensure that its decisions are properly acted on by police agencies. Indeed the success or failure of the TEC may revolve largely around the work of this inspectorate. It is therefore important that substantial attention is given to the structure, operation and personnel of the inspectorate.

The effectiveness of the inspectorate will be dependent on the following factors:

- * The clarity and agreement on role of the structure.
- * Composition, particularly wide representation and proactive participation from key police agencies in the self-governing territories.
- * The relationship which the inspectorate establishes with the command structures of the various police agencies. This will determine the degree of co-operation between the inspectorate and police agencies.
- * The organisational capacity of the inspectorate and in particular a well resourced infrastructure.
- * Commitment of the personnel seconded to it.
- * Wide, rather than narrow, interpretation of the powers and functions to allow for proactive and flexible, rather than rigid functioning.
- * Clear leadership of the inspectorate which can clarify of purpose and effective management of its different components.

While the inspectorate was originally envisaged as an information gathering and monitoring mechanism, it is suggested that it's role should be more widely defined. Because of the nature of the inspectorate and its accountability it can conceivably play a leadership role in terms of the direction in which policing takes - the effect of which may be more long term than the election period.

(It should be noted that the police leadership are likely to conceive of the structure along the lines of the existing inspectorate which has primarily a regulatory role - checking that procedures are followed, registers properly filled in, stations are clean etc)

FUNCTIONS AND TERMS OF REFERENCE

The function of the Inspectorate should be primarily to serve as a monitoring instrument on behalf of the Subcouncil. This recognises the difficulty which even a purposeful and united subcouncil may have in obtaining information on the implementation of decisions, and the rationale for planning of police operations at all levels. It is at the level of implementation and operational planning that bias or inefficient deployment of police resource is likely to effect the manner in which the elections is policed and could lead to a breakdown in voter security and confidence, or to the abuse of police resources in the interests of particular parties to the elections.

In terms of a strategic approach to the National Inspectorate, it seems wise not to define it's role not solely in terms of a monitoring or disciplining function, but to include a confidence building aspect which is aimed at educating and providing positive leadership for police to act in the interests of a free and fair election. In terms of the sheer scale of the policing of the elections, a positive and meaningful goal would be empower those police who are organically predisposed towards a more positive and proactive (professional) role in relation to the elections. In this sense the inspectorate will also serve to represent the police to the TEC Subcouncil.

Assuming the existence of other structures such as the National Independent complaints mechanism, the lay visiting scheme, domestic and multinational monitors and the structures of the Goldstone Commission, the functions of the National Police inspectorate should be as follows:

- (A) To monitor the *implementation* of decisions taken at Subcouncil level, agreements between the subcouncil and the Minister and recommendations of the Police Board. In particular the inspectorate should focus on the process whereby policy decisions are operationalised in the regions within the police forces of the self-governing territories and at a local level, and should be responsible for setting and monitoring the attainment of measurable outcomes according to which police regions (or smaller command units) can be assessed.
- (B) To monitor the process whereby resources are deployed and controlled. This is of particular relevance in relation to violence and the policing of election activities. This is motivated by the recognition that even-handedness is vital if confidence is to be maintained, and that such even handedness is, more often than not, related to the way in which police resources are prioritised and deployed at times of crisis.

C) To assist in streamlining the flow of information pertaining to the objects of the TEC. In particular the Inspectorate should maintain an open channel of communication with regional district and unit commanders on issues pertaining to the elections and the maintenance of a free political climate.

(D) To monitor the management of the various operational divisions and units by:

i.) attending selected decision making meetings

ii.) monitoring the process whereby criminal intelligence - particularly in relation to violence and election events/dynamics is used in making decisions related to deployment of police personnel. Some members of the inspectorate should be tasked with evaluating the use of intelligence reports, and keeping the subcouncil directly informed of developments and important issues on this front.

(E) To investigate other matters relating to the command, control, management and deployment of police resource in relation to the security of the elections, of electioneering activities and "political violence".

STRUCTURE AND OPERATION OF THE NATIONAL INSPECTORATE.

A largely decentralised national inspectorate is proposed. This will serve to narrow the gap between the inspectorate and policing in all the regions.

