

1527  
B 52  
LHR

REPRESENTATION TO THE GOLDSTONE  
COMMISSION ON VIOLENCE AND INTIMIDATION  
RE THE ROLE OF A NATIONAL PEACE-KEEPING  
FORCE IN CREATING AN ENVIRONMENT FOR FREE  
AND FAIR ELECTIONS

Violence

LAWYERS FOR HUMAN RIGHTS

666

**LAWYERS FOR HUMAN RIGHTS:**

**REPRESENTATION TO THE GOLDSTONE COMMISSION  
ON VIOLENCE AND INTIMIDATION  
RE THE ROLE OF A NATIONAL PEACE-KEEPING FORCE  
IN CREATING AN ENVIRONMENT FOR FREE AND FAIR ELECTIONS**

**1. INTRODUCTION:**

This representation critically examines the NATIONAL PEACE ACCORD, both the document and the manner of its implementation; considers the effectiveness of current policing by existing Security Forces, particularly in the context of political violence and finally, argues for the creation of a NATIONAL PEACE KEEPING FORCE, accountable to the national peace structures.

**2. THE NATIONAL PEACE ACCORD:**

When the ACCORD was signed on 14 September 1991, the primary goals were set out in the introductory sentence:

*"To testify our common purpose to bring an end to political violence in our country and to set out the codes of conduct, procedures and mechanisms to achieve this goal."*

The Accord, through its main objective of halting violence in South Africa, not only encourages all parties to the Accord to accept their role in ending violence, but also reiterates the important implications which violence may have on the levelling of the political playing fields in the run-up to democratic elections.

This is a crucial issue and we would therefore like to concentrate for a moment on the manner in which the Accord has dealt with the role of existing Security Forces in ending political violence. The Accord states that:

*"The Police Force, which by definition shall include the police forces of all self-governing territories, has a central role to play in terminating violence and in preventing the future perpetration of such violence."*

In addition to this, the Accord also recognises the general level of distrust and suspicion engendered by the past role of the Police and states:

*"In recognition of the need to promote more effective policing, a commitment to sound policing practices and a co-operative relationship between the Police and communities, are necessary."*

Mr Justice Goldstone, in one of his interim reports to the State President, highlighted the fact that Police have, for many decades:

*"Been the instruments of oppression by successive white governments in maintaining a society predicated upon racial discrimination.....for many South Africans, the Police and the Army are not regarded as fair, objective or friendly institutions."*

### 3. THE ROLE AND IMAGE OF THE POLICE:

In our view, the following would constitute a fair summary and interpretation of the quotations in the preceding paragraph:

- \* The central role of policing in addressing violence and intimidation is afforded recognition by ALL the signatories to the National Peace Accord;
- \* The Police are expected to combat and prevent the perpetration of political violence;
- \* The signatories to the Peace Accord give public recognition to the fact that perceptions of the Police Force in the communities affected by the violence are negative and that distrust and suspicion continue to define this relationship;
- \* The signatories clearly point to the need for more effective policing, by which we would understand a system of policing based on transparency and accountability;
- \* The Accord also calls upon the Police Force to commit itself to sound policing practices and to foster a co-operative relationship with local communities. Signatories to the Accord therefore accepted at the time of signing that a co-operative relationship between the Police and the communities did not exist. It is our opinion that there is no evidence to suggest that this unfortunate situation has changed or will change under present circumstances.

#### 4. **FUNCTIONS AND DUTIES OF THE POLICE:**

SECTION 5 OF THE POLICE ACT No. 7 of 1958 prescribes the normal obligations and functions of the Police as follows:

- \* The preservation of internal security;
- \* The maintenance of law and order;
- \* The investigation of any offence or alleged offence;
- \* The prevention of crime.

