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The Question of South Africa

Report of the Secretary-General

I. Introduction

1. The Security Council considered the question of South Africa at its 3095th and 3096th meetings held on 15 and 16 July 1992, unanimously adopting resolution 765 (1992) at the latter meeting. The full text of that resolution reads as follows:

"The Security Council,

Recalling its resolutions 392 (1976), 473 (1980), 554 (1984) and 556 (1984),

Gravely concerned by the escalating violence in South Africa, which is causing a heavy loss of human life and by its consequences for the peaceful negotiations aimed at creating a democratic, non-racial and united South Africa,

Concerned that the continuation of this situation would seriously jeopardize peace and security in the region,

Recalling the consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa adopted by the General Assembly at its sixteenth Special Session on 14 December 1989 which called for negotiations in South Africa to take place in a climate free of violence,

Emphasizing the responsibility of the South African authorities to take all necessary measures to stop immediately the violence and protect the life and property of all South Africans,

Emphasizing also the need for all parties to cooperate in combating violence and to exercise restraint,

Concerned at the break in the negotiating process and determined to help the people of South Africa in their legitimate struggle for a non-racial, democratic society,

1. Condemns the escalating violence in South Africa and in particular the massacre in Boipatong township on 17 June 1992, as well as subsequent incidents of violence including the shooting of unarmed protesters;

2. Strongly urges the South African authorities to take immediate measures to bring an effective end to the ongoing violence and to bring those responsible to justice;



3. Calls upon all the parties to cooperate in combating violence and to ensure the effective implementation of the National Peace Accord;

4. Invites the Secretary-General to appoint, as a matter of urgency, a Special Representative in order to recommend, after, inter alia, discussion with the parties, measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa, and to submit a report to the Security Council as early as possible;

5. Urges all parties to cooperate with the Special Representative of the Secretary-General in carrying out his mandate; and to remove the obstacles to the resumption of negotiations;

6. Underlines, in this regard, the importance of all parties cooperating in the resumption of the negotiating process as speedily as possible;

7. Urges the international community to maintain the existing measures imposed by the Security Council for the purpose of bringing an early end to apartheid in South Africa;

8. Decides to remain seized of the matter until a democratic, non-racial and united South Africa is established."

2. Immediately after the adoption of resolution 765 (1992), I appointed Mr. Cyrus R. Vance as my Special Representative under the terms of paragraph 4 of the resolution and announced that he would be visiting South Africa as a matter of urgency. I also requested Mr. Virendra Dayal, the former Chef de Cabinet, to accompany Mr. Vance on the mission. Assisted by a small team from the Secretariat, the delegation visited South Africa from 21 to 31 July 1992. This report is being issued pursuant to paragraph 4 of resolution 765 (1992).

## II. Programme of the mission in South Africa

3. Given the complexity of the situation in South Africa, the mission endeavoured to hold discussions with the widest range of parties in the country.

4. The programme opened with meetings with President F. W. de Klerk and members of his cabinet on 22 July 1992 and was followed by a further round of talks between the Special Representative and President De Klerk on 30 July 1992. In addition, meetings were separately arranged with Foreign Minister R. F. Botha on



26 July 1992 and with Justice Minister H. J. Coetsee on 31 July 1992.

5. Individual meetings were likewise held, in the following sequence, with delegations of the major political parties. On 23 July 1992, these included the Inkatha Freedom Party (IFP) led by Chief Mangosuthu Buthelezi; the Pan Africanist Congress of Azania (PAC) led by Mr. Clarence Makwetu; the African National Congress (ANC) led by its Vice President Mr. Walter Sisulu and comprising among others its Secretary-General, Mr. Cyril Ramaphosa, and the Director of its International Affairs Department, Mr. Thabo Mbeki. A further meeting was especially arranged on 29 July 1992 between the Special Representative and the President of the ANC, Mr. Nelson Mandela, upon the latter's return to South Africa from a mission abroad. Also seen by the United Nations team on 23 July 1992 was a delegation from the Azanian People's Organization (AZAPO), led by Mr. Phandelani Nefolovhdodwe. On 24 July, the United Nations team met with a delegation from the Democratic Party comprising Dr. Zach de Beer and Mr. Colin Eglin. On 25 July, a meeting was held with a delegation of the South African Communist Party, led by its Chairman, Mr. Joe Slovo.

6. On the same day, 25 July 1992, discussions were, in addition, held with delegations from Bophuthatswana, led by Dr. L. M. Mangope; from Venda, led by Brigadier Ramushwana; from Transkei, led by Major-General Bantu Holomisa; and from Ciskei, led by Brigadier Oupa Gqozo.

7. Discussions with political parties were resumed on 27 July 1992, when the mission met a delegation from the Patriotic Front Parties participating in the Convention for a Democratic South Africa (the Labour Party, led by Mr. Eddie Samuels, and the Transvaal Indian Congress, led by Mr. Cassim Saloojee). On 28 July 1992, the mission received a delegation of the Conservative Party led by Dr. A. P. Treurnicht. This was followed by a meeting on the same day with the National People's Party, led by Mr. A. Rajbansi. On 30 July 1992, the mission received a delegation from the Boerestaat Party, led by Mr. Robert van Tonder. On 31 July 1992, it met with representatives of the Solidarity Party led by Dr J. N. Reddy, and, subsequently, with a delegation from the Natal Indian Congress comprising Dr. F. M. Meer, Mr. Zac Yacoob and Mr. P. Gordhan.