Each regional "inspectorate" will be made up of local officers who have experience in the region. Where the region includes territory covered by several police agencies, the inspectorate should have at least one member from each agency. Although policing is organised along different lines to the new regions, the inspectorate should be organised on the basis of the new regions in order to start the task of establishing the move to the new police regions.

The national inspectorate will therefore be made up of:

3-5 members for each of the 9 regions. Each regional inspectorate should include one civilian and at least one SAP officer. (about 31 to 40 members) *(The Northern Transvaal Region would for instance have to include officers from Venda, Lebowa, Gazankulu and the SAP, whereas the Northern Cape need only have a SAP representative.)*

A national component, to be made up of:

4 Serving police officers, knowledge to include: (1) specialised knowledge of the organisational and management aspect of policing, (2) Public Order policing and (3) investigative experience.

4 Full-time civilians. Knowledge to include: specialised knowledge of organisational and management aspects of policing, legal expertise, public order policing, conflict resolution, violence monitoring. One of the civilians should be director of the national inspectorate.

The Inspectorate should have a relatively informal working approach and all members (regardless of rank) given equal status. This would facilitate a "team" approach.

In addition representatives from key agencies to serve as liaison persons on the national inspectorate in a part-time capacity. These would be nominated from

1. International Monitors
2. Domestic Monitors (NIM)
3. The "Voter Education" community.

The total staff of the inspectorate should not exceed 48 members. Of these, serving police officers will be paid by their police agencies and others appointed, by the TEC.

While seconded officers in the regions may work from police premises, they should be freed from all other duties. The national office of the inspectorate should be housed separately from police headquarters in Pretoria.

Selection/Appointment process.

CRITERIA FOR MEMBERS OF THE POLICE INSPECTORATE

While the special qualities and skills listed are unlikely to be possessed by all the members of the inspectorate, they are all essential for the effective working of the inspectorate.

* Should be personally willing and committed to serve on such a body, in the full understanding of the role that it is required to play.

* Should either have the seniority, experience, or the commitment to enable him/her to stand up to the pressure expected in the performing of such a role. In short should be capable and willing to challenge and/or question the existing hierarchy within police forces.

* Specific skills and competencies required on the structure include:

- Investigative experience
- In depth knowledge of police procedures and practices.
- Critical and evaluative skills in relation to communication systems
- A high degree of multi-cultural and political awareness

- Financial control and budgeting.
- Resource management in a policing context.
- Legal skills, and particularly knowledge of the electoral act.
- in depth knowledge of the various mechanisms of the NPA, the TEC, IEC, and other relevant structures.
- Expertise in the area of public order policing.
- Strategic management and planning.
- Experience in the field of violence monitoring.

A relatively simple process is urgently required as the subcouncil on Law and Order needs the services of the inspectorate as soon as possible.

Nominations should be made to the TEC, and the subcouncil should appoint a small committee to screen and where necessary interview those nominated. All nominations should be accompanied by a full CV and a written personal motivation for appointment to the Inspectorate. The bulk of such nominations will be from the ranks of serving police officers, and while such nominations may be from the police agency concerned, those nominated should demonstrate a personal commitment to the work of the inspectorate and an degree of independence from the command structure of the agency represented.

Nomination Process

For the ANC and it's allies, the process of influencing the composition of the inspectorate is critical. It should however be approached within the context of the wider need for confidence building within the security forces. Such confidence building is perhaps one of the most effective strategies for winning co-operation during the election period and beyond. In relation to the inspectorate, what is needed is a core of persons, with whom we can work effectively to ensure that the playing field is as level as possible. Given our limited resources and the demands of an election, as well as the need for the inspectorate to have a real ability to work with the various police agencies, it is to be expected that the majority of members will be serving police officers. These should be screened as thoroughly as is feasible, not to check their political loyalties, but rather to ensure that they are professional and committed to work fearlessly in the interests of a free and fair election.

A process of generating a list of names should not only include individuals close to us, but also persons from other parties with whom we can work effectively. This process will be conducted in consultation with:

Human Rights, Legal and Monitoring Groups who have a track record of work with the police.

Patriotic Front Allies

Academics and Researchers with extensive knowledge of the police.

Regional offices, and particularly those people who have worked with the police.