5. ● ASSESSMENT OF POLICE ACTION MEASURED AGAINST THE NATIONAL PEACE ACCORD:

Unfortunately, since the signing of the Peace Accord 20 months ago, the South African Police have not succeeded in achieving the objectives set for them in that document. Their failure, the reasons for which are many and diverse, is evidenced by the following:

- \* Repeated refusal and/or failure to disarm large groups of persons publicly bearing dangerous weapons;
- \* The taking of inadequate steps to prevent outbreaks of violence where adequate prior warning of expected attacks has been given;
- \* A dismal record of incompetent and inadequate investigations into gross and massive acts of violence. Glaring examples of which virtually every South African must be aware, are Boipatong and Swannievile. There are many others which have received less public attention;
- \* A perception that the Police act outside of their powers by participating in and encouraging acts of violence. Many South Africans, particularly within the black community believe that the TRUST FEED MASSACRE is only one example and that in many instances the Police who investigate themselves have succeeded, unlike in the Trust Feed case, in destroying crucial evidence and covering up;
- \* People who live in areas which are rife with violence, continue to experience Police Force members who are aggressive and racist and obviously unwilling to accept that their own struggle for apartheid has failed;

- \* Unmarked Police vehicles [without registration numbers] continue to be seen in the Townships;
- \* Public statements by the POLICE REPORTING OFFICER, that the Police are frustrating his attempts to investigate allegations of unlawful acts committed by members of the Force;
- \* Finally, total absence of a culture of accountability and transparency remains the order of the day. The fact that the SAP have been unable to change that culture at all is a serious indictment on the will and ability of the leadership to create a credible and accountable Police Force.

6. **REFORM OF THE SOUTH AFRICAN POLICE:**

Many of these failures listed above, fly in the face of the contents of Chapter 4 of the Accord which contains the Mission Statement of the SAP. It emphasizes the need to encourage and promote Police/community relations. It also recognizes the role that good and effective policing can play in the transformation of our society. We clearly support these ideals but regretfully, they do not appear to be achievable in the short-term.

Chapter 3 of the Accord makes provision for the establishment of a POLICE BOARD, comprised of representatives from both the Police and the public, in equal numbers. The function of this Board is to make recommendations to the Minister of Law and Order in regard to Training Policy and the efficient functioning of the Police with a view to reconciling the interests of the community with those of the Police. Although this is an extremely difficult task under the circumstances, we are optimistic

that the objectives set for the Police Board are achievable in the long-term. It needs to be emphasized that the Police Board is prohibited from playing a role in regard to the day to day functioning of the Police. Therefore, although the role of the Board is extremely important in developing EFFECTIVE POLICING in South Africa as a long-term goal, it has no prospect of solving the problem of REPRESSIVE POLICING at this moment in time.

## 7. ALTERNATIVE PEACE-KEEPING STRATEGIES:

### 7.1. Investigative Task Force:

Although we welcome the establishment of an investigative arm to the Goldstone Commission we are of the opinion that in its present form, it is far less effective than what it could be bearing in mind the nature and extent of political violence which continues to threaten the prospects of a peaceful outcome to constitutional negotiations. Considering that we are literally dealing with the life or death of a nation, the present structure of this force is merely a step in the right direction. It should be vastly strengthened, inter alia by:

- \* Substantially increasing the size of the unit;
- \* Including in its ranks a significant number of police officers from other jurisdictions, to be involved both in the management of the project and in investigations;
- \* Extending the jurisdiction of the Force beyond the scope of the Goldstone Commission. Such a Force should also be made available to investigate alleged acts of violence committed by members of the

Security Forces, which have been referred to POLICE REPORTING OFFICERS. The phenomenon of Police investigating themselves has been a major factor in the undermining of Police credibility;

- \* Increasing participation in the unit of independent investigators drawn from different sectors of our society.

## 7.2. Peace Corps:

We believe that the task of combatting and preventing violence cannot realistically be separated from the process of RECONSTRUCTION AND SOCIO-ECONOMIC DEVELOPMENT. It is falacious to argue that the violence must first be combatted before effective socio-economic and reconstruction programmes can be introduced. We therefore urge the National Peace Accord sub-committee on Socio-Economic Reconstruction to both encourage and engage other initiatives that are being created to address socio-economic development. One of these is the idea of a PEACE CORPS which was first raised by the late Chris Hani, shortly before his tragic assassination.

The fact that the socio-economic crisis facing South Africa existed long before the outbreak of the present political violence does not mean that they are unrelated. It is obvious that the socio-economic conditions which prevail in many Townships create a general sense of despair and hopelessness, thereby fanning the flames of violence.