8. As a remarkable contribution is being made to the political and social evolution of South Africa by prominent individuals and civic groups, the United Nations mission welcomed the opportunity to meet with a wide range of such persons and to seek their advice. They included, in particular, Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation; Mr. John Hall and Mr. Antonie Gildenhuys of the



National Peace Committee and its Secretariat, and also representatives of regional and local peace committees. The mission met with Archbishop Desmond Tutu, and, on more than one occasion, with the most senior leaders of the South African Council of Churches. It also received the Chairman of the Afrikaner Freedom Foundation; the head of an Independent Board of Inquiry; representatives of Lawyers for Human Rights and of the Legal Resources Centre. Meetings were held with individual members of Parliament and outstanding legal and constitutional scholars. The mission met with the trade union movement as represented by the Congress of South African Trade Unions (COSATU); and with leaders of the business community, including those representing the National Federation of the Chamber of Commerce (NAFCOC), the South African Chamber of Business (SACOB) and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA). An exchange of views was also held with editors of major South African newspapers.

9. In order to focus discussions on the principal purposes of the mission, as set out in Security Council resolution 765 (1992), the Special Representative encouraged his interlocutors, as far as possible, to record their views in writing as well. The mission also had the benefit of written submissions from a wide range of groups and persons, some of whom, for reasons of time or scheduling, it was not possible to meet with personally.

10. The Special Representative would like to express his deep gratitude to all those who presented the mission with the benefit of their advice and experience. In order to add to his understanding of the situation on the ground, the Special Representative, accompanied by Mr. Dayal, travelled with Justice Goldstone to Boipatong and Crossroads, the scenes of recent tragedies, on 29 July 1992. He also met with representatives of the International Committee of the Red Cross and the International Federation of National Red Cross and Red Crescent Societies to learn of their endeavours in the country. In addition, the Special Representative held meetings, at their request, with representatives of the United Kingdom and the United States of America, and the representatives of States that are members of the European Community.

11. An outline of the programme of the mission is attached to this report, together with a list of each of the delegations received by the mission (annex I). The titles following the names in the annex are those provided by the respective participants in the meetings. In regard to certain of the participants, the position of the United Nations remains as expressed by the President of the Security Council at its 3096th meeting, in which, in giving the floor to certain speakers under rule 39 of the Council's Provisional Rules of Procedure, he stated: "This does not in any way entail the recognition by the



Council or any of its members of the organization or entity he claims to represent." (S/PV.3096)

12. Given the extensive nature of the discussions held by the mission, and the many detailed written submissions presented to it, the following section of this report seeks to summarize the main points expressed by the parties to the mission.

### III. Summary of views expressed to the mission

#### A. Discussions with the Government

13. On the subject of violence, the Government was of the view that it retained the primary responsibility for the maintenance of order, although this did not mean that the other parties of the National Peace Accord were absolved of their responsibilities. It was emphasized that President De Klerk had taken numerous initiatives to combat the violence. These had resulted, for example, in the National Peace Accord coming into being on 14 September 1991, and in the appointment of the Goldstone Commission. Further, the State President had repeatedly invited Mr. Mandela and Chief Buthelezi to a joint meeting in order to demonstrate that the leaders of these parties which were, in the Government's view, the three main parties, would act together to end violence. The Government added that in view of Mr. Mandela's initial refusal, the State President had now extended the invitation to include a delegation from the National Peace Committee.

14. Continuing, the Government indicated that it had increased the strength of the police force and almost doubled its budget. It stated that it had adopted legislation to combat intimidation, violence and the illegal possession of arms.

15. Further, while observing that the origins of violence were complex, the Government stated that the Goldstone Commission had identified the main causes of political violence as the struggle for power between the ANC and Inkatha. Other factors, in its view, were the role of "radicals", the high crime rate due in large measure to growing unemployment, and the availability of weapons, 1,617 of which had been confiscated in 1991, including some 1,000 AK47s.

16. The Government stated that in response to recommendations of the Goldstone Commission, regulations had been drafted to prohibit the carrying of dangerous weapons in public places within "unrest areas", and that urgent attention was being given to the carrying of traditional weapons and the accommodation of single migrant workers' hostels. The Government added that 32 Battalion was being disbanded and absorbed into other units,



while Koevoet was similarly being disbanded and that its former members would be deployed to prevent the theft of livestock.

17. Referring to the mass mobilization programme of the ANC alliance, the Government expressed the view that it would provoke violence, delay the search for democratic solutions and disrupt the economy and social services. Further, in its view, jobs would be lost and international market opinion would turn against South Africa just when development required urgent foreign investment.