Selected Officers within police agencies who have demonstrated a commitment to the process of change.

Operation

The regional inspectorates would be responsible for keeping the Inspectorate informed on Policing in their regions, with specific emphasis on public order and election activities. The National Inspectorate would co-ordinate this and would also undertake further investigations into the following:

* Controversial police operations to which it is directed by the Subcouncil. On these issues the inspectorate may co-operate closely with other structures such as the peace committees, the Goldstone Commission, or the complaints mechanism. These investigations should be targeted at policy and management issues, rather than all complaints of misconduct or poor service.

* Management and Planning issues which have a bearing on the allocation of resources and effective policing more generally. Such investigations may be conducted with the help of various experts called on by the director of the inspectorate or the Subcouncil itself

TEC 15(1)(i) - MEETINGS & MINUTES

"The subcouncil shall have the power to require minutes of and attend any relevant meeting of any policing agency"

THE SUBCOUNCIL (and its Inspectorate) SHOULD BE ABLE TO ATTEND AND/OR RECEIVE MINUTES OF ANY OF THE FOLLOWING MEETINGS:

THE MANAGEMENT BOARDS OR EXECUTIVE MANAGEMENT TEAMS OF ALL THE POLICE AGENCIES

THE GENERAL STAFF MEETINGS OF ALL THE POLICE AGENCIES

MANAGEMENT MEETINGS OF EACH DIVISION OF EACH POLICE AGENCY:
including the following SAP divisions:

- ISD
- COMMUNITY RELATIONS
- VISIBLE POLICING
- CRIME COMBATTING & INVESTIGATION
- SUPPORTING SERVICES
- HUMAN RESOURCE MANAGEMENT

MANAGEMENT MEETINGS OF EACH SAP REGION AND SUB-REGION

THE CO-ORDINATING COMMITTEE BETWEEN SAP AND HOMELAND POLICE FORCES

THE COMMITTEE ON THE AMALGAMATION OF SOUTH AFRICAN POLICE FORCES

POLICYMAKING FORUMS including the following:

- POLICE BOARD
- SAP EFFICIENCY SERVICES DEPT
- SAP CORPORATE PLANNING DEPT

TOP RANKS PROMOTIONS COMMITTEES IN EACH POLICE AGENCY

LIAISON MEETINGS BETWEEN POLICE AGENCIES AND SADF, MILITARY INTELLIGENCE AND NATIONAL INTELLIGENCE SERVICE

MEETINGS OF POLICE STRUCTURES RELATING TO TEC & ELECTIONS

LIAISON MEETINGS BETWEEN POLICE AND THE STATE SECURITY COUNCIL & NATIONAL CO-ORDINATING MECHANISM (OLD NATIONAL SECURITY MANAGEMENT SYSTEM)

MEETINGS OF REGIONAL AND LOCAL PEACE STRUCTURES, ESPECIALLY WHERE POLICE-COMMUNITY RELATIONS ISSUES ARE DISCUSSED

TRAINING COURSES AND WORKSHOPS PERTAINING TO THE ELECTIONS

African National Congress

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TEL (011) 330 7200
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DEPARTMENT OF INTERNATIONAL AFFAIRS
TEL (011) 330 7286 FAX (011) 29 1422

To : Comrade Cyril
Secretary General

From : Aziz Pahad
Deputy Head
Department of International Affairs

Date : 14/12/1993

Attached please find report for the NEC on the Sub- Council on
Foreign Affairs.

Regards.

pp.

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The People Shall Govern!

14 December 1993

1) The Department of International Affairs has had several meetings to discuss the establishment of the TEC and its sub-councils and the consequences of this for our work.

Our starting point was to look at the TEC Act generally and more specifically to look at the terms of reference of the Sub-council of Foreign Affairs

2. POWERS AND DUTIES IN REGARD TO FOREIGN AFFAIRS

The council shall, for the purpose of attaining its objects, through its Subcouncil on Foreign Affairs, in regard to foreign policy liaise, monitor, make recommendations and where it is considered necessary, assist with a view to -

- a) achieving progressively the broadest possible consensus on matters affecting South Africa's international interests, particularly its long-term interests;
- b) securing appropriate agreement with the international community regarding the contribution that the community could make to the peaceful transition to democracy in South Africa;
- c) in consultation with the Subcouncil on Finance, securing such international assistance as the Subcouncil considers necessary in order to address the socio-economic needs of the people as a whole and not to serve the interests of one or other political party;
- d) ensuring that any foreign policy initiative benefits the country as a whole and not one or other political party; and
- e) promoting such international relations, including trade, finance, culture and sport relations, as in the opinion of the Subcouncil will benefit the country as a whole.