We unreservedly support the setting up of Peace Corps in areas inflicted by violence. The Hani proposal envisages a role limited to socio-economic development, which includes CAPACITY BUILDING and EMPOWERMENT aimed at reconstructing the basic fabric of society. It is imperative that such a process should be supported on the ground in order to enhance its credibility and furthermore, must reflect transparency. In order to succeed, political consensus is essential and therefore the Peace Corps concept MUST be supported by the constitutional negotiation process and the National Peace Accord, failing which it will run the risk of being high-jacked by dubious third-force elements as happened with the Self-Defence Units [SDU's].

7.3. **Joint Control [Monitoring] of Security Forces:**

While we unequivocally support the setting up of MULTI-PARTY SUB-COUNCILS on both Defence and Law and Order under the administration of the TRANSITIONAL EXECUTIVE COUNCIL [TEC], we do not believe that such a measure will lead to the effective control of the Security Forces during the transitional period, that is between June 1993 and elections in April 1994. Irrespective of how well-structured these sub-councils may be, logistical and operational functions will in our view remain exclusively in the hands of the present security establishment. That being the case, EFFECTIVE joint control is a practical impossibility. Furthermore, joint control at the level of Sub-Councils will make no significant impact on the culture which permeates the Security Forces and which undermines their own credibility.

In addition, if the formation of these Sub-Councils is meant to constitute joint control, then, irrespective of disclaimers, ALL PARTIES will in reality be forced to accept joint responsibility for the actions of the Security Forces. That in itself, is a recipe for disaster and will, we believe, be a continuing source of conflict between the major political actors as they publicly argue about responsibility for unpopular and unlawful acts of violence committed by Security Force members.

There is also in our view the real possibility that elements within the Security Forces who have as their agenda the disruption of the negotiating process go out of their way to embarrass the leadership of for example the African National Congress, who will be participating in Sub-Councils.

By way of summary therefore, we favour the establishment of Sub-Councils on Defence and Law and Order, however, would urge that they exercise a MONITORING function rather than a JOINT CONTROL function.

The transitional period to Democracy is as important as Democracy itself. We must remind ourselves that Democracy is a process and not an event. Therefore, this transitional period is absolutely crucial for creating a culture which nurtures an ENABLING ENVIRONMENT FOR AN EMERGING DEMOCRACY. Principles such as accountability, transparency, equality and inclusive participation are of fundamental importance.

One of the major challenges facing the transitional period is effective damage control viz a viz the Security Forces. That would mean neutralizing their activities and influence on the political process. In our view, an effective mechanism to deal with this problem would be the establishment of an efficient, effective and democratic MONITORING MODEL to police the existing Security Forces. Sub-Councils on Defence and Law and Order would provide those mechanisms. It is crucial that the role of the South African Police be de-politicized. Although the State President has given an oral commitment to this principle, in reality as long as the Police are involved in combatting political violence their role will never be perceived to be neutral and apolitical. For that reason, amongst others, we motivate the establishment and deployment of a SOUTH AFRICAN PEACE-KEEPING FORCE and the evacuation of Security Force members from those areas where political violence is rampant.

The functions and duties of the South African Police should be as stipulated in the POLICE ACT and limited to the maintenance of law and order in the context of common-law crimes unrelated to political conflict. The Sub-Council on Law and Order would monitor this process and together with the Police Board work systematically on creating a credible, effective and impartial Police Force for a new South Africa.

With regard to the Sub-Council on DEFENCE it too would have a crucial role to play. We are particularly concerned about the lack of attention that has

been given to the intelligence gathering structures, especially MILITARY INTELLIGENCE and furthermore, the apparent continuation of COVERT OPERATIONS, which appear to be aimed at undermining the negotiation process. A Sub-Council on Defence could lead the process of monitoring intelligence gathering structures and of unravelling and disbanding all covert operations with a view to their transformation into an impartial intelligence service which acts in the interests of South Africa as a whole.