18. On the subject of negotiations, the Government indicated that only through such a process could South Africa be transformed into a united, non-racial and democratic state; however, the ANC alliance had shown little flexibility. The Government added that it wanted to ensure a system whereby any government that is formed would be with the consent of the vast majority of the governed, that it would be accountable through free and fair elections in a multi-party system, on the basis of one-person, one-vote; and that it would be brought closer to the people through the devolution of power to regions. Human rights would be entrenched in the constitution and protected by an independent judiciary. The Government added that if a transitional constitution had not been replaced by a final version within three years, a general election can be held to elect a new transitional parliament.

19. The Government stated that there was substantial agreement between it and the ANC alliance when the latter withdrew from the second plenary session of the Convention for a Democratic South Africa (CODESA II). However, regional devolution remained a major difference, with the Government strongly supporting a regional government system where powers, functions and boundaries would be agreed to prior to the adoption of the transitional constitution. The Government denied these proposals implied a veto power for the "white" segment of the population. The Government added that it had offered flexible time-tables with respect to a transitional constitution and that draft legislation had been prepared and should have been submitted to Parliament had CODESA not been delayed. It was the view of the Government that both the transitional and final constitution should provide for a Bill of Rights, maximum devolution of power, various checks and balances, including a bi-cameral parliament, and proportional representation.

#### B. Discussions with the political parties

20. These are summarized, as far as possible, in the sequence in which the discussions took place with the United Nations team.

21. The Inkatha Freedom Party (IFP), led by Chief Mangosuthu Buthelezi, expressed deep concern that the process of CODESA had



been disrupted by the withdrawal of the ANC. The IFP considered that the structures of CODESA were weak, and that its list of participants was seriously incomplete not least because of the exclusion of Kwazulu. Further, CODESA lacked a dispute resolving machinery at the level of head of party. The IFP, accordingly, felt that there was a need for the convening of a Multi-party Conference of Review to look into the entire situation and to serve as a permanent structure for deadlock resolution. The IFP also believed that only a federal constitutional model could reconcile the disparate sectors of South African society and that powers should be devolved from regional governments to the central government. Without such a concept being adopted, the IFP feared the continuation of violence. It deplored what it described as serious violations of the code of conduct for political parties, as laid out in the National Peace Accord, by the ANC and its allies. While condemning the Boipatong massacre, the IFP also deplored the comparative indifference of the international community to the slaying of its supporters at Crossroads.

22. Led by its President, Mr. Clarence Makwetu, the delegation of the Pan Africanist Congress of Azania (PAC), stated that the CODESA process lacked credibility and should be replaced by a conference chaired by the United Nations and convened in a neutral venue. In the absence of a truly democratic process in South Africa, the PAC called on the international community to establish an independent commission to examine the structures of the South African Government so as to ensure free and fair elections in the country. Regarding violence, the PAC held the Government of South Africa and its security forces responsible for much of the current violence. It called for a United Nations commission to investigate, monitor and adjudicate matters relating to violence and for the expulsion from South Africa of mercenary forces, such as Koevoet and 32 Battalion, under United Nations supervision. The PAC also favoured the holding of elections, under United Nations supervision, for a constituent assembly which should draw up a constitution for a unitary state.

23. The delegation of the African National Congress (ANC) which met with the United Nations team on 23 July 1992, was led by its Vice President, Mr. Walter Sisulu. After reiterating in general terms the conditions of the ANC for the resumption of talks, as communicated to President De Klerk by Mr. Mandela, the delegation emphasized in particular the need for the full and speedy implementation of the recommendations of the Goldstone Commission, especially those relating to the fencing of hostels, the disarming of their residents and the prevention of weapons leaving or entering those premises. The ANC also stressed the early implementation, by legislation, of the Goldstone Commission recommendation that the carrying of all dangerous weapons in public be prohibited - not only in "unrest areas". Further, the ANC called for the disarming and confining to barracks of all



special force counter-insurgency units, including Koevoet, Battalions 31 and 32, CCB, certain reconnaissance battalions and the Askaris, and an end to all covert operations. Continuing, the ANC urged the strengthening of the mechanisms for the implementation of the National Peace Accord, inter alia, by the providing of United Nations monitors, consultants and advisers. The release of all remaining political prisoners was stressed by the ANC, as was the repeal of all oppressive legislation including some that, in their view, had been rushed through the last session of Parliament.

24. Referring specifically to the role of the United Nations in furthering the political process, the ANC envisaged United Nations monitors in the following sectors: military - to monitor the disbanding and confinement to barracks of special force counter-insurgency units; security - to monitor the South African police; civilian - to monitor the implementation of the National Peace Accord, including the code of conduct for political parties and organizations. In the concept of the ANC, the United Nations monitors would maintain "early warning offices" to receive information from the public relating to possible or impending violence.

25. In a working paper handed to the United Nations mission subsequently, the ANC stressed the need for an adequate and not merely a symbolic number of United Nations monitors, having freedom of movement and the independent resources needed to act as the "eyes" of the international community. A size of some 400-450 persons was suggested for this purpose, with the monitors having a background, preferably, in policing.