3. ANC PERSPECTIVES

3.1. We are working on the basis that we should avoid any actions that can have negative consequences for a future democratic government.

3.2. To have effective participation in the sub-council it is necessary to undertake a detailed investigation of the present structure of the Department of Foreign Affairs. This will be useful when we start discussing the restructuring of this Department. Work on this has started.

3.3. The terms of reference are wide and therefore can be interpreted to allow for intervention in almost all aspects of foreign affairs. This is reflected by the objective reality that many international organisations, inter-governmental, governmental and NGO's have indicated that they will start interacting with the Sub-Council on Foreign Affairs once it is established, e.g. the United Nations will not continue to fund the ANC representation in New York, nor will we or the PAC maintain our present status (this is based on the Namibian precedent), the European Community have indicated that they will start discussions with the TEC, the agreement signed with the IMF: the Danish Government has announced that discussions on their development programmes will be started with the TEC. We must therefore accept the fact that the establishment of the TEC and the various elections structures, especially the Independent Electoral Authority, will have consequences for the ANC's international representation and work.

3.4. In terms of the Act, all parties can be asked to provide any information that other parties consider might have an effect on the elections. We must therefore be prepared to handle such requests.

3.5. There are important areas of work, which overlaps between the work of the Sub-Council on Foreign Affairs and the Sub-Council on Finance, (see terms of reference points C and E), and also some aspects of the work of the Independent Electoral Authority (see terms of reference point B).

4. MODUS OPERANDI:

In terms of our perspectives, we have identified some key areas that are likely to come up at the Sub-Council. They are listed below (not in order of priority).

- 4.1. International treaties , existing and new ones.
- 4.2. International representation
 - a) Political e.g. U.N. and sub-structures
 - b) Economic e.g. Relations with the European Community, SADC, ILO, GATT, etc
 - c) Diplomatic

- 4.3 Developmental assistance
- 4.4. International trade and investment (including agreements e.g. IMF)
- 4.5. Democratic process and conflict situations e.g. Angola, Mozambique, Malawi.
- 4.6. Arms embargo
- 4.7. Role of the international community to ensure " a peaceful transition to democracy in South Africa".
- 4.8. Official visits to and from South Africa
- 4.9. Monitoring all aspects of the work of the Department of Foreign Affairs, including the flow of information, that may have an effect on the objectives of the TEC and the Sub-council on Foreign Affairs
- 4.10. Preparations for the installation of a democratic government.
- 4.11. Restructuring of the D.F.A.

5. RECOMMENDATIONS.

5.1. We consider the T.E.C., and its sub-structures, to be vital to ensure that the elections are free and fair . We are the party most interested to ensure that it plays an effective and positive role.

5.2. We must therefore be pro-active and ensure that with the broad categories identified above (point 4). we are able to identify priority areas and work out our perspectives re: these. It is also important to ensure that no actions are taken that can have a negative effect on the foreign policy perspectives of a democratically elected government.

5.3. To make an effective and meaningful contribution . the necessary human and material resources must be made available to the ANC structures operating within the TEC.

5.4. The DIA, after consultations are proposing the establishment of the following structures -

- 5.4.1 ANC Personnel within the Sub-council

5.4.2 Administrative back-up, this should involve a minimum of 2 to 3 people on a fulltime basis.

1 Person to deal with documentation and communication with other ANC structures, 1 person to deal with typing etcetera. 1 person to deal with research needs.

5.4.3 Strategic planning team - this is already established and involves DIA personnel including people working at academic institutions and other relevant structures. Most of the people are working on a voluntary basis. If necessary we could try to get some of them on a fulltime basis, or we could utilise them as consultants. This group meets regularly to strategise and to work out our perspective on various foreign policy matters. Resources will be needed to organise the necessary workshops and to ensure that we have the capacity to deal with the various issues that will come up in the Sub-Council.