7.4. **Peace & Reconciliation Commission:**

If this reconstruction and cleansing process does not take place during the transitional period, the opportunity of "wiping the slate clean" may never be realised. The consequence of such a situation could result in continued mistrust and lack of confidence in the future security establishment. In order to avoid that result, these Multi-Party Sub-Councils should visibly commit themselves to adhering to the principle of openness in such a monitoring function. On the termination of their mandate, once free and fair elections have taken place, the Sub-Councils should be required to submit comprehensive public reports on the work which they would have done and to make appropriate recommendations to the newly elected Parliament, on the restructuring of the Security Forces.

This report and recommendation should lay the foundation for the establishment of a TRUTH AND RECONCILIATION COMMISSION which

in our considered view ought to be created so as to ensure full disclosure of gross human rights violations committed by agents of the State under the apartheid Government. The purpose of such a Commission should primarily be to:

- \* Purge the Security Forces of those members who were involved in atrocities. Although we fully subscribe to the principle of reconciliation, that does not imply reconciliation at all costs. If those who committed gross human rights violations are allowed to continue within the Security Forces we run the risk of condoning their activities and promoting a similar culture in a post-apartheid Security Force structure. It is instructive to note that the magnanimous reconciliation policy of Robert Mugabe's new Government in Zimbabwe gave birth to a Security Force structure which committed similar human rights atrocities including the killing of civilians, brutal torture methods, and often by the same personnel who served Mr Ian Smith;
- \* Provide some form of compensation to those who lost their loved ones and bread-winners as a result of State violence.

We firmly believe that this process is essential to the healing process for all South Africans. The emphasis, however, should not be on revenge and retribution, but rather on disclosure, transparency, accountability and reconciliation.

#### 7.5. A National Peace-keeping Force:

The aftermath of the assassination of Chris Hani has clearly been the biggest test for the existing peace initiatives. It is an indisputable fact that the National Peace Accord successfully assumed the task of peace broker and facilitator during this difficult period. Throughout those tense and highly volatile situations, the Peace Accord structures ensured that the major players kept contact with each other. This for example eventually resulted in an agreement being reached between the ANC and SAP in the Wits/Vaal Region on the question of the Declaration of Unrest Areas. The importance of this agreement arises out of an earlier undertaking by the South African Police to first consult with other parties in the Wits/Vaal Regional Peace Committee [RPC] before issuing unrest regulations. It is extremely encouraging to note that these undertakings were adhered to during this critical period. We believe that that negotiated agreement and due compliance therewith played a major role in maintaining political tension at a manageable level.

We firmly believe that the National Peace Accord is a unique structure and that it has an increasingly vital role to play during these challenging times. We unequivocally support calls for its strengthening. In fact, when we made representation to the United Nations Special Envoy in 1992 we strongly motivated the strengthening of the NPA.

However, the present structure of the Peace Accord reflects in our view a rather critical weakness, namely its inability to independently address and defuse physical conflict. This failure is not the result of improper planning

or poor administration, but rather due to a structural weakness in the Accord. This weakness stems from the fact that when violence either threatens or flares up it can do no more other than monitor the situation, while relying on one of the parties to the National Peace Accord, the South African Police to intervene and deal with the violence. This in effect means that one of the players is allowed to step outside of the rules of Multi-Party responsibility and take unilateral, physical action to quell violence when it erupts. When the Peace Accord is accused of failure, all the signatories shoulder the blame for ineffective enforcement, while in reality, they do not have access to the tools and the means essential to effective enforcement.

We believe that there is an innovative way in which to resolve this critical problem and strengthen even further the national peace initiative in South Africa. WE ARE ABSOLUTELY COMMITTED TO THE VIEW THAT THE NATIONAL PEACE ACCORD SHOULD HAVE POWERS OF ENFORCEMENT. We have been arguing this position for the past 14 months. More than a year ago we attempted without success to make such proposals to the Goldstone Commission. Thereafter, we endeavoured to persuade the United Nations Special Envoy to make a recommendation along those lines to the Secretary-General of the United Nations, Mr Boutros-Boutros Ghali. Since then, we have published papers and made representation to a number of political leaders motivating powers of enforcement for the National Peace Accord through a National Peace-Keeping Force.