26. A special meeting was arranged between Mr. Vance and Mr. Nelson Mandela on 29 July 1992, soon after the latter's return from a mission abroad. In that meeting, after emphasizing that he wished to return to the negotiations, Mr. Mandela turned to certain of his present concerns. These included, inter alia, the need to release all political prisoners, and problems that he had encountered on constitutional matters. Mr. Mandela recounted the status of President De Klerk's discussions with him regarding the percentage of votes required on delicate constitutional issues and reviewed the negotiations that had been held to date. He also explained the current status of negotiations with respect to the creation and powers of a senate, which posed serious problems for him. The continuance of violence remained a grave concern of Mr. Mandela and, in this connection, he reiterated the great importance that he and his Party attached to the full implementation of the recommendations of the Goldstone Commission.

27. The delegation of the Azanian People's Organization (AZAPO), led by its President, Mr. Phandelani Nefolovhdodwe, reverted to the idea that the negotiations under way in the country should be



chaired by an impartial personality, nominated by the international community. AZAPO also urged the creation of a transitional authority, under international auspices, to supervise the transition to democracy, and a United Nations peace-keeping force to assume control of the security of the nation during the transitional period. Without such arrangements, AZAPO could not see a peaceful transition to a democratic South Africa.

28. The delegation of the Democratic Party, comprising Mr. Zach de Beer and Mr. Colin Eglin, drew the attention of the mission to a recent "Independent survey of the violence in South Africa", prepared by the International Commission of Jurists and to the interim reports of the Goldstone Commission. They noted that while considerable progress had been made nation-wide in setting up the structures envisaged in the National Peace Accord, these structures had not so far been able to achieve very much, largely because of a lack of cooperation from the major parties. Despite this, they constituted an important resource in the effort to end violence and to attain democracy. In the view of the Democratic Party, the international community could play a valuable role through monitoring the situation in South Africa and reporting on it objectively. This applied both to the issue of violence and to the negotiating process. In regard to the latter, international observers could help to ensure steady progress.

29. The delegation of the South African Communist Party (SACP), led by its Chairman, Mr. Joe Slovo, asserted that the security forces resorted to strategically planned violence and large-scale covert operations. They therefore requested comprehensive international monitoring of the security forces, of their deployment, operations, personnel and documentation. The delegation further requested that international monitoring should extend to the activities of the major political players and, indeed, to the state-owned South African Broadcasting Corporation (SABC). As regards the negotiating process, the SACP had considered it essential to withdraw from CODESA as the latter had lost its credibility. It was stressed that those participating in CODESA had not been elected by the people and the Government itself was involved in violence. For the process to resume, the issue of violence and the Government's commitment to democracy had first to be resolved to their satisfaction.

30. The delegation from Bophuthatswana, led by Dr. L. M. Mangope, informed the mission that a way had to be found to "force" the parties back to the CODESA process. He stated that violence in South Africa was the result of one party trying to eliminate the other parties. There was need for liberation movements to convert themselves into political parties; they must cease to have private armies or recourse to intimidation. President Mangope added that any involvement of the United



Nations in South Africa must be impartial and totally independent.

31. The delegation from Ciskei, led by Brigadier Oupa Gqozo, stated that CODESA was sabotaged by radicals. His delegation was of the view that only a federal structure, with primary powers vested in the regional governments, could be suitable for South Africa and for Ciskei. He urged a return to negotiations while condemning what he described as repeated acts of violence and destabilization by the ANC.

32. Brigadier Ramushwana, leading the delegation from Venda, urged the involvement of the international community in the negotiating process. He stressed the need for an impartial chairperson or convenor as, at present, the South African Government was involved both as a player and as the referee.

33. The delegation from Transkei, led by Major General Bantu Holomisa, suggested that an international monitoring group should be sent to South Africa to attend to matters to which he had referred in detail when addressing the Security Council on 16 July 1992. Before negotiations could be resumed, state-sponsored violence had to end, as also the repression of political activity, specifically in some of the homelands. It was added that the use of mercenary formations should be ended in the townships and that such units should be disbanded and repatriated to their countries of origin. There was need to release all political prisoners and to repeal certain security legislation that inhibited legitimate political activity.

34. The Labour Party of South Africa, led by Mr. Eddie Samuels, urged a United Nations peace-keeping presence in South Africa to monitor violence. Observing that the recommendations of the Goldstone Commission had not been acted upon fully, the Labour Party also urged the strengthening of the mechanisms of the National Peace Accord and a more active role by the international community in dealing with the situation in South Africa.

35. The Transvaal Indian Congress, led by Mr. Cassim Saloojee, urged the establishment of an international monitoring commission to end the violence and to clear the way for an interim government of national unity that would precede the holding of free and fair elections for a constituent assembly. The international monitoring group would complement the mechanisms set up under the National Peace Accord and oversee the demobilization of special forces such as Koevoet and Battalions 31 and 32.

36. A delegation of the Conservative Party, led by Dr. A. P. Treurnicht, informed the mission that the party was opposed to and rejected any foreign involvement in the South African situation in contravention of article 2, paragraph 7, of the



Charter of the United Nations. The Conservative Party also rejected the concept of a "united South Africa". Instead, it proposed a Southern Africa consisting of states independent of each other but economically interdependent. It preferred a confederal or commonwealth arrangement for the various peoples or nations of Southern Africa, based on their voluntary participation and on a politically independent basis. The Party observed that ethnicity was a world-wide reality and could not be ignored in Southern Africa.