6. CONCLUSION.

6.1. We are preparing a budget for our requirements.

6.2. We are compiling a database on available human and other resources.

6.3. We need to ensure that an effective and workable communication network is established within the ANC and between the ANC and other democratic forces in the TEC and its sub-structures.

END

NAT PERSPECTIVES IN RELATION TO TEC POWERS AND DUTIES ON INTELLIGENCE

1. Comrade A. Nzo to sit in the Subcouncil reporting **to TEC via the SG** and to **also the NAT Directorate** on his duties. To appoint a personal assistant to him backed up by a collective of at least two other comrades to be at hand in every TEC session as a back-up for strategising.
2. Comrade JN to sit in the JCIC and regularly report to **the President** and the NDRT on his duties. Comrade Mo Shaik to be his personal assistant. A Management Committee comprising cde Lindie Sisulu and Mo Shaik to back-up JN in his task. Guided by concrete needs of the JCIC this collective to map out concrete categories of daily and long term tasks of the Management Committee.
3. ANC representatives on subcouncils of Intelligence; Law, Order/Stability and Defence must establish a standing committee which meets daily to consider their work. These subcouncils must set up a co-ordinating strategising committee which shall comprise of their back-up teams.
4. **Adoption of a set of basic principles on intelligence.** A document to this effect has already been adopted by the Negotiating Council at the WTC. Task now is to see to its implementation.
5. **To formulate a code of conduct for the Transition and future intelligence services.** Nat has already made a draft of this document and presented it to its counterpart, NIS. Nat and NIS bilateral to discuss and come out with a single document for further presentation and discussion by the JCIC and Subcouncil.
6. Once the code of conduct has been adopted by the Subcouncil, the JCIC to further discuss and propose to the Council personnel, structures and mechanisms of monitoring and investigating violations of compliance of all services and members in all regions with the said code.
7. Nat Directorate having drafted the basic principles on intelligence and the code of conduct documents had trilateral discussions on both drafts with the Venda and Transkeian services leadership which improved the documents before they were presented to NIS for bilateral discussions with us. We hope to strengthen this working relationship with these two services both at this Transitional stage. In the same vein we intend to initiate and consolidate similar working relations with the representatives of PF services that may be included in the Intelligence Subcouncil and its JCIC.

8. The Subcouncil to work towards having national and regional operational monitoring and investigations teams on all aspects that have an adverse effect on the attainment of the objects of the Council or the said code of conduct.
9. The Subcouncil to receive from the JCIC regular evaluated information on the overall security situation in the country, highlighting threats, actions or events that may adversely affect the attainment of the objects of the Council. Subcouncil may have to stipulate regularity of such assessments.
10. Nat Directorate to appoint a specialising team for this task made out from its relevant sub-sectors, networking with the related ANC sub-council structures on Law and Order/Stability and Defence and attached to Nat Research. Such a team could also be utilised to produce Council requested reports on subjects of its special concern and urgency.
11. Subcouncil to commission research to make proposals regarding suitable legislation relating to the practice of intelligence in a new political dispensation, including suitable mechanisms of accountability and political supervision. The NDRT shall commission outside experts to help in formulating the above requirements. Results of such work would finally be presented to Nat Directorate.
12. These perspectives have budgetary implications on the ANC.

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DEPARTMENT OF ECONOMIC PLANNING

National Executive Committee

SUBJECT MATTER: Strategic approach to TEC Sub-Council on Finance (SOF)

DECISION REQUIRED FROM NEC:

- (a) Approval of strategic approach to Sub-Council on Finance (1.1 to 1.3 below);
- (b) Approval of back-up team and budget (2.1 to 2.4 and appendix II).

INFORMATION

1 **Strategic approach**

- 1.1 In terms of the TEC Act, the TEC Sub-Council on Finance has extensive powers, amongst others:
 - 1.1.1 to investigate financial flows (transfers) in order to ensure that they do not prejudice the elections; and
 - 1.1.2 to get information required for formulation of the 1994/5 budget and, to some extent, for economic policy making.
- 1.2 **Our objectives in terms of levelling the playing field.**
 - 1.2.1 We must ensure that no public expenditures support the Nationalist Party and its allies, and prevent improper use of military and police funds.
 - 1.2.1.1 A critical task here is to investigate secret defence and police expenditures.