Providing the NPA with powers of enforcement will not only give the Peace Accord the necessary teeth to maintain peace in strife-torn areas, it will also have the effect of sharing that responsibility amongst all the signatories. This would eventually translate into an increased acceptance of the Peace Accord and its other activities for example Regional Dispute Resolution Committees [RDRCs] and Local Dispute Resolution Committees [LDRCs]. These committees would of course be further strengthened by local on the ground participation initiated through Peace Corps.

WE THEREFORE PROPOSE THAT A NATIONAL PEACE-KEEPING FORCE BE CREATED UNDER THE POLITICAL CONTROL OF THE NATIONAL PEACE ACCORD. WE BELIEVE THAT THE NPA IS IDEALLY PLACED SINCE IT ENJOYS THE SUPPORT, CONFIDENCE, TRUST AND RESPECT OF THE MAJOR POLITICAL GROUPS.

8. **ROLE AND POWERS OF A NATIONAL PEACE-KEEPING FORCE:**  
The sole function of the NPKF will be peace-keeping duties. Such a Force would not engage in other policing functions such as investigations or socio-economic reconstruction.

Its principal objective would be to defuse tension and provide a peaceful environment in order to ensure free political space for all political parties to conduct their election campaigns. The NPKF would be expected to intervene and take appropriate measures including minimum force if necessary, to



ensure that the relationship between conflicting parties does not generate into armed conflict. It is essential to emphasize that such a Force will not succeed in dissipating violence unless it has credibility and the support of all the parties. That support and credibility can be provided through the National Peace Accord in its entirety. A Peace-Keeping Force must be viewed therefore as an added instrument, expected to play a complimentary role.

In order to be effective in defusing violence and potentially violent situations, we believe that such a Force must possess powers of arrest and seizure. In addition, as already argued, it should enjoy the right and power to exercise minimum force if and where necessary. Without such power its mandate and functions would be severely eroded. Furthermore, it would mean that whenever violence erupts the Security Forces would have to be called in to do the "dirty work". For reasons already motivated, that would not be appropriate. In addition, the image of the Security Forces would then be further undermined. Everything possible must be done to ensure that the use of excessive force is not required since this in turn may well compromise the credibility of the Peace-Keeping Force. We propose that the nature and extent of the above powers should also be the product of negotiations which would further enhance the application of those powers.

8.1. **Infrastructure:**

Even if there is overwhelming political consensus on the creation of a Peace-Keeping Force, PRACTICAL IMPLEMENTATION will depend largely on

the successful creation of a workable infrastructure. Fundamental requirements would be bases, logistics, administration, communication systems, equipment including weaponry, and back-up services.

## 8.2 Composition of a Peace-Keeping Force:

Although composition is directly related to infrastructure, since composition will in our view determine success or failure, it is necessary to deal with composition as a separate issue.

The critical question when considering composition is whether it is necessary and/or advisable to create an ENTIRELY NEW INFRASTRUCTURE or whether we should rely either in whole or in part on the EXISTING INFRASTRUCTURE OF THE SECURITY FORCES.

Although when we initially mooted the idea of a Peace-Keeping Force we argued in favour of the first option, we are becoming increasingly aware that that option is riddled with practical problems that may well be insoluble. On the other hand, the latter option, bearing in mind our own concerns regarding the Security Forces, presents very serious political considerations and if adopted could be self-defeating. We fully appreciate the magnitude of this dilemma, however, since we are absolutely convinced that FREE AND FAIR ELECTIONS will remain a pipe-dream unless a Peace-Keeping Force is established, a calculated choice MUST be made.

Since time is of the essence, with an election less than a year away and since more effective practical measures need to be taken immediately in order to quell violence, the first option excludes itself. What we definitely do not need in South Africa is a force of Kitskonstabels.

We are therefore left with the alternative option as the only possible way forward. After careful consideration we are of the opinion that an acceptable package could be created which would include A PORTION of the existing Security Force infrastructure and which would be widely representative of the major negotiating parties. With the introduction of the necessary checks and balances, this inclusive approach need not necessarily compromise the credibility of a Peace Force.

