

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE WORKING GROUP AND TO THE WORKING GROUP SUBGROUP AT ITS NEXT MEETING.

**MINUTES OF THE MEETING OF WORKING GROUP 1 SUBGROUP 2 HELD AT THE WORLD TRADE CENTRE ON TUESDAY 24 MARCH AT 13H30**

PRESENT : SEE ADDENDUM A

LV Ntsubane (Convenor)  
T Motumi (Minute taker)  
A Schoeman (Secretary)

**1. Convenor's opening remarks**

The convenor welcomed the delegates after the break, and informed the meeting that Mr John Hall, Chairperson of the National Peace Committee, would be making an input to the meeting. The convenor then made two announcements, that :

- 1.1 The Steering Committee met on the 23/03 and expressed concern at the slow progress of the Subgroups in WG1, especially considering that CODESA II will be meeting in a few weeks. If this pace is maintained, it would not be possible to report to CODESA II.
- 1.2 The Steering Committee had appointed three rapporteurs, one for each of the subgroups in WG1. These will be Mr Bester (DP), who will be rapporteur for SG1; Mr Mo Shaik (NIC/TIC), rapporteur for SG2; Mr Myburgh (NP), rapporteur for SG3. They will receive communication from the Secretariat outlining their tasks, which in the main will be preparing a report for WG1 and CODESA II. They will, however, still participate in the deliberations of the meetings.

The SA government was of the opinion that the Steering Committee or Management Committee needs to clearly define tasks of the rapporteurs.  
The convenor undertook to clarify the matter.

**2. Apologies**

There were apologies on behalf of : Mr Maja(UPF), whose brother had passed away; Mr Sehume, from the Bophuthatswana government; Mr Mulaudzi, from the Venda government; Mr Dalling (DP), who is hospitalised.

**3. Adoption of the agenda**

The agenda was amended, with an addition of Item (e) under Point 5 for discussion. It was then adopted.

**4. Ratification of minutes**

There were further corrections to points raised in minutes of 02/03. Point 4.2, Line 4, "for instance the following", was moved to the end of the sentence.

On Point 5 in the same meeting's minutes, it was agreed the words "as amended" would be added at the end of the definition of Political Intimidation

Point 7.4 of the minutes of 09/03, the words after "...peace", were to be deleted.

The minutes were ratified.

**5. Continuation of discussion**

**4.1 The National Peace Accord**

Mr John Hall, the Chairperson of the National Peace Committee gave input on the Accord, indicating that most of the parties **participating in CODESA** were signatories thereof, and should therefore be familiar with it. The input would, however, focus on what the Nat. Peace Accord does on the ground.

There were general observations made following input from Mr Hall, these focused on :

4.1.1 The need to strengthen the Nat. Peace Accord

4.1.2 Parties were urged to make proposals to the next meeting on the basis of Mr Hall's input, and the earlier input by Dr Geldenhuys of the Nat. Peace Secretariat.

4.1.3 The need to address the train violence and other forms of violence plaguing the country.

4.1.4 The need for complainants to positively identify the perpetrators of violence where it occurs.

There was general agreement, on the need for mechanisms to monitor the violence, and for resources to be provided for this purpose. These mechanisms must further be empowered by legislation.

**6. Discussion on Security - Item (i) on Terms of reference regarding " The role and composition of security forces in the TBVC states and the RSA."**

The NIC/TIC led the discussion based on their paper (see Addendum C). The Ciskei Government and National Party also made inputs. No resolution was reached, but it was agreed that the NIC/TIC submission be circulated.

**7. Media Release**

This was drafted and submitted to the Management Committee.  
(See addendum B)

ADDENDUM A

The following participants signed the register :

|                               |                             |
|-------------------------------|-----------------------------|
| AFRICAN NATIONAL CONGRESS     | J Zuma<br>P Maduna          |
| BOPHUTHATSWANA GOVERNMENT     | J Esterhuizen               |
| CISKEI GOVERNMENT             | L Maqoma<br>M Maki          |
| DEMOCRATIC PARTY              | J van Eck                   |
| DIKWANKWETLA PARTY            | JSS Phathang                |
| INKATHA FREEDOM PARTY         | Dr Madide                   |
| INTANDO YESIZWE PARTY         | ES Mahlangu                 |
| INYANDZA NATIONAL MOVEMENT    | PR Mahlalela<br>MJ Twala    |
| LABOUR PARTY                  | A Delport<br>J Scholtz      |
| NIC/TIC                       | E Ebrahim<br>M Shaik        |
| NATIONAL PARTY                | BL Geldenhuys<br>GB Myburgh |
| NATIONAL PEOPLE'S PARTY       | AK Beesham<br>D Chetty      |
| SOLIDARITY PARTY              | CF Thandroyen               |
| SOUTH AFRICAN COMMUNIST PARTY | R Kasrils<br>M Scott        |
| SOUTH AFRICAN GOVERNMENT      | HJ Kriel<br>LCA Pruis       |
| TRANSKEI GOVERNMENT           | M Mpahlwa<br>MA Ntshinga    |
| UNITED PEOPLE'S FRONT         | MI Moroamoche<br>S Maja     |
| VENDA GOVERNMENT              | ME Ramulondi                |
| XIMOKO PROGRESSIVE PARTY      | SDW Nxumalo<br>E Mathe      |