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1.2.1.2 We must also investigate transfers to the Bantustans, whether directly or through the DBSA and others.

1.2.2 The SOF must prevent the privatisation of land or other state assets in the run-up to the elections.

1.2.3 The SOF must monitor total government debt and contingent liabilities.

1.2.4 The SOF can prevent the creation and filling of new posts above a level it chooses; we suggest appointments from director upwards.

1.2.5 The SOF must ensure that the state does not enter into any new international financial agreements without approval from the TEC.

1.3 Longer-term objectives:

1.3.1 We will seek, through the Sub-Council on Finance (SOF), detailed information required to begin work on the 1994/5 budget and the funding strategy, for which the (Interim) Government of National Unity will be responsible. Since the SOF is empowered to commission research and send representatives to function committees. We intend to start by getting as much information as possible on the key sectors of health, education, housing and defence.

1.3.2 We will seek the involvement of the TEC in the National Economic Forum, in order to strengthen our allies there.

2 Back-up Team

2.1 Appendix I gives the proposed structure for the back-up team for the ANC representative on the Sub-Council.

2.2 The back-up team comprises five people - four experts in key areas, plus an administrator. This structure seems the bare minimum required.

2.2.1 The experts are:

2.2.1.1 a tax lawyer, on a part-time basis: Prof Denis Davis (Wits University)

2.2.1.2 a macroeconomist, on a part-time basis: Prof Lieb Loots (UWC)

2.2.1.3 a full-time statistician: Ishamail Momomiat (just completed an MA in Economics)

2.2.1.4 an accountant/auditor, on a part-time

basis: Jeff van Rooyen (Deloitte & Touche).

- 2.2.2 Some of the members of the back-up team could be seconded by their present employers. We still have to negotiate expenses and possible professional fees. The attached budget represents our estimate of costs.
 - 2.3 In addition, we propose to draw on a network of people who would form, in effect, a broader support group. We would institute regular meetings with this group. It includes:
 - 2.3.1 The RDP coordinator for economics: Dr Neva Makgetla-Seidman (ANC, COSATU)
 - 2.3.2 The coordinator of Cosatu's Economic Task Force: Jayendra Naidoo (COSATU)
 - 2.3.3 Representatives of policy departments for work on the 1994/5 budget (C/O Cheryl Carolus). These individuals will have to engage with the budget and function committees in reconstructing the relevant budget votes.
 - 2.3.4 DEP policy coordinators (C/O Trevor Manuel)
 - 2.3.5 A representative of the Treasurer General's office (C/O the TG)
 - 2.3.6 The DEP elections coordinator (proposal: Leslie Maasdorp. ANC PHD student, willing to work until the elections).
 - 2.4 The ANC representative to the SOF will also draw consistently on networks of experts with whom the DEP works. While many of them would donate their services, some would require at least a nominal payment.
 - 2.4.1 In particular, we may want to hire an accountancy firm to help go over government books (central, provincial and homelands) and the defence budget (Deloitte & Touche or any other).
- 3 **Budget:** See Appendix II.

Appendix II: Budget for ANC Participation in Sub-Council on Finance

1. Back-up team

Full-time:

Statistician	
- R3000/month for four months	R 12 000
Personal assistant	
- R3000/month for four months	R 12 000

Part-time, assuming seconded

Accommodation for 1 person -	
R1000/month for four months	R 4 000
Travel	
(air tickets and rental cars)	R 15 000

Sub-Total R 43 000

2. Professional fees

R10 000/month for four months	R 40 000
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Sub-Total R 40 000

3. Equipment

2 computers - R5000 each	R 10 000
Office furniture	R 10 000

Sub-Total R 20 000

4. Rental of office space

R1500/month for four months	R 6 000
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Sub-Total R 6 000

5. Four two-day workshops on fiscal issues
The workshops would involve the back-up teams plus the support network, including three representatives of the relevant policy departments. We have budgeted for 50 participants at each workshop, with half from outside the PWV.