37. The National People's Party, led by Mr. A. Rajbansi, stated that the National Peace Accord should be implemented fully. It recommended a strong United Nations monitoring presence as a means of reducing violence and urged the re-convening of CODESA.

38. A delegation of the Boerestaat Party, led by Mr. Robert van Tonder, stressed that South Africa was not a country but a sub-continent comprising some 14 different peoples, who should be allowed to form their individual nation states. He urged that the Government of South Africa should create a negotiating forum based on a recognition of the existence of different peoples, as well as of their right to restore their statehood. He observed, in this connection, that the Boer Republic of Transvaal and the Free State had been independent and internationally recognized until the Boer War of 1899-1902.

39. The delegation of the Solidarity Party, led by Mr. J. N. Reddy, informed the mission that just as the South African Government had a legal responsibility to end violence, the people had a moral responsibility to do so. The Party advocated a moratorium on mass actions and called on the signatories to the National Peace Accord to respect and adhere to all of its provisions in order to create a climate conducive to negotiations. The Party favoured an international group, under the auspices of the United Nations, to monitor the violence and to evaluate the process of negotiations.

40. A delegation of the Natal Indian Congress recounted the history of the Indian community in South Africa and of the more recent acts of violence and intimidation against its members. The delegation urged a strong United Nations monitoring presence in South Africa as a way of curbing violence. The monitoring, in the view of the delegation, needed to be comprehensive and "supervisory" and a number of specific suggestions in this regard were communicated to the mission.

C. Discussions with leading individuals, church groups, business and trade union organizations

41. The mission had extensive discussions, throughout its stay in South Africa, with Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Two



interim reports of the Commission have already been made public, as well as a report on train violence and on a code of conduct of mass demonstrations. Likewise, a "Report of the Enquiry into the Police Response to, and Investigation of, Events in Boipatong on 17 June 1992", prepared by Dr. Waddington of Reading University, for the Commission, has also been made public. A number of other significant enquiries are under way.

42. In these circumstances, it would either be repetitive or premature to elaborate in this report on the details of the work being done by the Goldstone Commission. But certain observations, arising from the discussions with Justice Goldstone, need to be made. First, the terms of reference of the Commission are unusually wide and are currently viewed by Justice Goldstone as adequate. Second, its reports once written are first submitted to the State President, and, only after study by the Government, are they distributed more widely. Third, the Commission has unusual powers; witnesses are required to answer all questions, even those that may be considered self-incriminating (although statements made before the Commission cannot be used for prosecution). Fourth, the Commission has unlimited powers of search and seizure of documents.

43. These points relating to the Commission are being made because of the exceptional scope of its work and the high expectations generated by its recommendations.

44. From conversations with Justice Goldstone and others, however, it appears that certain important recommendations have not so far been fully implemented and that this is exacerbating an already volatile situation. Notable among these has been the inability so far to effect a total ban on the public display of dangerous weapons - not only in "unrest areas", and a failure to act sufficiently in regard to the hostels. There is also the perception that none of the major political parties has taken sufficiently firm steps to stop their supporters from participating in situations or acts of violence.

45. Indeed, the capacity for political violence is so central to the core of the problems creating a lack of trust in the political life of South Africa that Justice Goldstone, and others with whom the mission discussed this issue, believed that this entire matter should be the subject of a series of further investigations.

46. In undertaking his expanding tasks, Justice Goldstone has already been able to draw upon experience and assistance from abroad. Justice Bhagwati of India serves as an assessor to the Commission. Mr. Waddington of the United Kingdom has already assisted with the report on the police response to the Boipatong tragedy. Justice Goldstone indicated his readiness to keep in touch with the United Nations should he need its assistance in



arranging further international support for his Commission. Further, Justice Goldstone urged the United Nations mission to do all that it could to strengthen the mechanisms created by the National Peace Accord. He was of the view that existing South African structures should be used as the instruments through which the international community plays a role in seeking to curb the violence.

47. The roles of the National Peace Committee and of the National Peace Secretariat, which were established under the National Peace Accord of 14 September 1991, were thoroughly discussed by the mission with Mr. John Hall and Mr. Antonie Gildenhuys, the chairpersons of these two bodies. They explained that the Accord provided a comprehensive framework for ending violence in the country, having been signed, among others, by all of the major political parties, the trade unions, and religious and civic organizations. The Accord, apart from envisaging mechanisms at the central and regional and local levels, also elaborated a code of conduct for political parties and organizations which if followed, would end violence and promote peace and reconstruction.

48. The mission was informed that, at the grass-roots level, the National Peace Secretariat had established eleven regional dispute resolution committees covering all parts of the country. However, despite the avowed intention of all concerned to implement the National Peace Accord, violations had been frequent and the Secretariat itself still lacked the necessary infrastructure, logistic support as well as sufficient full-time personnel to discharge its duties effectively.

49. Most of my Special Representative's interlocutors, as well as the chairpersons of the regional dispute resolution committees with whom he met, urged the United Nations to strengthen the capacity of the National Peace Secretariat through the posting of an adequate number of United Nations observers to South Africa; these observers would work in full consultation with the National Peace Committee.