**ADDENDUM B - MEDIA RELEASE OF SUBGROUP 2 WORKING GROUP 1, 24/03/1992.**

The subgroup had an oral briefing by the Chairperson of the National Peace Committee, Mr John Hall. The following general observations were made :

1. The NPA is not perfect and needs to be strengthened
2. CODESA SG2 may submit recommendations in an attempt to strengthen the NPA.
3. NPC to address the train violence, and other forms of violence that have characterised our country

**Agreement :**

There was general agreement on the following issues :

- \* The seriousness of the level of violence in the country
- \* That mechanisms to monitor violence be established as soon as possible.
- \* That the SG2 will submit its proposals in this regard to the NPA.
- \* That the NPC should encourage complainants and witnesses to violence to be specific in identifying the perpetrators of such violence

ADDENDUM C

NIC/TIC submission on

**Item (i)- the role and composition of security forces in the TBVC states and RSA.**

**1. Security Forces**

- 1.1 All participants at CODESA commit themselves to the peaceful settlement of political disputes.
- 1.2 National Security in South Africa shall be sought primarily through efforts to meet the social, political and economic needs of the people.
- 1.3 The Security Forces ( Defence, Police, Intelligence and other State security structures) of South Africa shall :
  - 1.3.1 be bound by the principle of civil supremacy
  - 1.3.2 be politically non-partisan
  - 1.3.3 be committed to resolving conflict primarily through non-violent means.
  - 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 The Security Forces shall undergo a process of transformation which will include amongst others the following :
  - 1.4.1 The immediate establishment of joint control of security forces.
  - 1.4.2 The reconstitution with a view to establishing new national legitimate and representative security forces, inclusive of the SADF, MK and the TBVC states and self governing territories.
  - 1.4.3 All special forces and formations not included in the reconstitution above shall be dismantled.
  - 1.4.4 The termination of all operations and use of methods that limit free political activity
  - 1.4.5 The implementation of mechanisms that will ensure public accountability of the security forces.
  - 1.4.6 The implementation of a Code of Conduct
  - 1.4.7 The implementation of a programme of reorientation designed for the security forces.
  - 1.4.8 The right of any member of the security forces to join any formation/association/union that seeks to protect, represent or advance the material interest of such a member.

#### ADDENDUM D

The following general points were made as part of the general discussion :

1. The SA government delegate said the SG should send Mr Dalling, presently ill, a note wishing him speedy recovery.
2. The Chairperson of the National Peace Committee, Mr Hall outlined the three structures of the NPA, and how these function independently of each other.
3. The ANC wanted to know how independently these were functioning practically.
4. The Peace Sec. reports directly to the government. The same applies to the Goldstone Commission, but the Peace Comm. reports to the signatories of the Peace Accord. Where the Accord is not implemented, parties can be called. The Goldstone Commission at present has only 6 commissioners.
5. The SA government wanted to know where the violations of the Accord were being reported, and what was being done about these.
6. Mr Hall : Daily files detailing complaints exist - where the complaint is against the police, they are presented to their representative on the Regional/Local Dispute Resolution Comm. Practically, well documented complaints go to the police for action. Most of them are an indictment against all the parties in this meeting. It reflects the fact that they are unable to deal with the situation.
7. The NIC/TIC wanted to know the mechanisms in existence to see that the violations, whether by individuals or parties, are addressed.
8. Mr Hall pointed out there is almost a zero feedback from parties on complaints, but in terms of Section 9 of the Accord, empowered to call the leaders of the parties to a meeting, and then go through a process of mediation and arbitration.
9. The NPP said there needs to be two questions asked : Firstly, whether Peace Accord methods have changed because of the changing conditions; secondly, the assistance that can be offered to peace-seekers.
10. Peace Sec. is mandated to set up RDRCs and LDRCs, so it is these mechanisms that should make peace prevail. Secondly, there is a need for community organisation, as the peace-seekers far outnumber those against it. Furthermore, the setting up of the DRCs is difficult, but this Sg can through its members make it work as they are signatories.
11. The ANC wanted to know what happens after the complaint files have been sent to organisations and there is a negative response.
12. Mr Hall : There is persistent nagging of the party, failing which the leaders, at the highest level, are met. There needs to be an understanding of the violence, that it is both criminal and political. In fact, most is criminal. The police/army assist, but they are negatively perceived in most communities. It is here where the parties can play a role - changing perceptions in communities.
13. The IFP wanted to know what verification mechanisms exist to attain clarity whether the violence is criminal or political. It further said some people wear uniforms of political parties, and commit violence. Also, have good relations been established with the media to avoid inflammatory reporting of incidents of violence ?