Our specific proposal is that the infrastructure of the INTERNAL STABILITY DIVISION [ISD] constitutes the starting point for the formation of a National Peace-Keeping Force. The reason for isolating the ISD for this purpose is based upon their resources, logistics, training, existing deployment, scope and theoretical functions. We are of course concerned about the negative perceptions which this Unit has in many black townships. However, we need to look on the positive side and work from the premise that transformation is possible. According to our information the ISD constitutes approximately 15,000 personnel. We propose as a first step, the total removal of the ISD from the operational functions of the South African Police and from the political authority of the present Government. However, not all members of

the ISD will be automatically recruited into the Peace-Keeping Force. Recruitment of the right people is non-negotiable. It is essential therefore that a properly structured filtering process be set in place in order to exclude those members who, as a result of previous actions or known political convictions, would not be suitable members. Those who wish to serve must be required to sign a commitment to the objectives of the negotiation process. In line with earlier motivations, a new home would be the National Peace Accord. Debriefing and retraining would commence immediately. The balance of the Force [an additional 15,000] should be recruited from other quarters and on an individual application basis. SELECTION OF PERSONNEL is discussed in para 8.5.

8.3. **Command and Control:**

It is imperative that the Peace-Keeping Force should operate under a unified command structure, which in turn would report to a legitimate political authority. We propose that the Peace-Keeping Force be located under the political authority of the NATIONAL PEACE SECRETARIAT [NPS] of the Peace Accord. We fully appreciate the difficulty in structuring a united, credible and professional command structure given the socio-political conditions which prevail in South Africa. Once again though we urge positive thinking and are cautiously optimistic that reputable skilled individuals both within the existing structures of the ISD and outside of those structures could be identified and appropriately trained. We would recommend that individuals from the international community who have expertise in peace-keeping be

invited to participate as full members within the command structure. A broadly representative and unified command structure, operating under the authority of the NPA would be exclusively entrusted with all operational functions of the Peace-Keeping Force. This command structure must both reflect and be able to facilitate the following:

- \* Objectivity and impartiality;
- \* Professionalism;
- \* Judgment and patience;
- \* Firmness and discipline;
- \* Accountability and transparency.

8.4. **Envisaged Size of Peace-Keeping Force:**

The size of the Force should be determined by its proposed functions and responsibilities. It would be entrusted with creating the necessary stability before, during and immediately after elections. In the circumstance, it will have to be sufficiently large to ensure that it can be easily and effectively deployed throughout the country if and when needed. An analysis of areas racked with political violence shows that it constitutes a relatively small geographic area in the context of the whole of South Africa. Bearing the above factors in mind as well as the size of the Internal Stability Division [about 15,000 personnell] we believe that a Force of approximately 30,000 Peace-Keepers would suffice.

● 8.5. **Selection of Appropriate Personnel:**

As already stated, proper selection methods and criteria are not negotiable. We have already motivated the inclusion of SDU members. The rest of the Force should be made up of INDIVIDUALS, recruited as individuals, from MK, Homeland Police and other members of the SAP who may wish to apply and be part of a new Peace-Keeping function in South Africa. A Division of approximately 50/50 between the existing Security Force infrastructure and new members will, in our view, go a long way in ensuring the birth of a Force which is independent, accountable and credible. Recruitment will depend upon each applicant's ability and commitment to a peaceful settlement. International experts in peace-keeping who we propose should be part of the command structure will assist in identifying appropriate criteria and in the final selection. The selection panel should also consist of at least one of the INTERNATIONAL OBSERVER MISSIONS presently in the country and highly reputable and credible individuals from civil society.

One of the tasks of the selection committee should be the selection of a TRAINING CORPS which will be responsible for designing and implementing the necessary training programme for the Peace-Keeping Force.

8.6. **Training:**

Once again we propose an integrated and broadly representative training panel. Besides reputable individuals from the international community and

experts in peace-keeping, the panel should be made up of police officials and designated experts from the various political groupings.

8.7. **Uniforms:**

It is both necessary and advisable for the Peace-Keeping Force to wear a uniform that is easily differentiated from existing Security Force uniforms. The colour, symbols and style of the uniform must reflect its impartiality and peace-keeping function. Care must be taken to ensure that it cannot be confused with existing Security Force uniforms, which in the minds of many represent the forces of apartheid and oppression.

