

## EXECUTIVE SUMMARY

### REPORT NUMBER THREE OF THE TECHNICAL COMMITTEE ON VIOLENCE: 27 MAY 1993

The Committee has started dealing with issues which relate to the responsibilities of political parties. This report covers three areas - political rivalry, negotiating process, and mass action.

A number of recommendations on political rivalry are made, all with the intent of getting political parties more committed to and working with acceptable forms of political rivalry in an effort to reduce politically motivated violence.

A number of issues relating to violence and the negotiation process are raised. The Committee believes these will need to be addressed by the Negotiating Council and its members, in order to attempt to reduce this potential for violence while the negotiating process is proceeding.

The Committee is proposing that the parties at the Negotiating Council consider alternative views regarding the introduction of a moratorium on mass action for a limited time during the negotiating process. However, the fundamental right to mass action is supported, but requesting parties which do exercise that right to observe some specific requirements when so doing.

The Committee has dealt with more areas but is not ready to include them in a report.

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## **1. INTRODUCTION**

1.1 Based on the submissions to this Committee, we identified a number of violence "issues" which have been allocated into six major areas of resolution, being:

- 1.1.1 Political Parties
- 1.1.2 South African Government
- 1.1.3 Other Governments and Administrations
- 1.1.4 Armed formations
- 1.1.5 Peace Structures
- 1.1.6 Other

1.2 This report deals with the issues which pertain to Political Parties. Those "issues" cover the causes, potential causes, and manifestations of violence. The following are the issues identified:

- 1.2.1 "Killing" talk by political leaders/ inflammatory speech; speeches inciting violence;
- 1.2.2 Political parties creating a climate for violence/ tactics and strategies implemented either overtly or covertly;
- 1.2.3 Private political armies;
- 1.2.4 Mass action;
- 1.2.5 Hostels;
- 1.2.6 The threat of violence emanating from the Right-wing.
- 1.2.7 The need for political reconciliation between the ANC and the IFP and the inability of these parties to effectively spread joint messages of peace and political tolerance;
- 1.2.8 Concerted efforts to derail the negotiation process by political activists/ parties/ others;
- 1.2.9 Impatience with the pace of constitutional negotiations
- 1.2.10 Freedom of political participation/ association/ assembly;
- 1.2.11 Political intolerance;
- 1.2.12 Political intimidation;
- 1.2.13 Leaders of political parties not doing enough to promote political tolerance;
- 1.2.14 Some parties at the Multi-Party Negotiating Process have failed to sign the National Peace Accord;

- 1.2.15 Failure of signatories to the National Peace Accord to meet;
  - 1.2.16 Certain parties have failed to suspend the armed struggle;
  - 1.2.17 Parties have failed to accept responsibility and accountability for contraventions of the Peace Accord and political violence committed by their members/ supporters;
  - 1.2.18 Failure of parties to co-operate with security forces;
  - 1.2.19 Dangerous weapons;
  - 1.2.20 Lack of constructive mobilisation of African leadership;
  - 1.2.21 Covert and clandestine operations.
  - 1.2.22 Political rivalry and fear of losing political support
  - 1.2.23 Despondency that the negotiation process will not yield the desired party political results;
  - 1.2.24 Lack of control by political formations of their rank and file members;
  - 1.2.25 Deteriorating socio-economic conditions
  - 1.2.26 Improper conduct by the police in the course of investigations
  - 1.2.27 Lack of capacity by police to effectively investigate acts of political violence;
  - 1.2.28 Fear of change on the part of people with vested interests in the constitutional status quo;
  - 1.2.29 Unlawful and politically biased activities and actions of security forces and/ or individuals in such forces;
- 1.3 On further consideration of these issues, five areas of critical concern have been identified: political rivalry; political negotiations, weapons, mass action, covert and clandestine operations.
- 1.4 This report deals only with those issues on which the Committee has managed to make progress to date i.e. political rivalry, political negotiations and mass action.

## **2. POLITICAL RIVALRY**

- 2.1 Robust yet peaceful political rivalry is a healthy and necessary feature of democracy. However the democratisation process has been accompanied by forms of political rivalry and methods of mobilisation which go well beyond what is politically acceptable.
- 2.2 It is well known that violence has increased substantially since February 2nd, 1990, when a more competitive and open political process was initiated. Considerably increased political rivalry has become a trigger of violence. It is

useful to quote from one of the submissions before us: "political rivalry is a major trigger of violence". (Goldstone Commission report)

2.3 Unacceptable forms of conduct include:

- inflammatory rhetoric;
- creating a climate for and inciting violence either overtly or covertly;
- political intolerance; and
- political intimidation.

2.4 Experience has shown that legislation alone can not put an end to violence. Consequently it is recommended that:

2.4.1 All parties which are signatories to the National Peace Accord report to the Multi-Party Negotiating Process on steps taken by them to commit themselves to the Code of Conduct for Political Parties as contained in the National Peace Accord.

2.4.2 Non-signatories to the National Peace Accord should sign it and commit themselves to its Code of Conduct for Political Parties.

2.4.3 Parties should accept responsibility and accountability for any contravention in the Code of Conduct for Political Parties of the National Peace Accord by members/supporters.