14. Mr Hall said complaints are addressed to the leaders, and advice sought from them on how the violence/dispute could be solved.  
In relation to investigations, those are handled by the Goldstone Commission and six other commissioners, who as it is are dealing with more than 500 complaints. The parties must assist in getting other commissioners.  
On publicity, the Nat. Peace Comm. recently held a meeting with newspaper editors, and appealed to them not to sensationalise the violence.  
The Peace Accord is working to a degree, or there would be anarchy. At least it keeps a modicum of control over the situation. The Accord gives people the mechanisms to address the conflict.
17. The Ciskei government wanted to know if the NPCComm. would be offended if the SG would intervene at grassroots.
18. Mr Hall pointed out it was in fact what was needed by all the parties here.
15. The Chair said that there was little response from the political parties, but what about the police.
16. Mr Hall said there had been efficient reports- back from the police, but on a lot of the key areas, difficult to get these, especially those relating to the train violence.
17. The DP pointed out that CODESA is not competing with Peace Accord. The Nat. Peace Sec. and Nat. Peace Accord has heavy workload - deal even with volunteers at the local level.  
There is however a need for full time personnel on its structures. There is inability to ensure compliance after decisions have been taken.  
There thus needs to be monitoring arrangements on the ground.
18. The ANC said parties violating must be made publicly known. This would serve to make the victims have confidence that the Accord was at least doing something.
19. The SA government proposed that since there have been oral submissions from Dr Geldenhuys and Mr Hall, there needs to be time to go through these, and make proposals in the next meeting.
20. The IFP said that there have been undercurrents in Natal about the fact that the Zulu king was not part of CODESA, even the KwaZulu government. This includes the Peace Accord. They have no assurance that their grievances are being looked into.
21. The NIC/TIC made a point that in a democracy, security forces are answerable to civil authority. In the South African situation, there is a more complicated process, with several forces in the same country. (see addendum)
22. The Ciskei said that their proposal on the role and composition of the security forces is that in terms of the Ciskei Defence Act, the defence force was established, and all soldiers are subject to this Act. Officers are appointed by the head of state, who is also the commander in chief. They are also expected to desist from politics.  
The Ciskei however said their proposals for a new SA are a single defence force, composed of a Rapid Deployment Force, which would defend the country from external aggression, and a Territorial Force, whose task would in the main be counter-insurgency and providing support to the police.
23. The National Party's proposals were of a defence force with a "small" conscript element, and the larger part being professional. There must be no politicisation of the security forces, and no private armies must be allowed. Should the TBVC states agree to reincorporation, then their armies would be part of the national defence force.  
The army will also need to be constitutionally controlled, irrespective of whatever constitutional arrangements are arrived at eventually. This applies to the police as well.
24. The NIC/TIC suggested there should be a set of principles governing the role and composition of

security forces, then the mechanisms underlying these. (see addendum)

25. The ANC said there should be no element of political affiliation included in the security forces. Security forces of a new SA should not be politically aligned, and need to be depoliticised. This includes certain aspects of their training.
26. The SA govt asked whether other armies not mentioned in the NIC/TIC submission are included, like the AWB, APLA, etc.
27. NIC/TIC said they include all other armed formations.
28. The SG said that in the media release, Mr John Hall's input from the Nat. Peace Accord, must be mentioned, and in addition, that proposals by parties are being worked out concerning the violence, which was considered in a serious light.



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WG1SG2/AGENDA/MARCH 9

**DRAFT AGENDA FOR WORKING GROUP 1 SUBGROUP 2 TO BE HELD AT THE WTC ON 24 MARCH AT 13H30**

1. Convenors opening remarks
2. Adoption of agenda
3. Ratification of Minutes
4. Matters arising from minutes
5. Continuation of Discussion
  - 5.1 National Peace Accord
  - 5.2 Security (i)
  - 5.3 Development (m)
  - 5.4 Media Release
6. Any other business
7. Date of any other meeting