50. The mission greatly valued the exchange of views it had with Archbishop Desmond Tutu and, subsequently, with a very senior and widely-based delegation of the South African Council of Churches. The discussions took place against the backdrop of the failure of efforts to stave-off mass demonstrations planned to commence on 3 August 1992 and the fear that this aroused of widespread violence.

51. The leaders of the Church expressed their pain and anguish at the legacy of apartheid, the deadlock at CODESA II, the threat of mass action and the danger of violent response, the rising unemployment in a society without socio-economic balance, and the



failure of the SACCOLA-COSATU attempt to agree upon a charter for peace, democracy and reconstruction.

52. Faced with a breakdown in constitutional negotiations which, in their view, resulted from a demand on the part of Government to build into any constitution a minority veto, the Church leaders urged the establishment of an internal peace-keeping force, composed of an entirely newly created unit. They added that an international monitoring team, with investigative powers, should work closely with such an internal peace-keeping force, and called - as had others - for the disarming and confinement to base of special forces that had engaged in covert operations. The Church leaders stressed, not least, that the recommendations of the Goldstone Commission should be fully implemented.

53. As the mission progressed, and as the day for the mass demonstrations grew closer, the Church leaders kept in touch with the Special Representative, keeping him informed of their conversations with the State President, the leaders of COSATU and SACCOLA, and of their efforts to restrain violence.

54. The mission also had the benefit of exchanging views with the Lawyers for Human Rights, who also called for a commission to study the feasibility of creating a South African peace-keeping force that would be trusted by all parties. The group also urged the strengthening, through a variety of practical measures, of the machinery created by the National Peace Accord and of the Goldstone Commission.

55. A detailed discussion was held between the mission and the leadership of the Congress of South African Trade Unions (COSATU). The latter attributed the breakdown in the political process to the unwillingness of the Government to commit itself irrevocably to majority rule and to universal norms of democracy, and its inability to control violence. The COSATU delegation explained its efforts to agree with SACCOLA to a charter and programme for peace, democracy and economic reconstruction and gave its reasons for the failure of this undertaking. In the circumstances prevailing in South Africa, COSATU urged the establishment of an international monitoring mission by the United Nations, independent of the National Peace Accord structures, but complementary to them. As for the mass action, COSATU considered it essential to proceed, as planned, in order to make the Government accede to majority rule and to act against violence. COSATU indicated it would welcome the presence of United Nations monitors to observe the mass action.

56. Amongst the other distinguished individuals received by the mission were Professor C. Boshoff, Chairman of the Afrikaner Freedom Foundation, seeking self-determination through peaceful means for the Afrikaner people, and Mr. J. H. van der Merwe, an Independent Member of Parliament, who expressed his views on the



future constitutional arrangements and the need for maximum devolution to the component states.

57. The mission also benefitted from gaining the views of Professor John Dugard, of the Independent Board of Inquiry; Mr. Arthur Chaskalson, of the Legal Resources Centre; Judge Pierre Olivier; and Mr. Van Zyl Slabbert and Dr. Alex Bouraine of the Institute for a Democratic Alternative for South Africa (IDASA). A special insight was gained of the economic situation in the country through conversations with representatives of the South African Chamber of Business (SACOB) and the National Federation of the Chamber of Commerce (NAFCOC).

D. Interim Measures taken while in South Africa

58. While the purpose of the mission remained focused, at all times, on the twin objectives set by paragraph 4 of resolution 765 (1992), namely, "to recommend after, inter alia, discussion with the parties, measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa", it was necessary - even during the mission - to ensure that the mass actions scheduled for 3 August did not erupt into uncontrollable violence despite the wishes of all parties concerned.

59. It was therefore necessary for my Special Representative and me to take certain exceptional interim measures aimed at preventing, if possible, such a catastrophic possibility.

60. Accordingly, upon the advice of my Special Representative, and following discussions which he had held with the Government, the ANC and Inkatha at the highest levels, I wrote to President De Klerk, Mr. Mandela and Chief Buthelezi on 27 July 1992 expressing my concern that the mass demonstrations planned for 3 August 1992 could take a turn toward violence, contrary to the wishes of all the parties in South Africa. I noted that such violence could readily be sparked by provocateurs and that this must, by all means, be avoided. I emphasized that it would be tragic and ironical in the extreme if the Vance mission were to be followed by an eruption of violence - a development that would be wholly inconsistent with the purposes of the Security Council's resolution. I therefore urged my addressees to do all in their power, in association with the leaders of the principal political parties, to stave off such an eventuality.

61. My letters received an immediate response. In a telephone conversation with me on 29 July 1992, Mr. Mandela, who had met Mr. Vance earlier in the day, assured me that the ANC would do all its power to avoid violence. He requested that I consider sending some ten observers to witness the demonstrations across the country. Mr. Vance discussed this idea, amongst others, with



President De Klerk and members of his Cabinet on 30 July 1992. There was ready acceptance of the concept, the State President indicating that he had no objection to the presence of impartial and objective observers, representing the Secretary-General, for the purpose of observing the proposed mass campaign. The State President urged that these observers, if sent, should act in coordination with the National Peace Secretariat and have full freedom of movement to observe the demonstrations and mass actions as they chose. In light of these reactions, seven observers were immediately dispatched from New York to supplement three who were present in South Africa. They are, as of the time of writing this report, observing the mass action in eleven different regions of South Africa.