8.8 **Duration:**

We believe that the Force should continue operating for as long as the life of the National Peace Accord. Once the Peace Accord has been terminated by agreement, the NPKF should then be incorporated into newly structured Security Forces, under the political authority of a democratically elected Government. It would of course be up to the Government of the day to decide how such a Unit duly incorporated into the Security Forces can be best utilized in the interests of the country as a whole.

8.9. **Finances:**

We realise that these proposals have far-reaching financial implications. It is conceivable that the State will not be able to provide the amount of money which will be necessary to ensure the success of this project. However,

indications are that the international community is willing to invest large sums of money in ongoing attempts to secure a peaceful political outcome to our problems. Furthermore, the internecine violence which ravages our country causes massive human rights violations. It is our experience that the international community and the United Nations are committed to systematically addressing the root causes of human rights violations. In addition, the business community of South Africa through the National Peace Accord should be called upon to make sacrifices and invest in our future by co-funding this project.

It is important to emphasize that funding should not be allowed to impact on the independence and neutrality of the Peace Force. In the circumstance, no funding agency including the Government should be permitted to place politically motivated conditions upon funding.

It is our view that the NATIONAL PEACE SECRETARIAT as the ultimate political authority over the National Peace-Keeping Force, should assume the responsibility of managing the finances of the project.

9. **SUMMARY:**

9.1. **International Community:**

While we acknowledge that the National Peace-Keeping Force must be "home-based" we believe that active involvement of the international community in



certain strategic areas within the Force is of paramount importance in building credibility, transparency and professionalism.

9.2. **Civil Society:**

We firmly believe that the success of the Peace-Keeping Force lies in civil society accepting and supporting the work of the Force. For this to happen, we realise that there must be extensive involvement of CIVIL SOCIETY at all levels of the command structure and of the political structure. We believe that this proposal adequately caters for participation of the civil society.

9.3. **Political Society:**

The political society also has a key role to play. As argued, direct participation should be through the National Peace Accord and indirect participation via monitoring at the level of Sub-Councils.

9.4. **Security Forces:**

Due to the overwhelming negative perception of the Security Forces and their historical insidious relationship with the National Party Government, an alternative Force has to be created to supervise the elections. However, we believe that there is no other practical alternative but to engage some of its personnel and resources in the creation of the Peace-Keeping Force. In our view, this proposal adequately creates the necessary checks and balances in order to accommodate the Internal Stability Division in such a way that it

would not be able to hijack or unfairly dominate the functioning of the Peace Force.

9.5. Process:

As we have argued, the process in establishing the Peace Force must be seen to be credible and transparent. We are encouraged by the decision of the "NO NAME NEGOTIATING FORUM" to set up a Technical Committee to consider the relevance of Peace-Keeping Forces during the elections. We hope that this Committee will be able to provide the necessary political consensus which will pave the way for the establishment of a National Peace-Keeping Force.

10. **IMPLEMENTATION:**

Having considered this proposal and any others which have a bearing on the creation of a National Peace-Keeping Force, we urge the GOLDSTONE COMMISSION to make appropriate recommendations to the still to be established TRANSITIONAL EXECUTIVE COUNCIL [TEC]. As we have argued previously, time is of the essence and we therefore urge the Commission to move swiftly.

Furthermore, although we are proceeding with the submission of these proposals to the Kempton Park Technical Committee on Violence, we urge the Commission to urgently submit its recommendations to that Committee as well. We acknowledge that the setting-up of a National Peace-Keeping Force must be reflective of the broader constitutional negotiations that are presently taking place at the World Trade

Centre. Although this Forum has been generally regarded as extremely fragile, it continues to be the only Forum where meaningful political consensus can be reached. We are attempting to ensure that the Negotiating Forum urgently debates this proposal and others which have a similar bearing.

In conclusion, should the Commission require additional information regarding this proposal or wish to hear oral evidence, the following persons who were involved in the empirical research and the drafting of this proposal are available to appear before the Commission:

- \* Brian Currin
- \* Paula McBride
- \* Jody Kollapen
- \* Aubrey Lekwane
- \* Indarin Govender.

NATIONAL DIRECTORATE : LAWYERS FOR HUMAN RIGHTS.