2.4.4 political parties should promote peaceful politics to their members and the public at large. In this regard this Technical Committee suggests that the Negotiating Council consider the following:

2.4.4.1 re-emphasising the importance of bilateral discussions between rival organisations;

2.4.4.2 re-emphasising the importance of leadership meetings between rival organisations;

2.4.4.3 re-emphasising the importance of joint public meetings as a mechanism to demonstrate the commitment of rival political leaderships and organisations to peace;

2.4.4.4 re-emphasising the importance of meetings of grassroots supporters of rival organisations; and

2.4.4.5 the importance of public education programmes.

- 2.4.5 all parties should establish mechanisms, within their own organisations, for dealing with transgressions of the National Peace Accord by their party members.
- 2.4.6 those parties to the MPNP who are not signatories of the Peace Accord should report to the Negotiating Council on steps taken by them to deal with unlawful, violent and unacceptable conduct on the part of their members and supporters
- 2.4.7 all parties which have not yet suspended violence should do so immediately.
- 2.4.8 political leaders and supporters of political parties/organisations must refrain from making speeches inciting violence.
- 2.4.9 all parties should co-operate with the police in solving violent crimes.

### **3. VIOLENCE AND THE NEGOTIATION PROCESS**

- 3.1 The Committee recognises that there is a direct relation between the lack of a political agreement regarding the future South Africa and the phenomenon of violence. Different Parties/Organisations/Administrations have differing perceptions, hopes, fears and expectations regarding the negotiating process. Equally there are differing perceptions, hopes, fears and expectations regarding the process amongst the general public. These differences have led to confusion, tension, division, despondency and anger and are playing a significant role in the proliferation of political violence.
- 3.2 The Committee has identified the following issues which it recommends should be addressed by the Negotiating Council:
  - 3.2.1 Widespread concern regarding the pace and urgency of negotiations;
  - 3.2.2 Fears that the negotiating process will not deliver sufficiently to meet the expectations of the organisations in the MPNP, their constituencies and the wider public.
  - 3.2.3 Covert and overt actions to derail the negotiating process;
  - 3.2.4 Fear of change among people with vested interests the constitutional status quo;

- 3.2.5 Lack of confidence and trust between political leadership;
  - 3.2.6 A lack of confidence and trust in political leadership;
  - 3.2.7 The flow of information about the negotiation process has not led to an adequate and constructive public comprehension thereof;
  - 3.2.8 The retention of the armed struggle as an official policy by political organisations
  - 3.2.9 Parties to the MPNP send out conflicting signals regarding their commitment to the negotiating process and keep armed options open;
  - 3.2.10 The potential for even higher levels of violence if the negotiations reach deadlock.
- 3.3 The Committee believes that with the exception of 3.2.7 all of the issues which have been identified are fundamentally political in nature and require resolution by those represented at the Negotiating Council themselves.
- 3.4 As far as 3.2.7 is concerned the Committee proposes that the Negotiating Council consider authorising a body of the Multi-Party Negotiating Process to speak to the Media on behalf of the Multi-Party Negotiating Process itself. This means that in addition to the variety of party-political and other Press conferences which already occur, there will be an opportunity for the Multi-Party Negotiating Process to regularly address the South African public with one voice.

#### 4. MASS ACTION

- 4.1 Mass action is taken to cover all acts of mass protest gatherings, marches, boycotts etc.
- 4.2 Recently, as the various institutions involved in mass action and its regulation have worked together in accordance with guidelines formulated through structures of the Peace Accord, there has been a number of mass actions, particularly marches and rallies, which have proceeded without violent

incidents. However a number of unregulated and ill disciplined mass actions also have occurred, which have led to violence and loss of life.

- 4.3 The Goldstone Commission has investigated mass action and has produced two reports on the regulation of gatherings which cover many aspects of mass action. These reports have proposed modus operandi for the regulation of gatherings and a Bill to consolidate legislation pertaining to public gatherings, to provide for general measures setting out procedures, requirements, powers, and responsibilities of local and state authorities, the police and organisers of gatherings, and to provide for matters incidental thereto.
- 4.4 Although the Committee supports the general thrust of the Bill, it believes that certain amendments are required in order to ensure that all parties support the provisions of the Bill. The Committee proposes that the National Peace Committee should be requested to submit the necessary amendments.
- 4.5 As is stated in the preamble to the Bill, every person has the right to express their view on any matter freely in public and enjoy the protection of the state while doing so. Mindful that all persons have this right but mindful also of the tense and violent political environment in our country, the following views have been expressed in this Committee:
- 4.5.1 The right to demonstrate is fundamental and cannot be taken away. Nevertheless, in the current climate mass action leads to unnecessary deaths and a moratorium should be placed on it.
- 4.5.2 The right to demonstrate is fundamental and cannot be taken away. A moratorium on mass action could in fact increase political pressure and would be counter productive in the search for peace.
- 4.5.3 All members of the committee agree that if and when the right to demonstrate publicly is exercised every party doing so must:
- 4.5.3.1 Give priority to the need to promote peace;
- 4.5.3.2 Avoid deliberate provocation of opponents;
- 4.5.3.3 Ensure that the structures of the Peace Accord are kept fully informed and are utilized to maximum effect;

- 4.5.3.4 Commit themselves to negotiate in good faith with all relevant parties regarding demonstrations;
- 4.5.3.5 Bind themselves to comply with all agreements reached regarding demonstrations;
- 4.5.3.6 Comply with provisions of the Goldstone Bill once agreement has been reached on amendments to it, and once it has been enacted.