62. Another major issue on which my Special Representative considered it essential to take immediate steps related to political prisoners who remain under detention and whose fate is of great concern. The matter was raised with him by the ANC on 23 July and, again, by Mr. Mandela, on 29 July, shortly after the latter's return to South Africa from abroad. Mr. Vance, accordingly, discussed this question with President De Klerk on 30 July 1992, as he had earlier with Foreign Minister Botha on 26 July 1992. On 31 July 1992, Mr. Vance arranged a meeting on this subject between the Justice Minister, Mr. Coetsee, and the Director of the ANC's International Affairs Department, Mr. Mbeki. It is essential that this painful problem should be expeditiously resolved. If so handled, it would, in a bold and humane gesture, do much to bury the past and to clean the slate of distrust.

#### IV. Observations

63. From my discussions with Mr. Vance and Mr. Dayal since their return from South Africa, I have been struck by the range and depth of the talks that the United Nations delegation held while in that country. I have also been profoundly impressed by the open and responsive manner in which they were received by all sectors of society. I view this as further evidence of a transformation taking place in that country as its leaders and peoples strive to create a democratic, non-racial and united South Africa.

64. The path to the attainment of this objective will not be easy to traverse. Violence in whatever form must be brought under control and conditions established to ensure the success of the negotiating process. Decades of apartheid have left a painful legacy of distrust and anguish, and these persist despite the resilience and courage of those who wish to see their country on an irreversible new course.



65. The unanimous adoption of resolution 765 (1992) by the Security Council strengthened the hands of those so motivated. It also heightened expectations that the continuous involvement of the Security Council in this new phase of South Africa's evolution will be marked by understanding and a readiness to contribute constructively to the process of peaceful change.

66. It is with this in mind, and in this spirit, that I recommend the measures that follow to bring an effective end to the violence and to create the conditions for the resumption of negotiations envisaged in resolution 765 (1992).

67. It is neither necessary nor possible here to recount the far-reaching work being undertaken by Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Suffice it to say that it commands wide-spread respect in South Africa and abroad. I believe that the efforts of the Goldstone Commission should be supported by the international community and that the recommendations of the Commission should be fully and speedily implemented by the Government and, when so required, by the parties in South Africa.

68. Without wishing to select arbitrarily from amongst the many recommendations of the Goldstone Commission, I believe that those relating to a total ban on the public display of dangerous weapons and the security of hostels need to be acted upon with utmost urgency, as recent events have sadly proven necessary. Further, I believe that the Commission's code of conduct for mass demonstrations can do much to control violence. It is also necessary, in my view, that the leaders of the major political parties should, as the Goldstone Commission recommends, take firm steps to stop their supporters from participating in acts of violence.

69. The long-standing capacity for violence by the various political groups in South Africa is so central to the lack of trust in the political life of the country that I feel it must be remedied. Accordingly, I recommend that the Goldstone Commission undertake a series of investigations into the functioning and operations of certain agencies, inter alia, the army and police, the Umkontho we Sizwe (MK), the Azanian People's Liberation Army (APLA), the KwaZulu police and, more generally, certain private "security firms". My Special Representative has discussed this proposal with Justice Goldstone and certain of the parties who are of the view that such investigations could indeed serve to curb violence and be of benefit to the country as a whole. While such investigations would widen the scope of the work of the Goldstone Commission, they could be undertaken within its present terms of reference. Should the Commission need further financing for its expanded work, I would urge the Government to be forthcoming.



70. The Commission has welcomed suitable international assistance. Certainly the Waddington Report and the assessorship of Justice Bhagwati have been very positive developments. It may well be useful in the future to have senior personnel seconded to the Commission, in addition to a pool of jurists, to sit on the committees of enquiry. The choice of properly qualified, suitable and compatible persons will need to be adequately and sufficiently addressed. Should Justice Goldstone feel the need, at any stage, for assistance from the international community and the United Nations in this regard, I recommend that the Organization respond positively and appropriately.

71. The reports of the Goldstone Commission when written are, at present, submitted first to the State President and only after being reviewed by the Government are they made public more widely. I believe political and public opinion in South Africa would welcome the reports being made available to all signatories of the National Peace Accord within twenty-four hours of submission to the State President. I recommend this course of action which would enhance the impact and credibility of the reports.

72. Finally, as far as the Goldstone Commission is concerned, I believe it is essential that any further investigations and prosecutions that are required pursuant to its reports, should be undertaken promptly by the competent departments of Government. Such action would enhance the credibility of the law enforcement machinery of the country.

73. The National Peace Accord of 14 September 1991 establishes a comprehensive framework, agreed upon by all the major parties, organizations and groups of South Africa, to end violence and to facilitate socio-economic development and reconstruction. The mechanisms foreseen under the Accord, however, lack teeth and need to be greatly strengthened. This was the unanimous view of all those who discussed this matter with the United Nations delegation, including those who are associated with the existing structures of the National Peace Secretariat.