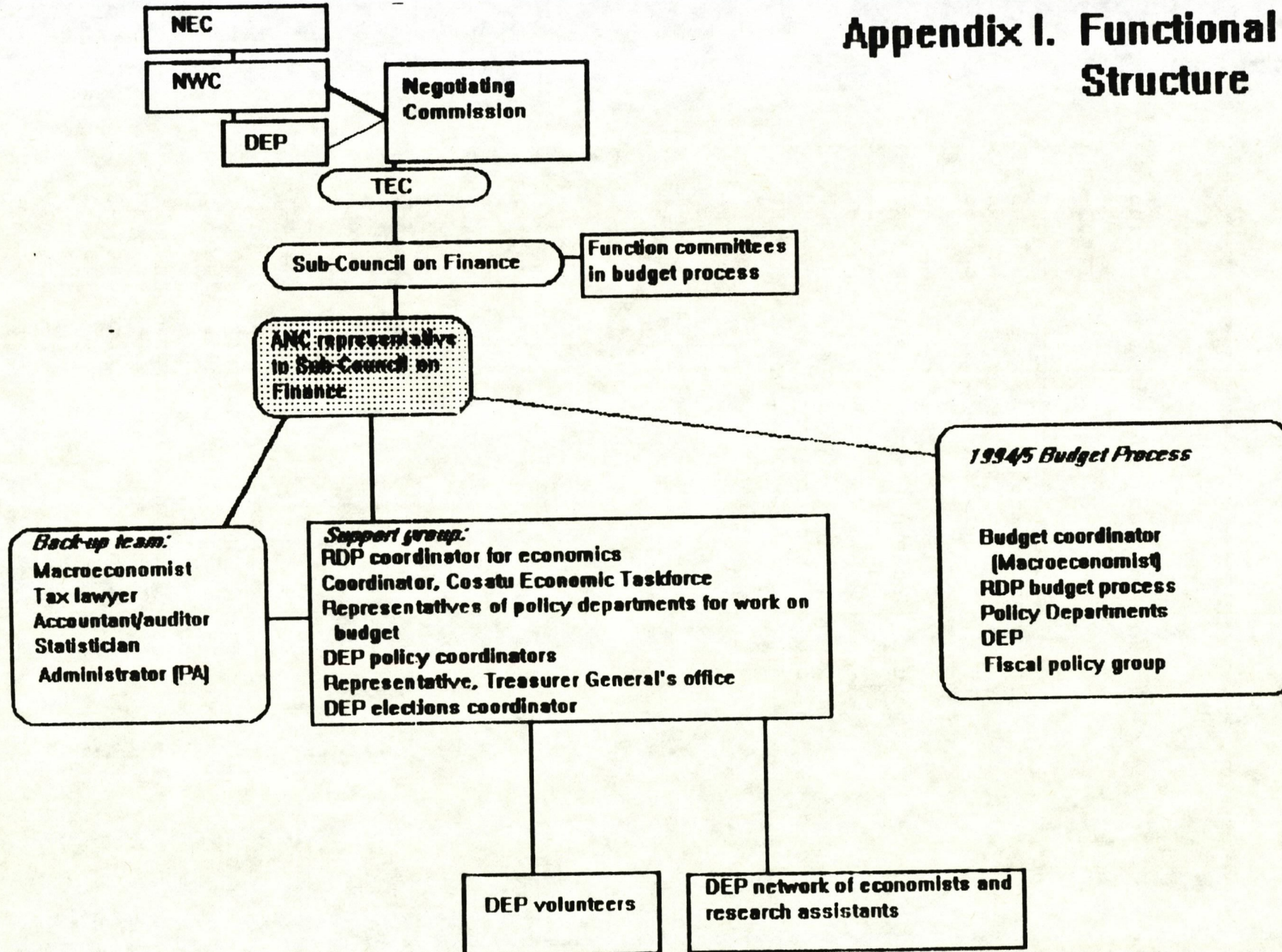
Accommodation - R300/person for 25	R 7 500
Travel - R1000/person for 25	R 25 000
Consultants from Zimbabwe and Namibia	
R5000/person for four people	R 20 000

Sub-Total R 52 500

6. Contingencies (10 per cent of total) R 16 000

TOTAL R177 500

Appendix I. Functional Structure



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