74. Both the National Peace Committee and the National Peace Secretariat need to be more consistently and substantially supported from the highest political levels, as do the eleven Regional Dispute Resolution Committees covering all parts of the country. Most importantly, they require financing and full-time staff of the requisite calibre. Further, there is desperate need for efficient, functioning offices or operations centres at the major "flashpoints"; these should be staffed on a 24-hour basis and fully funded and equipped. For each of such offices there should be a standing group composed of representatives of the Government, ANC, Inkatha and other concerned parties. Such offices should be capable at all times of acting immediately to defuse incipient problems; they should have prompt and direct



access to law enforcement agencies. I recommend the earliest establishment of such offices.

75. I have reflected deeply on the many serious requests made to the United Nations to dispatch monitors to South Africa for the various purposes referred to earlier in this report. I understand the concerns expressed and the anxieties they reflect. I am most appreciative of the many bold and constructive ideas conveyed to my Special Representative in the course of his discussions and I have weighed these most carefully.

76. Given the mechanisms already established by the National Peace Accord, to which all parties have agreed, I have concluded that, at this stage, the wisest course of action would be to strengthen and reinforce those mechanisms. Such action would, in my view, contribute tangibly to enhancing the capacity of indigenous structures that can play a major role in the building of peace, both in the present and in the future. I recommend, accordingly, that the United Nations make available some 30 observers to serve in South Africa, in close association with the National Peace Secretariat, in order to further the purposes of the Accord. The observers would be stationed in agreed upon locations, in various parts of South Africa. As necessary, their number could be supplemented by other appropriate international organizations, such as the Commonwealth, the European Community and the Organization of African Unity (OAU). I am of the view that the practical arrangements stemming from this recommendation should be the subject of early and detailed discussions between the United Nations, the Government and the parties concerned. I believe, in this connection, that the experience gained by the dispatch of 10 United Nations observers to cover the present mass demonstrations could serve a valuable purpose in defining the tasks and methods of functioning of the larger group that I am recommending.

77. I would also urge that the Government act expeditiously to ensure the early appointment of the Justices of Peace and the establishment of the Special Criminal Courts envisaged in the National Peace Accord.

78. The reasons for the violence in South Africa are, of course, complex and deep. But the special desperation that apartheid brought to the country can, in the long run, only be remedied by rapid progress towards the creation of the democratic, non-racial and united South Africa that is the goal of the negotiations and the objective not only of the CODESA process but of the international community as a whole.

79. The task of conducting these negotiations is uniquely the responsibility of South African themselves and I was heartened by statements made to my Special Representative of the determination of the major parties to return, as early as possible, to the



negotiating table. I urge such a course of action, for the time otherwise lost is precious and even more so are the lives. I am strongly of the view that actions such as the immediate release of all remaining political prisoners could contribute greatly to improving the political climate, creating trust and burying the unhappy past. In this connection, it is also important that reporting on state-owned radio and television be, and be seen to be, fair and objective.

80. For all of its shortcomings, the CODESA process must be pursued, and improved. I believe it needs to encourage others, who have not yet joined, to do so, in the interests of the country and of peace. I am convinced that its processes must be better coordinated and made much more transparent. Considerable progress has been accomplished in the Working Groups, but too few know of this, or of the precise issues that need to be resolved. There is a manifest need to establish a deadlock resolving machinery at the highest political level. In addition, there may well be need for CODESA to consider the appointment of an eminent and impartial person, who need not be a foreigner, to draw the strings together and to provide the impetus and cohesion that CODESA needs to accomplish its tasks. I recommend that these ideas be considered further by all concerned in South Africa.

81. In a time such as this, crucial to South Africa and the world alike, it is most important that the Security Council should have decided, in its resolution 765 (1992), to "remain seized of the matter until a democratic, non-racial and united South Africa is established".

82. To discharge its function, I believe that the Security Council should have before it information that is regular, impartial and objective. To this end, I would propose that missions such as that just completed, should be undertaken on a quarterly basis, or more frequently, if the situation so warrants and that reports be provided to the Council.

83. The role of the international community and of the United Nations in particular can, at this moment, be profound and beneficial. It can facilitate a great and peaceful transition of historic proportion in a part of the world that has suffered too long.



**ANNEX I**

**SCHEDULE OF MEETINGS OF THE SPECIAL REPRESENTATIVE  
OF THE SECRETARY-GENERAL FOR SOUTH AFRICA**

**PRETORIA, 22 JULY 1992**

**Meetings with State President and Cabinet Ministers:**

**Morning**

Mr. F. W. de Klerk, State President

Mr. R. F. Botha, Minister of Foreign Affairs

Dr. G. van N. Viljoen, Minister for State Affairs

Mr. R. P. Meyer, Minister of Constitutional Development  
and of Communication

Mr. H. J. Kriel, Minister of Law and Order

Mr. H. J. Coetsee, Minister of Justice

Mr. G. Louw, Minister of Defence

**Luncheon**

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